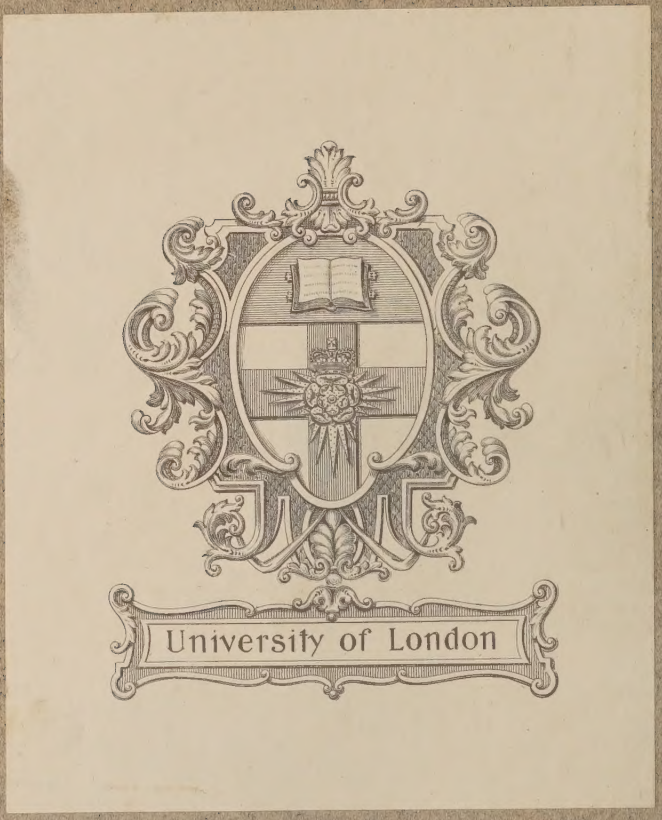

University of London

606135

REPORTS

FROM

COMMISSIONERS:

TWENTY-FOUR VOLUMES.

—*(23.)*—

RITUAL.

Session

19 *November* 1867 —— 31 *July* 1868.

VOL. XXXVIII.

1867-8.

REPORTS FROM COMMISSIONERS:

1867-8.

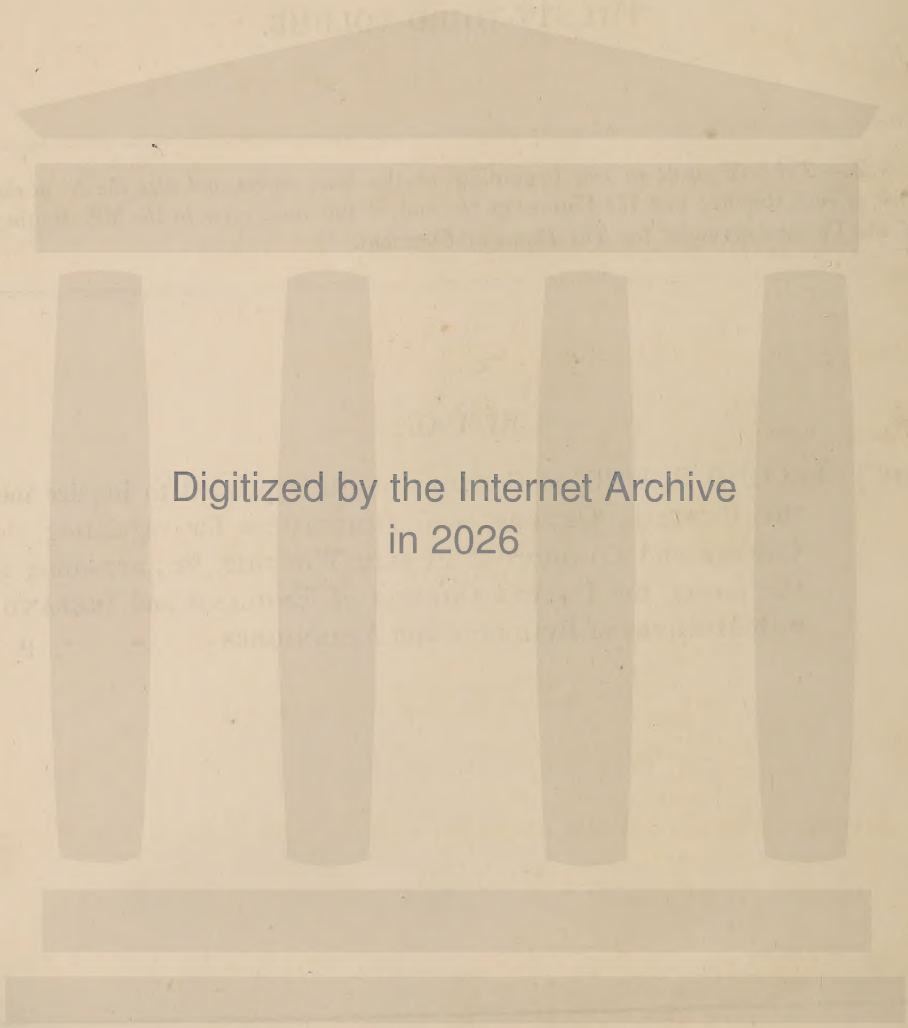
TWENTY-FOUR VOLUMES:—CONTENTS OF THE

TWENTY-THIRD VOLUME.

N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

RITUAL:

[4016.] SECOND REPORT of COMMISSIONERS appointed to inquire into the RUBRICS, ORDERS, and DIRECTIONS for regulating the COURSE and CONDUCT of PUBLIC WORSHIP, &c., according to the use of the UNITED CHURCH of ENGLAND and IRELAND; with MINUTES of EVIDENCE and APPENDICES - - - p. 1



Digitized by the Internet Archive
in 2026

https://archive.org/details/reportsfromcommi0038grea_p2v3

SECOND REPORT

OF

THE COMMISSIONERS

APPOINTED TO INQUIRE INTO THE

RUBRICS, ORDERS, AND DIRECTIONS FOR REGULATING THE COURSE AND CONDUCT OF PUBLIC WORSHIP, &c.

ACCORDING TO THE USE OF THE UNITED CHURCH OF ENGLAND AND IRELAND.

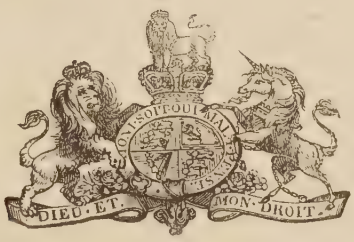
WITH

MINUTES OF EVIDENCE

AND

APPENDICES.

Presented to both Houses of Parliament by Command of Her Majesty,



LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1868.

CONTENTS.

COMMISSION - - - - -	Page iii
SECOND REPORT, AND DISSENTS - -	vii
MINUTES OF PROCEEDINGS - - -	xv
MINUTES OF EVIDENCE - - - -	1
APPENDICES - - - - - -	27

COMMISSION.

VICTORIA R.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith,

To the Most Reverend Father in God, Our right trusty and right entirely-beloved Councillor, Charles Thomas, Archbishop of Canterbury; the Most Reverend Father in God, Our right trusty and right entirely-beloved Councillor Marcus Gervais, Archbishop of Armagh; Our right trusty and right well-beloved Cousin Philip Henry, Earl Stanhope; Our right trusty and right well-beloved Cousin and Councillor Dudley, Earl of Harrowby, Knight of Our most Noble Order of the Garter; Our right trusty and right well-beloved Cousin Frederick, Earl Beauchamp; the Right Reverend Father in God, Our right trusty and well-beloved Councillor Archibald Campbell, Bishop of London; the Right Reverend Father in God Connop, Bishop of Saint David's; the Right Reverend Father in God Samuel, Bishop of Oxford; the Right Reverend Father in God Charles John, Bishop of Gloucester and Bristol; Our right trusty and well-beloved Edward Berkeley, Baron Portman; Our right trusty and well-beloved Councillor Robert, Baron Ebury; Our right trusty and well-beloved Councillor Spencer Horatio Walpole; Our right trusty and well-beloved Councillor Edward Cardwell; Our right trusty and well-beloved Councillor Sir Joseph Napier, Baronet; Our trusty and well-beloved Sir William Page Wood, Knight, a Vice-Chancellor; Our trusty and well-beloved Sir Robert Joseph Phillimore, Knight, Doctor of Civil Law, Our Advocate; Our trusty and well-beloved Travers Twiss, Doctor of Civil Law; Our trusty and well-beloved John Duke Coleridge, Esquire, One of Our Counsel learned in the Law; Our trusty and well-beloved John Abel Smith, Esquire; Our trusty and well-beloved Alexander James Beresford Beresford-Hope, Esquire; Our trusty and well-beloved John Gellibrand Hubbard, Esquire; Our trusty and well-beloved Arthur Penrhyn Stanley, Doctor in Divinity, Dean of Our Collegiate Church of Westminster; Our trusty and well-beloved Harvey Goodwin, Doctor in Divinity, Dean of Our Cathedral Church of Ely; Our trusty and well-beloved James Amiraux Jeremie, Doctor in Divinity, Dean of Our Cathedral Church of Lincoln, Regius Professor of Divinity in Our University of Cambridge; Our trusty and well-beloved Robert Payne Smith, Doctor in Divinity, Regius Professor of Divinity in Our University of Oxford; Our trusty and well-beloved Henry Venn, Clerk, Bachelor in Divinity; Our trusty and well-beloved William Gilson Humphry, Clerk, Bachelor in Divinity; Our trusty and well-beloved Robert Gregory, Clerk; and Our trusty and well-beloved Thomas Walter Perry, Clerk; Greeting.

Whereas it has been represented unto Us that Differences of Practice have arisen from varying Interpretations put upon the Rubrics, Orders, and Directions for regulating the Course and Conduct of Public Worship, the Administration of the Sacraments, and the other Services contained in the Book of Common Prayer, according to the Use of the United Church of England and Ireland, and more especially with reference to the Ornaments used in the Churches and Chapels of the said United Church and the Vestments worn by the Ministers thereof at the time of their Ministration:

And whereas it is expedient that a full and impartial Inquiry should be made into the Matters aforesaid with the view of explaining or amending the said Rubrics, Orders,

and Directions, so as to secure general Uniformity of Practice in such Matters as may be deemed essential:

Now know ye that We, reposing great confidence in your ability and discretion, have nominated, constituted, and appointed, and by these Presents do nominate, constitute, and appoint, you the said Charles Thomas, Archbishop of Canterbury; Marcus Gervais, Archbishop of Armagh; Philip Henry, Earl Stanhope; Dudley, Earl of Harrowby; Frederick, Earl Beauchamp; Archibald Campbell, Bishop of London; Connop, Bishop of Saint David's; Samuel, Bishop of Oxford; Charles John, Bishop of Gloucester and Bristol; Edward Berkeley, Baron Portman; Robert, Baron Ebury; Spencer Horatio Walpole; Edward Cardwell; Sir Joseph Napier; Sir William Page Wood; Sir Robert Joseph Phillimore; Travers Twiss; John Duke Coleridge; John Abel Smith; Alexander James Beresford Beresford-Hope; John Gellibrand Hubbard; Arthur Penrhyn Stanley; Harvey Goodwin; James Amiraux Jeremie; Robert Payne Smith; Henry Venn; William Gilson Humphry; Robert Gregory; and Thomas Walter Perry, to be Our Commissioners for the purposes of the said Inquiry.

And We do hereby enjoin you, or any Ten or more of you, to make diligent inquiry into all and every the matters aforesaid, and to report thereupon from time to time as to you, or any Ten or more of you, may appear to be most expedient, having regard not only to the said Rubrics, Orders, and Directions contained in the said Book of Common Prayer, but also to any other laws or customs relating to the matters aforesaid, with power to suggest any alterations, improvements, or amendments with respect to such matters or any of them as you, or any Ten or more of you, may think fit to recommend.

And whereas it has further been represented unto Us that some alterations may advantageously be made in the Proper Lessons appointed to be read in Morning and Evening Prayer on the Sundays and Holydays throughout the year, and in the Calendar with the Table of First and Second Lessons contained in the said Book of Common Prayer.

Now We hereby further enjoin you, or any Ten or more of you, after you have completed and reported on the matters referred to in the former part of this Commission, to inquire into and consider the Proper Lessons so appointed to be read as aforesaid, and the Table of First and Second Lessons contained in the said Book of Common Prayer, with the view of suggesting and reporting to Us whether any and what alterations and amendments may be advantageously made in the Selection of Lessons to be read at the time of Divine Service.

And for the better discovery of the truth in the Premises We do by these Presents give and grant unto you, or any Ten or more of you, full power and authority to call before you, or any Ten or more of you, such persons as you shall judge necessary, by whom you may be the better informed of the truth in the Premises, and to inquire of the Premises and every part thereof by all other lawful ways and means whatsoever.

And Our further Will and Pleasure is, that you Our said Commissioners do, with as little delay as may be consistent with a due discharge of the duties hereby imposed upon you, certify unto Us, under your Hands and Seals, or under the Hands and Seals of any Ten or more of you, your several proceedings in the Premises.

And We do further will and command, and by these Presents ordain, that this Our Commission shall continue in full force and virtue, and that you Our said Commissioners, or any Ten or more of you, shall and may from time to time proceed in the execution thereof, and of every matter or thing therein contained, although the same be not continued from time to time by adjournment.

And for your assistance in the execution of this Our Commission We have made choice of Our trusty and well-beloved William Francis Kemp, Esquire, Barrister-at-Law, to be the Secretary to this Our Commission, and to attend you, whose services and assistance We require you to use, from time to time, as occasion may require.

Given at Our Court at Saint James's, the third day of June, one thousand eight hundred and sixty-seven, in the thirtieth year of Our Reign,

By Her Majesty's Command,
GATHORNE HARDY.

SECOND REPORT.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1. Since we made our First Report to Your Majesty in relation to the Vestments worn by the ministers of the United Church of England and Ireland at the time of their ministration, we have proceeded to consider the other part of the subject pointed out in Your Majesty's Commission as the most pressing.

2. The use of Lighted Candles in celebrating the Holy Communion, when they are not needed for the purpose of giving light, and the use of Incense in the public services of the Church, are the matters connected with this part of the subject to which our attention has been mainly directed.

3. We have taken evidence and have availed ourselves of the information furnished by the arguments in the recent suits before the Court of Arches of *Martin v. Mackonochie* and *Flamank v. Simpson*, both in respect of Lights used at the celebration of the Holy Communion, and also in respect of the use of Incense as part of the public services of the Church.

4. The use of Lighted Candles at the celebration of the Holy Communion has been introduced into certain Churches within a period of about the last twenty-five years. It is true that there have been Candlesticks with Candles on the Lord's Table during a long period in many Cathedral and Collegiate Churches and Chapels, and also in the Chapels of some Colleges, and of some Royal and Episcopal Residences, but the instances that have been adduced to prove that Candles have been lighted, as accessories to the Holy Communion, are few and much contested.

5. With regard to Parish Churches, whatever evidence there may be as to Candlesticks with Candles being on the Lord's Table, no sufficient evidence has been adduced before us to prove that at any time during the last three centuries Lighted Candles have been used in any of these Churches as accessories to the celebration of the Holy Communion until within about the last twenty-five years.

6. The use of Incense in the public services of the Church during the present century is very recent, and the instances of its introduction are very rare; and so far as we have any evidence before us, it is at variance with the Church's usage for 300 years.

7. Under these circumstances, and in conformity with the principles which guided us in our First Report, we are of opinion that it is expedient to restrain in the public services of the Church all variations from established usage in respect of Lighted Candles and of Incense.

8. With regard, then, to Lights and Incense, as well as Vestments, we think that a speedy and inexpensive remedy should be provided for parishioners aggrieved by their introduction; and the remedy which we recommend is the following:—*First*, that whensoever it shall be found necessary that order be taken concerning the same, the usage of the Church of England and Ireland as above stated to have prevailed for the last 300 years shall be deemed to be the rule of the Church, in respect of Vestments, Lights, and Incense; and, *secondly*, that parishioners may make formal application to the Bishop *in camerâ*, and the Bishop on such application shall be bound to enquire into the matter of the complaint, and if it shall thereby appear that there has been a variation from established usage, by the introduction of Vestments, Lights, or Incense in the public services of the Church, he shall take order forthwith for the discontinuance of such variation, and be enabled to enforce the same summarily. We also think that the determination of the Bishop on such application should be subject to appeal to the Archbishop of the Province *in camerâ*, whose decision thereon shall be final: Provided always, that if it should appear to either party that the decision of the Bishop or Archbishop is open to question on any legal ground, a case may be stated by the party dissatisfied, to be certified by the Bishop or Archbishop as correct, and then submitted by the said party for the decision of the Court of the Archbishop without pleading or evidence, with a

right of appeal to Your Majesty in Council, and with power for the Court, if the statement of the case should appear to be in any way defective, to refer back such case to the Bishop or Archbishop for amendment.

9. Precautions should be taken against frivolous applications being brought before the Bishop; and with this view, we further recommend that the application should be made either by one or more of the Church or Chapel Wardens, or by at least five resident parishioners, who shall be householders and declare themselves to be members of the United Church, in places where the population exceeds 1,000, and by at least three such persons where the population is less than that number.

10. Our intention, in making this recommendation, is simply to provide, for parishioners aggrieved by the introduction of variations from established usage in respect of Vestments, Lights, and Incense, a special facility for restraining such variations, without interfering in other respects with the general law of the Church as to Ornaments, or the ordinary remedies now in force.

11. In submitting these recommendations to Your Majesty, we desire to state that we are anxious in no degree to abridge or curtail any of the rightful liberties heretofore enjoyed by the Clergy and Laity of the United Church. The National Church may well include men of varying shades of opinion, so long as they can combine in a conscientious acceptance of her recognized formularies and appointed rites. But this large comprehension seems to us to render it most desirable that in the celebration of the Church's rites there shall be introduced no novel practices, which are welcome only to some, but are offensive to others. All members of the Church being expected to join devoutly in one common form and order of service are, as we conceive, entitled to expect that no unaccustomed form be used giving to the service a new tendency and significance by which the devotion of many is impeded.

12. We have made some progress in the Revision of the Rubrics, Orders, and Directions contained in the Book of Common Prayer, and our recommendations on this subject will be presented to Your Majesty in our next Report. A Committee of the Commission has been for some time engaged in preparing materials for the Revision of the Lectionary.

13. In the Appendix to this Report will be found the Evidence taken before us, and the Arguments of Counsel as well as the Judgment of the Official Principal of the Court of Arches in the cases of *Martin v. Mackonochie* and *Flamank v. Simpson*.

C. T. CANTUAR. (L.S.)
MARCUS G. ARMAGH. (L.S.)
STANHOPE. (L.S.)
HARROWBY. (L.S.)
A. C. LONDON. (L.S.)
C. ST. DAVID'S. (L.S.)
† S. OXON. (L.S.)
C. J. GLOUCESTER & BRISTOL. (L.S.)
PORTMAN. (L.S.)
EBURY. (L.S.)
SPENCER H. WALPOLE. (L.S.)
EDWARD CARDWELL. (L.S.)
JOSEPH NAPIER. (L.S.)
WILLIAM PAGE WOOD. (L.S.)
TRAVERS TWISS. (L.S.)
* JOHN DUKE COLERIDGE. (L.S.)
JOHN ABEL SMITH. (L.S.)
* A. P. STANLEY. (L.S.)
† H. GOODWIN. (L.S.)
J. A. JEREMIE. (L.S.)
R. PAYNE SMITH. (L.S.)
HENRY VENN. (L.S.)
W. G. HUMPHRY. (L.S.)

† In appending our names to this Report, we the undersigned members of Your Majesty's Commission, are compelled to dissent from the recommendations contained in the paragraphs 8 and 9.

We are of opinion that continued usage in ordinary circumstances ought in matters ceremonial to be so far the rule as to protect unwilling parishioners from arbitrary change, even though the change may seem to be within the letter of the law; but we cannot approve of any attempt to stereotype by legislation for perpetual observance any use not actually enjoined. Such legislation even thirty years ago would have prohibited much which is now generally adopted, and all but universally approved. We cannot advise the introduction of a new rule of Ornaments for the Established Church. We think such a rule unnecessary, and we believe that the attempt to introduce it would be dangerous. We deprecate particular enactments on these subjects; and we are of opinion that offence, whether caused by excess or defect in divine service, may be removed by strengthening the hands of the Bishop, with appeal to the Archbishop.

We are convinced that the Ritual of the Church must be regulated by living authority, acting, as such authority always must act, under a strong sense of individual responsibility and under public observation, although the complete avoidance of offence must after all depend upon the prevalence of good sense and good feeling in each parish; even if all the greater circumstances of ceremonial could be distinctly fixed by law, there must still remain questions of gesture and posture which may involve much offence, but which no law can completely regulate.

S. OXON.
H. GOODWIN.

We the undersigned members of Your Majesty's Commission, concurring in the Opinions above expressed, feel ourselves thereby precluded from appending our signatures to the Report.

ROBERT J. PHILLIMORE.
A. J. B. BERESFORD HOPE.
J. G. HUBBARD.
R. GREGORY.

---

* We beg leave, in adding our names to the Report, to lay before Your Majesty the following considerations, which we think ought to be embodied in any recommendations on the subject to which the Report refers.

The Church of England has always contained within it two parties, one caring much for outward observance and ceremonial, the other careless about or even hostile to them; and these two historical parties represent two classes of minds which always have and probably always will exist, and proclaim their existence, in a free country. If, therefore, the Church of England is to remain the National Establishment of a free country, room for both must be found in it, as far as is consistent with general uniformity "in such Matters "as may be deemed essential." Within such limits a variety and elasticity of outward observance appears to us to be desirable. We will not join in any recommendations which have for their single object the attainment in the services of the Church of a rigid uniformity in matters not essential.

The present Report to Your Majesty is concerned only with two matters,—the use of Incense and of Lighted Candles. We venture to submit that we cannot consider either the retention or the suppression of these two articles amongst the matters to be deemed essential. They have in themselves, and in their origin, no doctrinal significance; and the interpretations put upon them, as well by those who adopt them as by those who object to them, are of the most uncertain and conflicting kinds. We therefore think that they should be restrained only when they give offence to the parishioners; and, so far as the recommendation proposed in the Report is intended to secure this object, we concur in it, and we believe the remedy suggested to be effectual and sufficient. Any further remarks on the mode of securing such other uniformity as may be deemed desirable appear to us best reserved for our next Report

JOHN DUKE COLERIDGE.
ARTHUR P. STANLEY.

Being unable to concur in the above Report, I beg leave humbly to lay before Your Majesty the reasons for my dissent therefrom.

In the terms of Your Royal Commission, Your Majesty was graciously pleased to direct us to make full and impartial inquiry, so as to secure general uniformity of practice in such matters as may be deemed essential.

These words appear to imply, as is indeed obviously the case, that it is not necessary, even if desirable, that absolute uniformity should prevail.

It must be remembered that all ceremonies, whether performed in an ornate or slovenly manner, must be the expression of doctrine; and that in the Church of England, as in other religious bodies, the two aspects of sacramental belief, briefly described as the objective and subjective, have always existed. Each of these aspects may be true, but, if exhibited so as to exclude the consideration of the other, the just proportions of the truth are obscured. It follows then that neither side should be excluded from view, but that the balance should be evenly held. An illustration is found in the two varying methods of delivery of the Holy Sacrament to communicants, adopted in the Prayer Books of 1549 and 1552 respectively.

By the wisdom of the rulers of the Church in the early days of the reign of Queen Elizabeth these two forms were combined into one harmonious whole; and while an ornate ceremonial, corresponding to high doctrinal views of the Holy Communion, prevailed in Cathedral and Collegiate Churches, and in the Chapels of certain Colleges, and of some Royal and Episcopal Houses, it is true that in most parish churches the standard of ritual conformed to the Prayer Book of 1552, rather than to those forms which, though neglected in practice by the people, were prescribed by the wisdom of Queen Elizabeth and her counsellors.

Disregard of ceremonial in our services continued almost down to the present day; and the alienation of the population, especially among the lower orders, from regular attendance at religious worship, may be fairly attributed to the want of life and heartiness which well ordered services promote.

The Arches Court of the Archbishop of Canterbury has recently declared the ceremonial use of Incense unlawful. It will not be necessary, therefore, to express an opinion upon a practice which, though largely enjoined under the dispensation of the Old Testament, and forming no insignificant feature of the worship of Heaven as set forth in the Revelation of St. John the Divine, has been disused among us for many years.

The use of Lights as accessory to the Holy Communion has been declared lawful by the same high authority; and if the innocent and edifying reason alleged for this usage by the Royal Injunctions of King Edward VI. be borne in mind, together with the fact that the Church as well of the East as of the West, and some Protestant bodies, have invariably followed this custom, the danger of superstition appears so remote, that I cannot recommend restraint in a matter upon which an authoritative judgment has been now pronounced.

A time when wide latitude in matters of high doctrine is tolerated if not encouraged within the Church does not appear suitable for curtailing a ceremonial observance to which no superstitious meaning is attached. The only accusation brought against Lights is that their use prevails in the Church of Rome; but if the custom be in itself harmless, that circumstance affords no more reason for proscribing it than the three Creeds, or the Surplice.

In this matter I cannot persuade myself to bring into the category of things in which uniformity must be deemed essential a practice which has so largely prevailed in Christian communities, and which is judicially declared to be not only innocent in itself, but also not contrary to law.

If then in this respect uniformity is found to be not essential, I humbly conceive that by the terms of Your Majesty's gracious Commission I am precluded from recommending legislation tending to prohibition.

It may be added that many customs now generally accepted have occasioned far greater disturbance than has attended the practices to which exception is now taken; and it has been found that a declaration of the law has greatly tended to allay the dissatisfaction which was felt when the state of the law and the reason of the customs had not been fully considered.

The machinery proposed in the Report to give effect to the grief of parishioners in the cases of Vestments and Lights appears calculated to promote disturbance rather than peace, and to be incapable of adaptation to the varying circumstances of parishes and congregations of a widely different character.

The Commissioners unanimously recommended in their First Report that, to secure the peace of congregations, and to prevent breaches of Christian charity, parishioners

aggrieved by the use of unusual vesture on the part of the ministering clergy should have an easy and effectual process of complaint and redress. But assenting to the reasonable proposition of the First Report, that the use of Vestments that have been long disused should be restrained (by which term I do not understand prohibition) where distasteful to parishioners, whether the actual legality of the practice be established or not, I am not prepared to recommend so serious a curtailment of liberty of many devout congregations as would follow if the recommendations of my brother Commissioners were adopted in their integrity.

BEAUCHAMP.

It is with much regret that I find myself unable to concur in this Second Report, agreed to by the majority of the Commissioners, and therefore I humbly beg leave to lay before Your Majesty my reasons for not signing the same.

The 4th, 5th, and 6th Clauses (though containing a correct summary of the conclusions arrived at by most of the Commissioners as to the absence of "sufficient evidence" to prove the use, during the last 300 years, of Lighted Candles on the Lord's Table "as "Accessories to the Holy Communion," and also with regard to "the use of Incense in "the Public Services of the Church") do not afford a complete view of the subject. It is important, therefore, to observe that insufficient evidence of usage is no adequate proof of non-usage; and, further, that in this case the sources of information known to the Commissioners are too few to warrant any positive statement as to the extent of use or disuse in the long period of three centuries; nor is it probable, from the nature of the case, that any *more explicit* records should have been kept than those already produced. Moreover it would be quite as difficult to prove usage in respect of other Ornaments and Practices which the Judicial Committee of Your Majesty's Privy Council in 1857 decided to be lawful, viz., Altar or other Crosses employed as internal decorations of Churches, the use of various coloured Altar Cloths in the same Church, a moveable Ledge on the Lord's Table, and the bringing of the Bread and Wine from a Credence Table to the Altar at the time of the Offertory.

The 7th Clause proposes to apply to "Lighted Candles" and "Incense" the same "principles" of restraint "which guided us in our First Report" as to Vestments. But the case of Lighted Candles during the Celebration of the Eucharist is not parallel with the other two practices. The Lawfulness of this use of Lighted Candles has just been decided in the Arches Court of Canterbury, (though, indeed, an Appeal has since been lodged with the Privy Council,) and this Second Report states that "The use of "Lighted Candles at the Celebration of the Holy Communion has been introduced into "certain Churches within a period of about the last twenty-five years;" whereas one ground for complaint of the Vestments is their *very recent* introduction: while it is also alleged that they are of doubtful Legality, because they were not specifically in question when the Judicial Committee of the Privy Council declared, in 1857, "that the same "Dresses and the same Utensils, or Articles, which were used under the First Prayer "Book of Edward the Sixth, may still be used." This latter objection appears to be of small importance, for it was necessary that their Lordships should (as they did) interpret the Rubric on the "Ornaments of the Church, and of the Ministers thereof," in order to adjudicate upon those Ornaments which were actually under their consideration. Incense, at present, stands in a different position from both the Vestments and the Lighted Candles; for the Arches Court has decided it to be unlawful "to bring in Incense at the beginning "or during the Celebration, and remove it at the close of the Celebration of the "Eucharist." It is requisite also to consider that the Vestments, the Lighted Candles, and the Incense are not by any means equally disliked, though it is no doubt true that by very many persons the whole three are alike the subject of complaint.

The 8th Clause provides the mode of restraint, and is objectionable on the following grounds:—

1. Because it makes the practice of a period of very general indifference and even of opposition to the plainest and most positive Laws of the Church of England and Ireland "the rule of the Church" for the future, "whensoever it shall be found necessary that "order be taken concerning" the use of "Vestments, Lights, and Incense;" whereas no such expedient was resorted to when the Judicial Committee of the Privy Council, only eleven years ago, declared the Lawfulness of Ornaments, which, to say the least, had been quite as much opposed as these, and, among other reasons, on the same ground of long continued and general disuse.

2. Because it leaves no discretion whatever to the Bishop, if Parishioners complain to

him of "a variation from established usage, by the introduction of Vestments, Lights, "or Incense in the Public Services of the Church;" but compels him, without any regard to the circumstances of the case, to "take order forthwith for the discontinuance of such "variation;" thus introducing a novel and most arbitrary rule, entirely contradictory of the two important principles, upon which the Order in the Book of Common Prayer, for appeasing diversity and resolving doubts "concerning the Service of the Church," is founded, viz., *First*, the inherent discretion of the Episcopate; and, *Secondly*, the recognized subjection of that discretion to every Law which binds alike the Bishop and his Clergy, in many cases the Laity also.

3. Because it might, and probably would, deprive entire Congregations of their liberty, or rather right, to have their Services conducted according to the Laws of the Church of England; notwithstanding that the Judicial Committee of the Privy Council said, in 1857, "Although their Lordships are not disposed in any case to restrict within nar-"rower limits than the Law has imposed the discretion which, within those limits, is "justly allowed to Congregations, by the rules, both of the Ecclesiastical and the "Common Law Courts, the directions of the Rubric must be complied with; . . . . . ." Cases already exist, and will probably increase, of a Parish containing several Consecrated or Licensed Churches or Chapels, the Ministers of which have no Legally assigned Cure of Souls; these places of Divine Worship are more or less available for all the Inhabitants; and the Services, varying as they do in their simplicity or ornateness, are adapted to different classes of Parishioners, while not disturbing general Parochial Unity. But this Clause, construed as it must be with the next following, would put it in the power of any three or five resident Householder Parishioners, who shall "declare them-"selves to be Members of the United Church," to prevent the use of Vestments, Lights, and Incense (however lawful) in any such Church or Chapel in their Parish; and this, too, wholly irrespective of the fact of their own habitual attendance at, and preference for, the Services of the Mother Church of the Parish, or of some other Church or Chapel in their own or even in another Parish.

4. Because (while it would rightly protect a minority or a majority of Parishioners from having Vestments, Lights, or Incense introduced, contrary to their wishes, into those Services in their own Churches or Chapels which they wish to or do frequent) it affords no security whatever to any minority or majority who (being loyal and earnest in their desire to have those Services of the Church which they are accustomed to attend conducted in conformity with the Rules of the Prayer Book,) would, for the sake of others, so far forego their own wishes as to be content with the use of such Ornaments in Services held at times and in places which could not interfere with those Services which others have been accustomed or desire to attend.

The object of the 9th Clause is to prevent "frivolous applications being brought before "the Bishop;" but it seems inadequate for its purpose, on two grounds:—

1. Because it does not require that the Church or Chapel Warden or Wardens should act only at the authorized instigation of Parishioners: this is an important consideration, in proposing to clothe them with a new power of Official complaint, in addition to their present authority to make Presentments.

2. Because as this Report deals chiefly, though not entirely, with Ornaments which are accessory to the Celebration of the Holy Communion, so it appears to me to be of primary importance that the recognized complainants against such accessories should not merely "declare themselves to be Members of the Church of England," but should also be known to be *bonâ fide* Members and Communicants of the said Church.

The 10th Clause purports to be explanatory of the three previous Clauses, and declares that their object "is simply to provide . . . . . a special facility for restraining such "variations" as they refer to, "without interfering in other respects with the general Law "of the Church as to Ornaments, or the ordinary remedies now in force." This, however, is a proposal much to be deprecated for the following reason:—

Because, on the one hand, it involves the hitherto unapplied and objectionable principle of exceptional and repressive Legislation in reference to the observance of particular points in the Church's Law of Ornaments, which Law nevertheless it is not proposed to repeal; while, on the other hand, it leaves all non-observance of the same Law to the unaided power of existing remedies.

The 11th Clause, while professing great toleration, is likely, if acted upon, to prove seriously detrimental to the best interests of the Church, by being a bar to all real improvement in the conduct of her Services. Hitherto "the rightful liberties" which are here recognized as having been "heretofore enjoyed by the Clergy and Laity of the "Church of England," have at various times, and especially during the last thirty years, broken through stereotyped forms of neglect and disobedience, which custom, or ignorance, or prejudice had maintained; and thus most material changes have been effected which

are now commonly allowed to be generally beneficial, though at the time when they were first attempted, and even long after, they encountered precisely the same objections which this Clause sustains; sometimes, too, in the form of such unreasoning and violent, not to say Lawless, opposition as it may be hoped will not again be manifested.

But this Clause, though reasonably advocating the inclusion in the "National Church" of "men of varying shades of opinion," (a subject, however, which seems scarcely within the terms of Your Majesty's Commission,) inconsistently opposes those varieties of Ceremonial which are the natural accompaniments of opinions thus allowed to have a free development. The condition of "this large comprehension" of "opinion" is stated to be, "a conscientious acceptance of" the "recognized formularies and appointed rites" of the Church of England. The advocates of a revived Ceremonial themselves claim to act upon this very principle in ordering the Public Services. Therefore the conclusion would appear to be, either that, as Your Majesty's Commission indicates, "general unifor-"mity of practice" must be limited to "such matters as may be deemed *essential*," or it must be extended to the fullest details of all that is required by the Ecclesiastical Laws. It is obvious that so rigid a compliance is neither possible nor desirable in the existing condition of the Church of England; nor indeed has it ever been maintained since the passing of the First Statute of Uniformity in 1549. To "secure," as our Commission suggests, "essential" Uniformity, it does not appear to me necessary to insist upon that strictness of practice, as opposed to liberty of opinion, which this Clause of the Report seems to urge. Unquestionably it is "most desirable that in the celebration "of the Church's Rites there shall be introduced no novel practices, which are welcome "only to some, but offensive to others;" yet, while it may be hoped that charity alone will generally prevent changes calculated to lead to such a result, it cannot be concealed that quite as great, perhaps greater, scandal is caused by disregard of positive rules in conducting the Services of the Church; and still more, it must be feared, by notoriously contradictory teaching, which is complained of as being irreconcileable with her "recognized formularies."

For these reasons, and because I fear that the proposals now made, so far from promoting peace, tend towards provoking a strife which may seriously risk a disruption in the Church of England, I humbly think I shall best discharge my duty to Your Majesty by withholding my signature from this Second Report.

THOMAS WALTER PERRY.

W. F. KEMP, Secretary,
Jerusalem Chamber, Westminster,
30th April 1868.

MINUTES OF PROCEEDINGS.

TWENTIETH MEETING.

Jerusalem Chamber, Westminster, Thursday, November 21st, 1867.

PRESENT:

Archbishop of Canterbury.
Earl Stanhope.
Earl of Harrowby.
Earl Beauchamp.
Bishop of London.
Bishop of St. David's.
Bishop of Oxford.
Bishop of Gloucester and Bristol.
Lord Portman.
Lord Ebury.
Mr. Cardwell.
Sir Joseph Napier.
Sir Robert Joseph Phillimore.
Sir Travers Twiss.
Mr. John Abel Smith.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Ely.
Dean of Lincoln.
Dr. Payne Smith.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry.

The Commissioners arranged the order of their proceedings.

TWENTY-FIRST MEETING.

Jerusalem Chamber, Westminster, Wednesday, November 27th, 1867

PRESENT:

Archbishop of Canterbury.
Earl Stanhope.
Earl of Harrowby.
Earl Beauchamp.
Bishop of London.
Bishop of St. David's.
Bishop of Oxford.
Lord Ebury.
Mr. Walpole.
Mr. Cardwell.
Sir Joseph Napier.
Sir William Page Wood.
Sir Travers Twiss.
Mr. John Abel Smith.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Dean of Lincoln.
Dr. Payne Smith.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry

The Commissioners deliberated.

TWENTY-SECOND MEETING.

Jerusalem Chamber, Westminster, Thursday, November 28th, 1867.

PRESENT:

Archbishop of Canterbury.
Earl Stanhope.
Earl of Harrowby.
Earl Beauchamp.
Bishop of London.
Bishop of St. David's.
Bishop of Gloucester and Bristol.
Lord Ebury.
Mr. Walpole.
Mr. Cardwell.
Sir Joseph Napier.
Sir William Page Wood.
Sir Robert Joseph Phillimore.
Sir Travers Twiss.
Mr. John Abel Smith.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Dean of Lincoln.
Dr. Payne Smith.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry.

The Rev. J. Fuller Russell was examined.

TWENTY-THIRD MEETING.

Jerusalem Chamber, Westminster, Wednesday, December 4th, 1867.

PRESENT:

Archbishop of Canterbury.	Sir Joseph Napier.
Earl Stanhope.	Sir Travers Twiss.
Earl of Harrowby.	Mr. Beresford Hope.
Earl Beauchamp.	Mr. J. G. Hubbard.
Bishop of London.	Dean of Westminster.
Bishop of St. David's.	Dean of Ely.
Bishop of Oxford.	Dr. Payne Smith.
Bishop of Gloucester and Bristol.	Rev. H. Venn.
Lord Ebury.	Rev. W. G. Humphry.
Mr. Walpole.	Rev. Robert Gregory.
Mr. Cardwell.	Rev. T. W. Perry.

It was resolved,

That the Commission understanding that the subject-matter of the motion announced by Sir Joseph Napier is this very day to be argued in the suit against the Rev. A. H. Mackonochie in the Court of Arches, do adjourn the discussion of the question till after Christmas, so as to allow the members of the Commission the opportunity of considering the information to be adduced in the Mackonochie case.

TWENTY-FOURTH MEETING.

Jerusalem Chamber, Westminster, Thursday, December 5th, 1867.

PRESENT:

Archbishop of Canterbury.	Sir Joseph Napier.
Earl Stanhope.	Sir Travers Twiss.
Earl of Harrowby.	Mr. Beresford Hope.
Earl Beauchamp.	Mr. J. G. Hubbard.
Bishop of London.	Dean of Westminster.
Bishop of St. David's.	Dean of Ely.
Bishop of Oxford.	Dr. Payne Smith.
Bishop of Gloucester and Bristol.	Rev. H. Venn.
Lord Ebury.	Rev. W. G. Humphry.
Mr. Walpole.	Rev. Robert Gregory.
Mr. Cardwell.	Rev. T. W. Perry.

The Commissioners considered other Rubrics, Orders, and Directions.

TWENTY-FIFTH MEETING.

Jerusalem Chamber, Westminster, Wednesday, December 11th, 1867.

PRESENT:

Archbishop of Canterbury.	Sir Joseph Napier.
Earl Stanhope.	Sir Travers Twiss.
Earl of Harrowby.	Mr. Beresford Hope.
Earl Beauchamp.	Mr. J. G. Hubbard.
Bishop of London.	Dean of Westminster.
Bishop of Oxford.	Dean of Ely.
Bishop of Gloucester and Bristol.	Rev. H. Venn.
Lord Ebury.	Rev. W. G. Humphry.
Mr. Walpole.	Rev. Robert Gregory.
Mr. Cardwell.	Rev. T. W. Perry.

The Commissioners proceeded with the same subject.

TWENTY-SIXTH MEETING.

Jerusalem Chamber, Westminster, Thursday, December 12th, 1867.

PRESENT:

Archbishop of Canterbury.
Earl Stanhope.
Earl of Harrowby.
Earl Beauchamp.
Bishop of Oxford.
Bishop of Gloucester and Bristol.
Lord Ebury.
Mr. Walpole.
Mr. Cardwell.
Sir Joseph Napier.
Sir Robert Joseph Phillimore.
Sir Travers Twiss.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Dr. Payne Smith.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry.

The Commissioners proceeded with the same subject. Adjourned till Wednesday, January 22nd, 1868.

TWENTY-SEVENTH MEETING.

Jerusalem Chamber, Westminster, Wednesday, January 22nd, 1868.

PRESENT:

Archbishop of Canterbury.
Earl Stanhope.
Earl of Harrowby.
Earl Beauchamp.
Bishop of London.
Bishop of St. David's.
Bishop of Oxford.
Bishop of Gloucester and Bristol.
Lord Ebury.
Mr. Walpole.
Mr. Cardwell.
Sir Travers Twiss.
Mr. John Abel Smith.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Dean of Lincoln.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry.

The Commissioners resumed the consideration of the same subject.

TWENTY-EIGHTH MEETING.

Jerusalem Chamber, Westminster, Thursday, January 23rd, 1868.

PRESENT:

Archbishop of Canterbury.
Earl Stanhope.
Earl of Harrowby.
Earl Beauchamp.
Bishop of London.
Bishop of St. David's.
Bishop of Oxford.
Bishop of Gloucester and Bristol.
Lord Ebury.
Mr. Walpole.
Mr. Cardwell.
Sir Travers Twiss.
Mr. Coleridge.
Mr. John Abel Smith.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Dean of Lincoln.
Dr. Payne Smith.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry.

The Commissioners proceeded with the same subject.

TWENTY-NINTH MEETING.

Jerusalem Chamber, Westminster, Wednesday, January 29th, 1868.

PRESENT:

Archbishop of Canterbury.
Archbishop of Armagh.
Earl Stanhope.
Earl of Harrowby.
Earl Beauchamp.
Bishop of London.
Bishop of St. David's.
Bishop of Oxford.
Bishop of Gloucester and Bristol.
Lord Ebury.
Mr. Walpole.
Mr. Cardwell.
Sir Joseph Napier.
Sir Robert J. Phillimore.
Sir Travers Twiss.
Mr. John Abel Smith.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Dean of Lincoln.
Dr. Payne Smith.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev Robert Gregory.
Rev. T. W. Perry.

The Commissioners proceeded with the same subject

THIRTIETH MEETING.

Jerusalem Chamber, Westminster, Thursday, January 30th, 1868.

PRESENT:

Archbishop of Canterbury.
Archbishop of Armagh.
Earl Stanhope.
Earl of Harrowby.
Earl Beauchamp.
Bishop of London.
Bishop of St. David's.
Bishop of Oxford.
Bishop of Gloucester and Bristol.
Lord Ebury.
Mr. Walpole.
Mr. Cardwell.
Sir Joseph Napier.
Sir Robert Joseph Phillimore.
Mr. John Abel Smith.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Dean of Lincoln.
Dr. Payne Smith.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry.

The Commissioners proceeded with the same subject.

THIRTY-FIRST MEETING.

Jerusalem Chamber, Westminster, Wednesday, February 5th, 1868.

PRESENT:

Archbishop of Canterbury.
Archbishop of Armagh.
Earl Stanhope.
Earl of Harrowby.
Earl Beauchamp.
Bishop of London.
Bishop of St. David's.
Bishop of Oxford.
Bishop of Gloucester and Bristol.
Lord Ebury.
Mr. Walpole.
Mr. Cardwell.
Sir Joseph Napier.
Sir William Page Wood.
Mr. John Abel Smith.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Dean of Lincoln.
Dr. Payne Smith.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry.

The Commissioners resumed the consideration of the Rubric on Ornaments.

THIRTY-SECOND MEETING.

Jerusalem Chamber, Westminster, Thursday, February 6th, 1868.

PRESENT:

Archbishop of Canterbury.
Archbishop of Armagh.
Earl Stanhope.
Earl of Harrowby.
Earl Beauchamp.
Bishop of London.
Bishop of St. David's.
Bishop of Oxford.
Bishop of Gloucester and Bristol.
Lord Ebury.
Mr. Walpole.
Mr. Cardwell.
Sir Joseph Napier.
Sir. William Page Wood.
Mr. John Abel Smith.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Dean of Lincoln.
Dr. Payne Smith.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry.

The Commissioners proceeded with the consideration of the Rubric on Ornaments.

THIRTY-THIRD MEETING.

Jerusalem Chamber, Westminster, Wednesday, February 12th, 1868.

PRESENT:

Archbishop of Canterbury.
Archbishop of Armagh.
Earl Stanhope.
Earl of Harrowby.
Earl Beauchamp.
Bishop of London.
Bishop of St. David's.
Bishop of Oxford.
Bishop of Gloucester and Bristol.
Lord Portman.
Lord Ebury.
Mr. Walpole.
Mr. Cardwell.
Sir Joseph Napier.
Sir Travers Twiss.
Mr. John Abel Smith.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Dean of Lincoln.
Dr. Payne Smith.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry.

The Commissioners proceeded with the same subject.

THIRTY-FOURTH MEETING.

Jerusalem Chamber, Westminster, Thursday, February 13th, 1868.

PRESENT:

Archbishop of Canterbury.
Archbishop of Armagh.
Earl Stanhope.
Earl of Harrowby.
Earl Beauchamp.
Bishop of London.
Bishop of St. David's.
Bishop of Oxford.
Bishop of Gloucester and Bristol.
Lord Portman.
Lord Ebury.
Mr. Walpole.
Mr. Cardwell.
Sir Joseph Napier.
Sir Robert Joseph Phillimore.
Sir Travers Twiss.
Mr. John Abel Smith.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Dean of Lincoln.
Dr. Payne Smith.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry.

The Commissioners resolved forthwith to make a Second Report.

THIRTY-FIFTH MEETING.

Jerusalem Chamber, Westminster, Thursday, February 27th, 1868.

PRESENT:

Archbishop of Canterbury.
Archbishop of Armagh.
Earl of Harrowby.
Bishop of London.
Bishop of St. David's.
Bishop of Oxford.
Bishop of Gloucester and Bristol.
Lord Ebury.
Mr. Walpole.
Mr. Cardwell.
Sir Joseph Napier.
Sir Travers Twiss.
Mr. John Abel Smith.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Dean of Lincoln.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry.

The Commissioners proceeded to consider their Second Report

THIRTY SIXTH MEETING.

Jerusalem Chamber, Westminster, Friday, February 28th, 1868.

PRESENT:

Archbishop of Canterbury.
Archbishop of Armagh.
Earl Stanhope.
Earl of Harrowby.
Bishop of London.
Bishop of St. David's.
Bishop of Oxford.
Bishop of Gloucester and Bristol.
Lord Ebury.
Mr. Walpole.
Mr. Cardwell.
Sir Joseph Napier.
Sir Travers Twiss.
Mr. John Abel Smith.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Dean of Lincoln.
Dr. Payne Smith.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry.

The Commissioners deliberated.

THIRTY-SEVENTH MEETING.

Jerusalem Chamber, Westminster, Thursday, March 12th, 1868.

PRESENT:

Archbishop of Canterbury.
Archbishop of Armagh.
Earl Stanhope.
Earl of Harrowby.
Earl Beauchamp.
Bishop of London.
Bishop of St. David's.
Bishop of Oxford.
Bishop of Gloucester and Bristol.
Lord Ebury.
Mr. Walpole.
Mr. Cardwell.
Sir Joseph Napier.
Sir Travers Twiss.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Dean of Lincoln.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry.

The Commissioners deliberated.

THIRTY-EIGHTH MEETING.

Jerusalem Chamber, Westminster, Friday, March 13th, 1868.

PRESENT:

Archbishop of Canterbury.
Archbishop of Armagh.
Earl Stanhope.
Earl of Harrowby.
Earl Beauchamp.
Bishop of London.
Bishop of St. David's.
Bishop of Oxford.
Bishop of Gloucester and Bristol.
Lord Ebury.
Mr. Walpole.
Mr. Cardwell.
Sir Joseph Napier.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Dean of Lincoln.
Dr. Payne Smith.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry.

The Commissioners deliberated.

THIRTY-NINTH MEETING.

Jerusalem Chamber, Westminster, Thursday, March 19th, 1868.

PRESENT:

Archbishop of Canterbury.
Archbishop of Armagh.
Earl Stanhope.
Earl of Harrowby.
Earl Beauchamp.
Bishop of London.
Bishop of St. David's.
Bishop of Oxford.
Bishop of Gloucester and Bristol.
Lord Ebury.
Mr. Walpole.
Mr. Cardwell.
Sir Joseph Napier.
Mr. John Abel Smith.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Dean of Lincoln.
Dr. Payne Smith.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry.

The Commissioners deliberated.

FORTIETH MEETING.

Jerusalem Chamber, Westminster, Friday, March 20th, 1868.

PRESENT:

Archbishop of Canterbury.
Archbishop of Armagh.
Earl Stanhope.
Earl of Harrowby.
Earl Beauchamp.
Bishop of London.
Bishop of St. David's.
Bishop of Oxford.
Bishop of Gloucester and Bristol.
Lord Ebury.
Mr. Walpole.
Mr. Cardwell.
Sir Joseph Napier.
Mr. John Abel Smith.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Dean of Lincoln.
Dr. Payne Smith.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry.

The Commissioners deliberated.

FORTY-FIRST MEETING.

Jerusalem Chamber, Westminster, Thursday, March 26th, 1868.

PRESENT:

Archbishop of Canterbury
Archbishop of Armagh.
Earl Stanhope.
Earl of Harrowby.
Earl Beauchamp.
Bishop of London.
Bishop of St. David's.
Bishop of Oxford.
Bishop of Gloucester and Bristol.
Lord Ebury.
Mr. Walpole.
Mr. Cardwell.
Sir Joseph Napier.
Sir William Page Wood.
Sir Travers Twiss.
Mr. John Abel Smith.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Dean of Lincoln.
Dr. Payne Smith.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry.

The Commissioners deliberated.

FORTY-SECOND MEETING.

Jerusalem Chamber, Westminster, Friday, March 27th, 1868.

PRESENT:

Archbishop of Canterbury.
Archbishop of Armagh.
Earl Stanhope.
Earl of Harrowby.
Earl Beauchamp.
Bishop of London.
Bishop of St. David's.
Bishop of Oxford.
Bishop of Gloucester and Bristol.
Lord Ebury.
Mr. Walpole.
Mr. Cardwell.
Sir Joseph Napier.
Sir William Page Wood.
Mr. John Abel Smith.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry.

The Commissioners deliberated.

FORTY-THIRD MEETING.

Jerusalem Chamber, Westminster, Thursday, April 2nd, 1868.

PRESENT:

Archbishop of Canterbury.
Archbishop of Armagh.
Earl Stanhope.
Earl of Harrowby.
Earl Beauchamp.
Bishop of London.
Bishop of St. David's.
Bishop of Oxford.
Bishop of Gloucester and Bristol.
Lord Ebury.
Mr. Walpole.
Sir Joseph Napier.
Sir William Page Wood.
Sir Robert Joseph Phillimore.
Sir Travers Twiss.
Mr. John Abel Smith.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Dean of Lincoln.
Dr. Payne Smith.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry.

The Commissioners deliberated.

FORTY-FOURTH MEETING.

Jerusalem Chamber, Westminster, Friday, April 3rd, 1868.

PRESENT:

Archbishop of Canterbury.
Archbishop of Armagh.
Earl Stanhope.
Earl of Harrowby.
Bishop of London.
Bishop of St. David's.
Bishop of Oxford.
Bishop of Gloucester and Bristol.
Lord Ebury.
Mr. Walpole.
Sir Joseph Napier.
Sir Robert Joseph Phillimore.
Sir Travers Twiss.
Mr. John Abel Smith.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Dean of Lincoln.
Dr. Payne Smith.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry.

The Commissioners settled their Second Report.

FORTY-FIFTH MEETING.

Jerusalem Chamber, Westminster, Thursday, April 30th, 1868.

PRESENT:

Archbishop of Canterbury.
Archbishop of Armagh.
Earl Stanhope.
Earl of Harrowby.
Earl Beauchamp.
Bishop of London.
Bishop of Oxford.
Bishop of Gloucester and Bristol.
Lord Ebury.
Mr. Walpole.
Sir Joseph Napier.
Sir Travers Twiss.
Mr. Coleridge.
Mr. John Abel Smith.
Mr. Beresford Hope.
Mr. J. G. Hubbard.
Dean of Westminster.
Dean of Ely.
Dean of Lincoln.
Dr. Payne Smith.
Rev. H. Venn.
Rev. W. G. Humphry.
Rev. Robert Gregory.
Rev. T. W. Perry.

The Reasons of some of the Commissioners for differing from the Report in part, or for not signing it at all, were presented.

MINUTES OF EVIDENCE

TAKEN BEFORE THE COMMISSIONERS

On November 28th, 1867;

WITH

APPENDICES.

NAME OF WITNESS.

	Page
Rev. J. Fuller Russell - - - - - - - -	1

WRITTEN EVIDENCE.

Letter of Rev. J. Fuller Russell - - - - - -	19

APPENDICES.

Appendix A. - - - - - - - - - -	27
Appendix B. - - - - - - - - - -	27
Appendix C. - - - - - - - - - -	29
Appendix D. - - - - - - - - - -	31
Appendix E. - - - - - - - - - -	399

MINUTES OF EVIDENCE

TAKEN BEFORE THE

ROYAL COMMISSION ON RITUAL.

Jerusalem Chamber, Westminster, Thursday, November 28th, 1867.

PRESENT:

ARCHBISHOP OF CANTERBURY.
EARL STANHOPE.
EARL OF HARROWBY.
EARL BEAUCHAMP.
BISHOP OF LONDON.
BISHOP OF ST. DAVID'S.
BISHOP OF GLOUCESTER AND BRISTOL.
LORD EBURY.
MR. WALPOLE.
MR. CARDWELL.
SIR JOSEPH NAPIER.
SIR WILLIAM PAGE WOOD.
SIR ROBERT JOSEPH PHILLIMORE.
SIR TRAVERS TWISS.
MR. J. ABEL SMITH.
MR. BERESFORD HOPE.
MR. J. G. HUBBARD.
DEAN OF WESTMINSTER.
DEAN OF ELY.
DEAN OF LINCOLN.
DR. PAYNE SMITH.
REV. H. VENN.
REV. W. G. HUMPHRY.
REV. ROBERT GREGORY.
REV. T. W. PERRY.

THE ARCHBISHOP OF CANTERBURY IN THE CHAIR.

Rev. J. F. Russell, B.C.L., F.S.A.

28 Nov. 1867.

THE REV. JOHN FULLER RUSSELL B.C.L., F.S.A., called in and examined.

1. (*Archbishop of Canterbury.*) I believe you are the rector of Greenhithe ?—Yes.

2. We wish to make some inquiry with reference to the use of altar lights in the Church of England since the Reformation. Are you tolerably conversant with that subject ?—I have given some little attention to it.

3. Can you bring before us any instances which are not before us already, which have come to light lately with reference to this question,—as to the use of altar lights in the Church of England since the Reformation? —There are several examples from the time of Elizabeth, and further on, particularly during the Caroline period, during the rule of Laud and the bishops of his time.

4. Will you enumerate those instances ?—I have here the Hierurgia Anglicana, edited by myself, which was published in the year 1848. It was published in numbers, beginning in 1843 and finishing in 1848.* I find that on the 6th March 1560, Dr. Bill, Dean of Westminster, preached in the Queen's (Elizabeth's) chapel, "where on the Table standing altarwise was "placed a cross and two candlesticks with two tapers "in them burning."

5. (*Dr. Payne Smith.*) Was that in the Queen's private chapel ?—In the Queen's private chapel. In the same year, on the 24th March, "in the afternoon, "Bishop Barlow, one of King Edward's bishops, now "Bishop of Chichester, preached in his habit before "the Queen. His sermon ended at five of the clock; "and presently after her chapel went to evening "song, the cross, as before, standing on the altar and "two candlesticks and two tapers burning in them; "and service concluded, a good anthem sung." Strype's Annals, pp. 196, 197. That is at page 4 of the Hierurgia.

6. (*Mr. Beresford Hope.*) In the first instance you referred to is the hour of the day mentioned ?—No, there is no notice of that. These are both taken from Strype. The next instance is taken from a letter of Thomas Sampson to Peter Martyr, January 6th, 1560, (Zurich letters, p. 63, 8vo. 1842,) which is in the same page of the Hierurgia. He says, "What "can I hope when three of our lately appointed bishops "are to officiate at the Table of the Lord, one as "priest, another as deacon, and a third as sub-deacon, "before the image of the crucifix, or at least not far "from it, with candles, and habited in the golden "vestments of the Papacy, and are thus to celebrate "the Lord's Supper without any sermon."

7. (*Dr. Payne Smith.*) Does it appear where those bishops were to minister ?—In the private chapel of the Queen. The next instance occurs in 1565, in a Roman Catholic work entitled, "The Fortress of the Faith," by Thomas Stapleton, 4to, 1565, page 152 where I find this inquiry: "Why do not Protestants "allow the blessed crucifix of our Saviour; why burn "they no light before it, as they see the Queen's most "gracious Majesty doth ?" Then in 1565, at the christening of the child of Lady Cicile, wife of John Earl of Great Friesland, Marquis of Bawden, at the Palace, Westminster, September 30th, taken from Leland's Collectanea, vol. 2, pp. 691, 692, 8vo. 1770, I find among the ornaments of the altar, "two candle-"sticks of crystal, two ships of mother-of-pearl, one "tablet of gold set with diamonds, another ship of "mother-of-pearl, two pair of candlesticks of gold, "two great candlesticks double gilt, with lights of "virgin wax, and a cross."

8. (*Mr. Beresford Hope.*) What is a ship ?—I suppose it is for incense; a boat.

9. (*Mr. Walpole.*) In what church or chapel was that ?—That of the Palace, Westminster, which would of course be the private chapel of the Queen.

10. (*Archbishop of Canterbury.*) These instances which you have given us are all well known; have you anything to state which has been discovered lately ?—All those instances are well known, except

* Vide (A.) Mr. Russell's Supplementary Letter in Appendix.

Rev. J. F. Russell, B.C.L., F.S.A.

28 Nov. 1867.

the one I quoted from Stapleton, which, I think, has been lately discovered. I have not seen it elsewhere. I discovered it myself some short time ago. Then Bishop Cosin refers to the lights in the Queen's chapel as having been retained there "during her whole reign, and so are "they in all the King's and in many cathedral "churches, besides the chapels of divers noblemen, "bishops, and colleges to this day." He is writing in 1640, or a little before that, probably 1632, before the Rebellion. That is from Cosin's notes on the Prayer Book at the end of Nicholls Commentary (p. 17, fol. 1712), and it is at page 7 of the Hierurgia. Then we find very little else, that I am aware of, in the way of allusion to lights being used in the reign of Elizabeth; and very little in the time of James the First, except that* for the furniture of the chapel, when the Prince went to Spain, in 1622, tapers were enjoined to be among the ornaments that were to be used in his private chapel. (See Collier's Eccl. Hist. ii., p. 726, fol. 1714.)

11. (*Mr. J. Abel Smith.*)—At Madrid?—At Madrid. Then we have abundant evidence that candles were used by Bishop Andrewes, as we find in "Canterbury's Doom." We have there a "plan" of his private chapel, and among the plate for the chapel we find two candlesticks gilt for tapers, 60 ounces at 5*s.* 6*d.* the ounce. This plan was found among the papers of Archbishop Laud, and is given in Prynne's "Canterbury's Doom", who quotes it against the Archbishop as having been copied in his own chapel,—affirming that his own chapel was furnished on the same plan; the furniture &c., being arranged after the plan that Andrewes had used before. Then it would appear from Spalding's "Troubles in Scotland" that at the coronation of Charles the First at Edinburgh in 1633, there were two wax candles which were "on light" on the altar. See the edition of 1829, published at Aberdeen, at page 16, and quoted in Robertson's "How shall we conform to the Liturgy?" (page 89, first edition). Then we find in 'Canterbury's Doom," pp. 62 and 63, an allusion to the candlesticks and tapers standing and likewise burning in the daytime in Archbishop Laud's chapel. The quotation from "Canterbury's Doom" is as follows (page 338 of the Hierurgia), alluding to the furniture in the Archbishop's chapel at Lambeth:—

"Upon this new altar he had much superstitious "Romish furniture, never used in his predecessor's "days; as, namely, two great silver candlesticks with "tapers in them, besides basons and other silver "vessels (with a costly Common Prayer Book stand-"ing on the altar, which, as some say, had a crucifix "on the bosses), with the picture of Christ receiving "His last supper with His disciples in a piece of "arras, hanging just behind the midst of the altar, "and a crucifix in the window directly over it. "This new altar furniture of his was proved and "attested upon oath by Sir Nathaniel Brent, Dr. "Featly, Dr. Haywood (his own popish chaplain), "who justified his lord that he did it in imitation of "the King's chapel at Whitehall, where he had seen "not only tapers and candlesticks standing, but like-"wise burning, in the day time on the altar." Here is incidental proof of the candles being lighted in the Royal Chapel at Whitehall, in Charles's time. It appears that the lights gave great offence to the Puritans at that time, and they specifically allude to several cases in which lights were used. In a copy of verses entitled "Lambeth Fair, wherein you have all the "bishop's trinkets sent to sale," which was published in 4to. in 1641; and cited at page 256 of the Hierurgia, you have these rhymes:—

"'Wax candles, tapers,' another cries and calls,
'These brought I with me from Cathedral Paul's.
'They'll scare the devil, and put him to flight,
'When he perceives a consecrated light.
'When we at matins, and evensong were,
'We had them by us then devoid of fear.
'They'll bring delight unto your eyes and nose,
'They burn so clear, and smell so like a rose.'"

And further on we have these lines:—

"'And when you think that it hath burnt enough,
'Then blow it out, you shall not smell the snuff.'"

Then in 1641, in a book the title of which is "Mercury's Message," is the copy of a letter sent to "William Laud, Lord Archbishop of Canterbury, "now prisoner in the Tower; printed in the year "of our Prelates fear, 1641,"—(at page 362 of the Hierurgia);—

"Altars next you raise,
And waxen tapers must upon them blaze;
Yea, in these heaps of stone such worth is found,
That passers by must bow to 'em down to the ground."

A little earlier, in the time of James the First, 1605, in a book entitled "Certain Demands with their Grounds," page 29, we read this: "As for copes, "surplices, crosses, candles at noondays, and such "like superstitious ornaments, rites, and ceremonies ". . . . . we affirm that they ought . . . . "to be cast away." Neale, in his "History of the Puritans" (vol. 2, page 9, edition 1837), states that Warminstre, one of the representatives of Worcester in the Convocation of 1640, said, in a speech which was published as a tract, "I know not why we have "candles in the daytime;" and he goes on to say, "I "wish there may not be so much as an emblem of "a fruitless prelacy or clergy in the church, that "fill the candlestick, but give no light." Now that may perhaps be doubtful as an authority; yet it might mean, that the feeble rays of tapers at noonday were put out, as it were, by the noontide sun. It seems a natural interpretation. One does not see what the great objection was simply to the candles, unless they were lighted.* The lighting seems principally to have been the objection on the part of the Puritans. In a volume entitled "A large Supplement to the Canterburian Self-Conviction" (4to., 1641, pages 85 to 88) there is a long assault on the opinions and practices of the Caroline divines. Among other things it is stated as the practice of the divines of that time, to which the writer objects, "that the chancel and altar must not only be dedi-"cate with prayers and unctions, but with lighted "candles, burning incense, and many other such "toys." We find a poetical allusion to altar lights in a poem, entitled "To a fair lady weeping for her "husband committed to prison by the Parliament, "1643:"—

"She keeps an altar on her brow,
Her eyes two tapers on each side,
Where superstitious lovers bow."

In the narrative of the rifling and defacing of the cathedral church of Peterborough, in Gunton's History of the Church at Peterborough (folio, 1686), there is an account of the destruction of the screen which was at the back of the Holy Table, and also an engraving, which I have given in the Hierurgia, in which the candles are represented on the altar burning. 1643 was the time of the desecration of the screen, but the volume was published in 1686.

12. (*Sir Travers Twiss.*) What was the period at which the screen was built?—It was an early screen; it was middle-pointed. This is not a very good portraiture of it, but it was evidently of the decorated period.

13. Pre-Reformational?—Yes.

14. (*Dean of Lincoln*). Was the destruction accidental?—It was done by the soldiers during the rebellion of 1643. It says, "The high altar was "pulled down with ropes, laid low, and levelled "with the ground. It had no imagery work on it, "or anything else that might justly give offence." Then we have, of course, a great many examples of the restoration of candles during the Caroline period, but they are not specified as being lighted. There

* Vide (B.), letter in Appendix.

* Vide (C.), letter in Appendix.

are so many examples of their being used in the churches generally, that it seems hardly necessary, perhaps, to go into that matter. They were prohibited and turned out of all the churches at the Great Rebellion; and the allusion to them is so general that there can be no doubt that they were in very common use in parish churches, as well as in cathedral and collegiate churches.

15. (*Sir Travers Twiss.*) Will you read the allusion to which you refer?—In Prynne's direct statement in "Canterbury's Doom" (page 59), "They [the "Committee of the House of Lords] first trailed this "Romish fox to his own kennel at Lambeth, where "having unkenneled, they chased him from thence, by "his hot Popish scent, to the King's own royal chapel "at Whitehall, and Westminster Abbey, from thence "to the Universities of Oxford and Cambridge; "from thence to Canterbury, Winchester, and most "other cathedrals in England, and from them to our "parish churches and chapels, all which he miserably "defiled, corrupted with Popish superstitions, crucifixes, altars, bowings, ceremonies, tapers, copes, "and other innovations."

16. I thought you said there were some orders to turn them out?—Yes; there are several; for instance, the declaration of the Commons in 1641, which orders that the churchwardens of every parish church and chapel respectively do forthwith remove the Communion Table from the east end of the church, and that all tapers, candlesticks, and basins be removed from the Communion Table. In Nalson's "Impartial Collection," (vol. 2, pp. 481, 482, folio, 1683, p. 30 of the Hierurgia) :—"It is this day "ordered by the Commons in Parliament assembled, "that the churchwardens of every parish church and "chapel respectively do forthwith remove the Communion Table from the east end of the church "chapel, or chancel into some other convenient "place; and that they take away the rails and level "the chancels, as heretofore they were before the "late innovations; that all crucifixes, scandalous "pictures of any one or more persons of the Trinity, "and all images of the Virgin Mary shall be taken "away and abolished; and that all tapers, candlesticks, and basins be removed from the Communion Table."* Perhaps I may be allowed to refer to Dr. Cosin and the prebendaries of Durham just before the rebellion. In the articles of the Commons' declaration and impeachment upon the complaint of Peter Smart, who was one of the prebendaries of Durham, and who was very much opposed to Dr. Cosin and the other prebendaries, at pages 7 and 10, (page 36 of the Hierurgia), he says :—"That the said "dean and prebendaries did use an excessive number "of candles more upon a saint's day than upon the "Lord's day, and caused the same candles to be "lighted in the said church in a new, strange, and "superstitious manner, burning two hundred wax "candles in one candlemas night, whereof there were "about sixty upon and about the altar, where there "was no use of light, nor service then said; whereupon a Popish priest spake, 'Let us Papists resort "to the said church, to see how Dr. Cosin and "the prebendaries of Durham do play our apes.' "Dr. Cosin set up some of these candles himself, "and caused others with ladders to set up more "round about the quire, some of which the said dean "sent his servant to take down; but Dr. Cosin did "struggle with him in time of prayer, to the great "disturbance of the congregation. The manner of "lighting the candles was this; they caused two "choristers in their surplices to come from the west "end of the quire, with lighted torches in their "hands, who, after sundry bowings by the way, to "and at the altar, did light the candles upon the "same with their torches; which done they returned "backwards with many bowings, their faces toward "the altar, till they came to the quire door; which "ceremony of lighting the excessive number of "candles came into the said church after Dr. Cosin "was prebendary." In a book entitled, "A Catalogue of Superstitious Innovations in the Change of "Services and Ceremonies, of Presumptious Irregularities, and Transgressions against the Articles of "Religion, Act of Parliament for Uniformity, Canons, "Advertisements, Injunctions, and Homilies," and so forth, "London, printed for Joseph Hunscott, 1642," at page 26 we find this: "They offended in burning "of wax candles in excessive number, two or three "hundred at a time, when and where there was no "use of light, as namely on Candlemas day 1627, "when the days were lengthened two hours, and "service might be done an hour before daylight was "gone, as it was in Westminster Abbey this yeere "1641, no candles being lighted there at evening "prayer."* In a volume, which I have not with me, of Addison's poems, published by Curll (a noted publisher at the beginning of the eighteenth century) in 1719, there is a Latin poem, written in 1669 by Addison, on a wall or fresco painting of the Last Judgment, which was put up over the Holy Table in the chapel at Magdalen College, Oxford, and a picture in which the Holy Table is represented with two candlesticks upon it, and the candles in them burning

17. (*Mr. Beresford Hope.*) Is that in the Hierurgia?—No, it is not.

18. Have you the picture to produce?—I gave the picture to Mr. Perry.

19. (*Earl of Harrowby.*) And the verses?—No; the verses are a description of the painting, merely incidentally introduced. The painting is the subject upon which Addison wrote the verses, and there is an English translation given of the poem, and a picture to illustrate it, with the Last Judgment represented in the style of that time (not what we should altogether admire), painted above the altar, which has a canopy over it protruding. It is rather a small Table, but the drapery is so arranged that no one can stand at the two ends very well, for it comes out in this way (*describing by gesture*). There are two books upon it lying in front with book-markers hanging down in *this* way, in front of the altar, with the two candlesticks and lights on a re-table.

20. How is that connected with Addison's poem?—Simply that the poem was on the picture above.

21. There is an engraving of a picture in the same book?—Yes.

22. (*Mr. Beresford Hope.*) You think there is reasonable ground to infer that this is a picture of the real thing?—There is no doubt about it, because it says so. I think I have now produced almost all the evidence I have as to lighted candles.

23. (*Earl Stanhope.*) Have you been able, in any of the cases you allege, to obtain any probable presumption as to whether the candles were lighted for devotional purposes, or simply to give light as the evening drew on?—I apprehend that the great opposition of the Puritans to the candles was to their being lighted ritually, and in one of those examples, certainly, at St. Paul's, it is stated directly that they were lighted at matins.

24. The Puritans brought a great many unfounded charges, did they not, against members of the Church?—No doubt they did.

25. Is it not very possible that they may have imputed to distinguished members of the Church that they used altar lights, when in reality these lights were only used for the purpose of seeing more clearly?—There are two or more specific examples to the contrary. I submit that it is stated distinctly that they were burning in the day time in the King's chapel.

26. Your instances have chiefly applied, I think, to royal chapels, and to the chapel of the Archbishop at Lambeth?—Yes.

27. Have you been able to make any researches

* Vide (D.), letter, Appendix.

* Vide (E.), letter, Appendix.

Rev. J. F. Russell, B.C.L., F.S.A.

28 Nov. 1867.

with respect to the practice in any parish churches?—No; not as to the lighting of the candles. I think there is no doubt from what I have stated that there is plenty of evidence that candles were used in the parish churches and complained of as being in general use, as for example, where Prynne says that Laud defiled all the churches with tapers.

28. You are not prepared to produce any instance in which it appears that the candles were lighted in the parish churches?—I am not.

29. It is possible, without giving any opinion on the point, that the practice might exist in chapels or in cathedrals, and yet be altogether unknown in the great body of the parish churches?—I suppose that if the candles were there at the time, they would be lighted, because the cathedral churches were looked up to as the pattern churches of the diocese.

30. Clearly not in all cases. In many instances the cathedral services differ from the services in the parish churches, do they not?—I apprehend they are both ruled by the same rubrics. There may be a difference in regard to the costliness and the grandeur of the services, and the means provided for carrying them out, there being larger endowments in the case of cathedrals; but I am satisfied that the rubrics rule the whole of the services of the Church in the smallest parish church as much as in the grandest cathedral; if the practice was admitted to be right in a cathedral, or a royal chapel, of course it could not be *per se* wrong in a parish church.

31. You are not prepared to carry those instances later in point of time than you have now alleged?—Not as to the lighting of the candles in the day time. There are plenty of examples of altar candlesticks being given to cathedrals and parish churches after the Restoration, if it be wished that I should go into that matter.

32. Perhaps you will have the goodness to state the latest year in which you think any instance of candles being lighted can be cited?—It appears that as regards the use of lights "before the Sacrament," as late as 1698 there is a picture of the altar at St. Paul's Cathedral prepared for the celebration of the Holy Communion, and having two lighted candles upon it. The book was published by Samuel Keble at the Turk's Head, in Fleet Street, and entitled "The Holy Days, or the Holy Feasts and "Fasts as they are observed in the Church of "England throughout the Year, explained, and the "Reasons why they are yearly celebrated, with Cuts "before each Day." The book is dated 1698.

33. (*Mr. Beresford Hope.*) Have you got the book?—No.

34. (*Earl Stanhope.*) Have you found any passages in any distinguished divines belonging to the Church of England,—any prelates, for example, of the time of Charles the First,—distinctly defending the practice or avowing the practice of lighted candles?—Dr. Donne defends the practice of lights in the day time generally in a Sermon. I can refer to the passage if you wish. It is in my book. Dr. Donne alludes to the practice of having a great many lights on the Purification, as if it were still existing in our Church.

35. (*Mr. Walpole.*) Will you refer to page 43 of this pamphlet, and page 80 of the sermons, folio, 1640?—"I would not be understood to condemn all "use of candles by day in divine service, nor all "churches that have or do use them; for so I might "condemn even the Primitive Church in her pure "and innocent estate. And therefore, that which "Lactantius, almost three hundred years after Christ, "says of those lights, and that which Tertullian, "almost a hundred years before Lactantius, says in "apprehension thereof, must necessarily be under-"stood of the abuse and imitation of the Gentiles "therein; for, that the thing itself was in use "before either of these times I think admits little "question. About Lactantius's time fell the Elibe-"ritan Council, and then the use and the abuse was "evident; for in the 34th Canon of that Council it "is forbidden to set up candles in the churchyard, "and the reason that is added declares the abuse ". . . . . that the souls of the faithful departed "should not be troubled. Now the setting up of "lights could not trouble them, but these lights "were accompanied with superstitious invocations, "with magical incantations, and with howlings and "ejulations which they had learned from the Gen-"tiles; and with these the souls of the dead were, "in those times, thought to be affected and dis-"quieted. It is in this ceremony of lights as it is in "other ceremonies. They may be good in their "institution, and grow ill in their practice. So did "many things which the Christian Church received "from the Gentiles in a harmless innocency, dege-"nerate after into as pestilent superstition there, as "amongst the Gentiles themselves. For ceremonies "which were received but for the instruction and "edification of the weaker sort of people were made "real parts of the service of God and meritorious "sacrifices. To those ceremonies, which were re-"ceived as helps to excite and awaken devotion, "was attributed an operation and an effectual power, "even to the ceremony itself; and they were not "practised, as they should, *significative*, but *effec-"tive;* not as things which should signify to the "people higher mysteries, but as things as powerful "and effectual in themselves as the greatest mysteries "of all, the sacraments themselves. So lights were "received in the Primitive Church, to signify to the "people that God the Father of lights was otherwise "present in that place than in any other; and then "men came to offer lights by way of sacrifice to "God; and so, that which was providently intended "for man, who indeed needed such lights, was "turned upon God, as though He were to be sup-"plied by us. But what then? Because things "good in their institution may be depraved in their "practice, as says Calvin, Instit., c. 4., 10., § 14. . ". . . . shall therefore the people be denied all "ceremonies for the assistance of their weakness." (*Rev. T. W. Perry.*) Then the passage, in a copy I have, runs on thus:—"I say, no; I think these "kind of helps very behoveful of them. All that I "strive for is but moderation. . . . We must not "be hasty in condemning particular ceremonies, for "in so doing, in this ceremony of lights, we may "condemn the Primitive Church that did use them, "and we condemn a great and noble part of the Re-"formed Church, which doth use them at this day."

36. (*Earl of Harrowby.*) You consider there that he refers to Lutherans?—Yes.

37. (*Earl Stanhope.*) Do you consider that passage to imply that lights were then in use in the Church of England? does it not rather seem to imply that Dr. Donne, conceiving this practice to be sanctioned in the Primitive Church, would have been well pleased to see it as a help to devotion of the mind? can you construe that as saying that there was any use of lights in England when he wrote it?—I find in the same sermon which contains the foregoing quotation, that he states that they were in use on Candlemas day in our Church.

38. Will you read that sentence?—"The oblation "of this day's purification is light; so the day "names it Candlemas day; so your custom cele-"brates it with many lights." That is at page 345 of the Hierurgia. I believe that was preached at St. Paul's.

39. Was Dr. Donne Dean of St. Paul's in the year when he wrote or preached that sermon?—That I do not know, but I will add that.*

40. (*Rev. T. W. Perry.*) He was Dean of St. Paul's from 1621 to 1631?—(*Witness.*) The volume was published in 1640, after his death.

41. (*Earl Stanhope.*) It is possible he may as a layman have written this sermon?—He could not

* Vide (F.), letter, Appendix.

have preached the sermon as a layman, but he might have written part of it when a layman.

42. (*Earl Beauchamp.*) Something has been said with regard to candles being used merely for the purpose of giving light: are you prepared to state whether it is in your knowledge or not that the time of celebrating the Holy Communion was usually after the sun was up?—I believe it was early.

43. It was always early no doubt, but since the Reformation, have you any reason to suppose that the celebration of the Holy Communion took place before sunrise?—I should think not.*

44. And so again with regard to the time of evensong; in the Caroline period that would be in the afternoon?—I believe so.

45. At 3 o'clock?—Yes, usually.

46. And the service would be over before dark?—Yes; I think we have hardly any trace of evening service, in the modern acceptation of the term.

47. In point of fact, the use of candles, whether lighted or unlighted, must have been symbolical, rather than useful?—Yes, I conclude so. I think that is warranted by the quotation about St. Paul's: "matins and evensong." Both evensong and matins were then said in the daytime.

48. The rubrics governing both the cathedrals and the parish churches, you would take the facts that you find as regards the cathedral as indicating what ought to be done in parish churches rather than as an exceptional observance?—Laud and the bishops of that time maintained that the cathedral churches were to be the rule for the daughter churches, that the same rubrics were to govern both.†

49. And the great object of Archbishop Laud was to enforce the rubric and the law?—To enforce the rubric and the law.

50. Am I correct in saying that after the Great Rebellion, and subsequently to the Restoration, a lower type of ritual prevailed? Would you draw any distinction between the ritual of the Church of England before the Great Rebellion and after?—I conclude that, from the great destruction that took place of the Church property during the Rebellion, means could not be found afterwards to supply the great deficiency which had been caused by the devastations and robberies that had taken place, especially in regard to smaller churches; but at the same time we find that at the Restoration people very liberally replaced in the larger churches and cathedrals altar candlesticks, plate, and ornaments of that kind, which had been destroyed or melted down during the Commonwealth.

51. Will it be correct to say, as a rule, subject of course to exception, that before the Great Rebellion, where you find candles mentioned, you would assume from your general knowledge that they were lighted, but that after the Rebellion the rule was that they would be unlighted?—As a rule I should think they would be, except that we have examples posterior to the Restoration period in which we see they are lighted.

51*a*. On points so minute you have great difficulty in bringing positive evidence one way or the other?—There is great difficulty.

52. (*Bishop of Gloucester.*) I desire only to ask you what you would infer as to the time at which the candles would have been lighted; would they have been lighted at the beginning of the service, at the beginning of the Communion service, or at some particular time in that service?—I find no trace of any interruption of the service for the lighting of the candles; therefore, I presume they were lighted at the beginning of the service.

53. At the beginning of the whole service, or of the Communion service?—As to that I do not think there is any evidence.

54. (*Earl of Harrowby.*) You referred to a procession coming in to light the candles, but it was not said whether it was before or after?—I do not think there is any particular statement on the point.

55. (*Bishop of Gloucester.*) It would be your general opinion, however, that they were not lighted at any period in the Communion service, but lighted at any rate at the commencement of that service?—I conclude so.

56. (*Sir W. P. Wood.*) In the course of your researches have you ascertained what course was pursued by the non-jurors in this matter of lights, or by Sancroft and Ken in their chapels?—There is a form of consecration by Sancroft in which candlesticks are mentioned.

57. As being lighted?—No; it is merely that candlesticks are presented. There is a prayer attached, to be used at the time.*

58. You have not otherwise found any account of it?—No, not as regards the non-jurors specifically.

59. (*Mr Hubbard.*) You have been able to trace for a great many years past the practices of the clergy with reference to altar lights; do you think the practice has been gaining ground recently?—I think it has.

60. Under the impression that the practice is perfectly legal, and in accordance with the feeling of the Church?—I think so, certainly.

61. Do you think that it is a practice which stands on a different ground from the use of vestments or incense, and that it is much more largely adopted?—I should say it has been more largely adopted; though there may not be quite such conclusive proof of its legality, as there is, in my opinion, for the lawfulness of vestments.

62. Have you yourself the same conviction with regard to the use of incense that you have with regard to the use of lights?—Not to the same extent.

63. Have you considered the question of incense by itself?—I have some authorities on the point as to its use during the time before the Rebellion. It was certainly used in the churches by Bishop Andrewes, Archbishop Laud, Bishop Cosin, and others at that time; and I find Herbert, speaking of it, advising that the church should be perfumed with incense.

64. You find individual instances of the use of incense, but do you find any declaration of the Church's voice on the subject of as clear a description as that which is contained in the Injunctions of Edward VI. with regard to lights?—No.

65. Therefore it does not stand on the same clear and distinct ground?—It does not, I think.

66. (*Bishop of London.*)—Am I right in supposing that your contention is simply this, that Queen Elizabeth used these things in her private chapel, and that Archbishop Laud would have been glad to re-introduce them; but that the evidence does not really go beyond that?—I think that they were very generally introduced during the time of Archbishop Laud.

67. Elsewhere than in his private chapel?—Yes.

68. Do you take your stand on what Dr. Donne said?—Rather on the assertions of the Puritans; the complaints that they made.

69. It has been pointed out that these might have been exaggerations, and very likely were?—They might in some cases, while in some cases they seem to be assertions which are not contradicted.

70. With regard to Dr. Donne and these Candlemas practices which you have read about, can you tell us what the practice on Candlemas was?—I believe the practice was to bring a number of lights into the church. The ante-Reformation practice was to celebrate the Purification with lights; hence the origin of the word "Candlemas."†

* Vide (G.), letter, Appendix.
† Vide (H.), letter, ibid.

* Vide (I.), letter, Appendix.
† Vide (J.), letter, ibid.

Rev. J. F. Russell, B.C.L., F.S.A.

28 Nov. 1867.

71. By "lights," do you mean putting lights before the elements on the Lord's table?—Setting them up or bringing them in.

72. Bringing them into the church?—Yes; I have an early picture of the Purification, about the year 1480, in which a guild are represented as holding lights; some are in surplices, and some are not.

73. That is a different practice, is it not, from the lighting of candles on the Communion Table before the elements?—Yes.

74. So that it has nothing to do with it, in fact?—Only so far as that the principle of lights, *i.e.*, their symbolical use, is recognized in both.

75. With regard to the other evidence derived from Dr. Donne, does it not strike you that when he is justifying lights, he is saying that they are not against the law of God, but he is not at all entering into the question of whether they are according to the law of England?—I do not think he goes into that matter.

76. Therefore he is merely saying that, according to primitive practice, there was nothing shocking or wrong religiously, in having lights?—I think so.

77. And when he mentions the number of reformed churches that have lights he alludes to the Lutherans, I suppose?—I imagine so.

78. He seems thereby rather to imply that they are different from us?—In regard to the festival of the Purification he expressly refers, as it would seem, to a practice in the church in which the sermon was preached.

79. In the passage contrasting the Lutherans with us in point of fact it seems to prove that we did not use them; do you not think so?—Well, I am hardly prepared to say that.

80. In some of these cases that you alluded to they were lights at evensong, were they not?—Yes.

81. And then evensong was at 5 o'clock, so that of course they were not lights before the elements of the Lord's supper?—No; there is no trace of late celebrations at that time.

82. They would not have anything to do with that practice?—No.

83. And your attention has been directed to this, that in London it is very difficult to say when you require candles, and when you do not, for the purpose of light?—No doubt.

84. Many of these cases were in London?—Some were; not all.

85. You have known days in London in March, when you could not see at 12 o'clock without candles in your own room?—Yes. But there was no necessity for their being lighted on the Holy Table that I am aware of.

86. Do you happen to have read a book by Canon Oakley, who is now a member of the Roman Catholic Church, in which he describes the state of things while he was a clergyman of the Church of England, and says, "we were delighted with a foggy day, because it enabled us to have the candles lighted"?—I have heard it referred to, but I have not read the book.

87. So that a person who was anxious to have the candles lighted, and knew it was unlawful, might light them on a foggy day, and shelter himself under the fog?—Yes.

88. In fact, all you have endeavoured to prove is that there was a partial practice, and that the practice was under such high sanction that it could not be considered absolutely illegal?—Yes.

89. That is all that you contend for?—I think that it was general to a large extent during the Caroline period.

90. On what do you suppose they justified the legality?—I should say, the ornament rubric, and in particular the Injunction of Edward VI.

91. Not the Prayer Book of Edward VI.?—The Injunction.

92. You have read the decision of the Privy Council on the subject of ornaments generally, in which it seems to be laid down that nothing that is not within the four corners of the Book of Edward VI. can be introduced under that rubric?—I apprehend that the Judicial Committee of the Privy Council rather modified that declaration afterwards, by admitting that there were other things in use in the service, such as organs, for instance, which were not specified in the first Prayer Book of Edward VI.*

93. So that you do not consider that we are bound within the limits of the Book?—No.

94. You grant that there is no authority for the use of lighted candles before the elements, in the Book of Edward VI.?—Only by implication. It is not mentioned, certainly. Other things are not mentioned, which were necessary, and which you cannot suppose could have been designedly omitted; for instance, the coverings of the altar.

95 About incense: in the example you gave to Mr. Hubbard on the subject of incense, do you contend that there is any proof that incense was used devotionally, I will call it, as opposed to use for cleanliness or sanitary purposes?—I think there is such proof; for instance, in the "Plan of Bishop Andrewes chapel," it is stated distinctly that the clerk put incense into a censer "at the reading of the first lesson," whatever that may mean; which would imply a particular time and a particular use.

96. (*Dean of Ely.*) The first case that you quoted to us was that of Dr. Bill preaching before Queen Elizabeth; is there any evidence in that case that the Holy Communion was administered?—I am not aware that there is.

97. There is no evidence therefore that in that case the candles spoken of were used as part of the Holy Communion?—I think not. Perhaps I might find some more evidence upon that point. It does not appear in the quotation.

98. Because the important thing is not whether candles were lighted; but whether they were lighted as a part of the administration of the Holy Sacrament in conformity with the Injunctions of Edward VI?—Yes.†

99. Therefore if the candles were lighted, and it was merely in the service, when the sermon was preached, and so forth, it would not affect that point?—No, so far as regards celebration.

100. In the next case that you gave us, that of Bishop Barlow, I think it is stated distinctly that the service was an afternoon service. It was 5 o'clock in the afternoon; and we hear of an anthem being sung, and so forth?—Yes.

101. Therefore in that case it was clearly not a case of the administration of the Holy Communion?—Just so.

102. In the next instance you gave us, the letter of Sampson to Peter Martyr, he states that three bishops were to officiate before the Queen with candles in a certain way. Is there any evidence that they did officiate in the way that is described, or may it not be merely Sampson's fear as to what they were likely to do?—I think it was more than a fear. I think there can be very little doubt that they did officiate.

103. You have no distinct evidence that they did?—I cannot refer to it at this moment.

104. Perhaps if you find any distinct evidence that they did, you will give a note on the subject?—I will.‡

105. Because unless persons writing in the great panic in which the advanced Reformers were in those days, to their friends on the continent, as to the doings in England, state positively that a thing has been done, of course the weight of their testimony is considerably diminished. It is a different thing to say, "they are going to do so and so," and that they have done it.—In the next case you gave us, the

* Vide (K.), letter, Appendix.
† Vide (L.), letter, ibid.
‡ Vide (M.), letter, ibid.

Rev. J. F. Russell, B.C.L., F.S.A.

28 Nov. 1867.

writer of the work, I think, was a Roman Catholic. Stapleton ?—Yes.

105. And the words that he used are, "Why burn "not Protestants lights as Her Majesty does?" That would seem, I suppose, to be evidence that the supposed practice in Her Majesty's chapel was an exceptional practice, would it not ?—Yes.

107. Because he says, "Why do Protestants not burn lights as Her Majesty does?" which seems to imply that in common parish churches the practice of Her Majesty's chapel was not carried out?—That it was not general, at least.

108. In the next instance that you gave us, the extract from an inventory of articles connected with the christening of a child of Lady Cicile, at the Palace of Westminster, among the ornaments were enumerated "two candlesticks with lights;" that being in an inventory, I presume that "lights" simply meant candles?—It was not an inventory. It is a description of what took place at the time. It is a description of the chapel furniture.

109. Is it stated that the candles were lighted ?—Merely "lights." I believe the service was in the evening

110. Then it has no connexion with the use of lights at the Holy Sacrament?—No, not necessarily.

111. And not possibly ?—No.

112. You mentioned that tapers were to be taken by the Prince Charles to Madrid. Do you think it possible that as Prince Charles was going to a Roman Catholic country to court a Roman Catholic princess, he would have his chapel arranged with something like exceptional grandeur for that purpose ?—I should apprehend that would have been rather a compromise of principle, and that he simply followed the rule at home. I think Bishop Andrewes may have had to do with that arrangement, and he in his chapel had the same ornaments; and it would appear that they were the same in the chapel of James the First, and, as we read, of Charles the First.

113. Was Andrewes a bishop at the time Prince Charles went to Madrid ?—He was.

114. (*Earl of Harrowby*). Bishop of London ?—No; Bishop of Winchester.

115. (*Dean of Ely.*) It is stated, I think, in "Canterbury's Doom," that candles were burning in Laud's chapel in the daytime ?—Yes, I infer so.

116. And it is made an accusation against him on the ground that they were never used in his predecessor's days ?—They were regarded as an innovation which he justified on the example of the King's chapel

117. The charge was that they "were never used in his predecessor's days." Those words are correct ?—In the days of Archbishop Abbot, who had not used them.

118. Those are the correct words ?—Yes.

119. He justified them on the ground that they were in imitation of the chapel at Whitehall ?—Yes.

120. Therefore we are again referred to the Royal Chapel as the example ?—Yes.

121. The next case that you gave us was, I think, a quotation from a book called the "Lambeth Fair;" in those verses that you quoted the charge is about the using of lights at matins and evensong ?—Yes.

122. The two are thrown together; therefore it would seem that in that case there is no special reference to the use of lights as a part of the Holy Communion ?—Not necessarily.

123. It is evensong as much as the other ?—It is an example of the use of lights in the daytime.

124. But not the use of lights as part of the Holy Communion ?—No.

125. In a quotation that you gave us as to certain demands of the Puritans in the year 1605, the date of James the First, there are a number of things which they wished to be taken away; they say "as "for copes, candles at noondays, &c., we affirm that "they ought to be cast away;" do you regard that as evidence of the general use of candles at noonday, or what conclusion do you draw from it ?—That they were in use, I will not say "general use," but in frequent use in churches, or else they would not have been made a cause of complaint.

126. Then, there is no distinct connexion with the lighting at the Holy Communion ?—Only that "noonday" would seem to imply that it would be about the time of the late or "high" celebration, after the morning service.

127. You next instanced, from "Neale's History of the Puritans," a speech by Warminstre as to why we should have candles in the daytime; that you mentioned as being doubtful, therefore I say nothing about it ?—Ambiguous.

128. In the next instance I think you quoted Prynne, as saying that Laud corrupted all our churches with tapers ?—Yes.

129. Do you infer from that, that before Laud's time there were no tapers in the churches, or what do you infer ?—I apprehend that there had been a great relaxation of discipline, and that he re-introduced those in common with other things at that time which he thought desirable and lawful.

130. When Laud became Archbishop of Canterbury do you suppose that the churches were free from tapers and that he re-introduced them ?—To a great extent.

131. In Nalson's "Impartial Collection" it is stated that it was ordered by the House of Commons to remove "the Communion Table and to take away the rails," and so forth, "and other things which were not there until the recent innovations." Those recent innovations of course were Laud's innovations ?—We may suppose so.

132. And that also seems to imply that those candles were introduced by Laud, and were not there before ?—To a great extent.

133. With regard to the articles of impeachment of Dr. Cosin, at Durham, do you think that all the charges made against him there are worthy of credit ?—I believe they were exaggerated in some respects.

134. Some of them, if I remember right, he distinctly denies ?—Yes.

135. Therefore the assertion concerning the excessive number of candles and the way in which they are lighted would be liable to doubt ?—I think he denies the excessive number of candles, but no more. He does not deny the manner in which they were lighted.

136. That was on Candlemas night ?—Yes.

137. So that it was for illumination, but as the Puritans thought, for excessive illumination ?—It was stated that it was before dark; that they were not necessary for light.

138. In the picture you showed to us of Peterborough Cathedral you said that there were lighted candles upon the altar; was the altar in that case prepared for the Holy Communion ?—No, I think not.

139. Therefore that also has no bearing whatever upon this special point ?—No.

140. So that in that picture at Peterborough there is no evidence whatever of the use of candles lighted in the Holy Communion ?—No.

141. But there is evidence that they were lighted at other times apparently ?—Yes.

142. In the corresponding case you referred to, the picture upon which Addison's poem was made, at Magdalen College, Oxford, there is there also, you say, a picture of an altar with candles lighted; can you tell us whether in that case the altar is prepared for the Holy Communion ?—There are no sacramental vessels upon it; there are books.

143. No special preparation for the Holy Communion ?—No.

144. In the case of the picture of 1698, of the altar in St. Paul's, prepared for Holy Communion, you stated that the lights were burning ?—So I am informed. I have not seen the picture.

145. Then the only case in which we have a pictorial

Rev. J. F. Russell, B.C.L., F.S.A.

28 Nov. 1867.

representation of the altar prepared for the Holy Communion, with lights burning, is subsequent to the Revolution of 1688?—Yes.*

146. It is a striking fact that the strongest case for lights upon the altar should be, not during the Laudian period, but subsequent to the Revolution of 1688?—There is, I believe, another engraving of a later time, I think of a marriage, in which the candles are represented as lighted, but I cannot refer to it now.†

147. That is during a marriage?—Yes, I think a royal marriage.

148. I wish to refer to one phrase in that passage which you were good enough to quote from Dr. Donne in which he defends lights. He speaks of their being used in "all churches." By "all churches," of course he does not mean churches in this country, but churches throughout the world in different ages?—Yes.

149. And that passage from Dr. Donne is not at all a defence of a practice in the Church of England, but a general defence of lights upon their own merits as a part of divine worship?—Yes.

150. Can you tell us whether the churchwarden's accounts give any evidence concerning the consumption of wax candles in parish churches?—I think there are a few references to the use of candles on certain festivals, Christmas day and so forth.

151. I will read a few lines, which occur as part of the Report of the Committee of the Lower House of the Convocation of Canterbury on this subject, and I wish to ask you whether they coincide with your own view of the case:—"The subsequent "history of altar lights is involved in much obscurity, "but candles and candlesticks have remained to the "present day in cathedrals, collegiate churches, "royal chapels, and in many parish churches. In "some instances the candles appear to have been "lighted during the celebration of the Holy Com-"munion, but the instances which can be quoted are "few, and the evidence not beyond question?"—I quite agree with that statement.‡

152. (*Sir J. Napier.*) I observe that in page 329 of the Hierurgia Anglicana you quote from a work published by divers ministers of sundry counties in England, in which they say, "not content with this, "they must have all, except candles lighted, that are "upon the Popish altars where Mass is used upon their "high altar?"—Yes.

153. Would you collect from that, that at that time in the parish churches they used lighted candles?—They were not lighted, I apprehend, at that time.

154. That is shortly before the Savoy Conference?—Yes; very shortly after the Restoration.

155. From your research you would say that the general use at that time in England was not to light the candles?—I should think not. They were not lighted in the day-time.

156. Are there any reliable instances that would go to show the general use of the parochial clergy, in the parochial churches, with regard to lighting candles at the Communion?—I am not aware of any.

157. You have given us all that your research could supply?—In the main. There may be more, but I think I have given generally the result of my inquiry.

158. (*Earl of Harrowby.*) You are aware that Laud was offered a cardinal's hat by the Pope?—Which he refused.

159. (*Mr. Beresford Hope.*) The Bishop of London very properly pointed out to you, that which we all feel, that the subject on which Dr. Donne's sermon was preached was Candlemas day, which was an exceptional case?—Yes.

160. Then I think his lordship went on to ask you, and you assented, that therefore there was no parity or connection between Candlemas day and burning the lights upon the Lord's Table at the Sacrament?—Yes.

161. Do you stand to that?—Yes.

162. Then standing to that, how would you explain this, that the Injunction of 1547 gives as the reason for these lights "before the Sacrament," whatever they be, that Christ is the "very true Light of the world," and that the origin of Candlemas day symbolism is the passage in the song of Simeon, "a light to lighten the Gentiles"?—I should say that Dr. Donne defended the symbolical use of lights, and for the same reason that is alleged in the Injunction.

163. Is not there a very strong family likeness between the general reason of the Injunction and the particular reason for a large illumination on Candlemas day?—The purport of the symbolism would, I consider, be the same.

164. Therefore if you assume the symbolism to be innocent and devoid of superstition, the two would, as the lawyers say, pretty well run on all fours?—Exactly.

165. Therefore, is it your opinion (I ask you as a person who has studied the matter) that if it be an innocent and edifying thing to have lights on Candlemas day, in special memory of the "light" of the *Nunc Dimittis*, the same principle might apply to having them on other days?—I think so, certainly.

166. And, without going into doctrinal questions, with which we have nothing to do here, considering how very near the ceremonial of the Lord's Supper brings us to the idea of our Lord, there might be a special congruity in having lights during the time of the celebration of the Lord's Supper?—There would be, I think, certainly.

167. Carrying out the idea which the *Nunc Dimittis* gives us?—Yes.

168. Do I understand you to tell us that, though the instances are few, and some of them not beyond suspicion, you believe there might be a good deal more behind,—a great many more instances of lighted tapers on the Lord's Table, in the Church of England?—It is very possible that there might be, because the evidence that has been obtained is not nearly so much as might possibly be obtained in the writings of that period.

169. You think the writings of that period have not been well overhauled?—Not thoroughly.

170. Nor the parish registers?—I should say, certainly not.

171. You think an inquiry, conducted by a careful archæologist, might get more out?—I think it might, because we have discovered things recently that were not known before.

172. By "we," you mean archæologists?—Yes, generally, and those who are interested in this question.

173. And you think, then, that even the 15,000 clergy of the Church of England, though they may not all of them be antiquarians, might discover a little by looking at their old registers?—It is very likely.

174. It is a question, in fact, that has not been sifted?—Not sufficiently.

175. For example, if you had had more than half a day's notice to appear before us to day, you might have had more to tell us?—It is possible that I might.

176. In fact, you have merely come up to give us extemporary evidence?—Exactly. I only had notice of attendance last night.

177. Your thoughts had not been turning on this matter particularly?—Not very recently.

178. Then you think the haze that overlies the whole matter may, without pronouncing any opinion, tell as much for one side as for the other?—Yes. I think that a great deal might be yet discovered on the point which has not yet been discovered.

179. Then you think it is quite possible that the custom of lighted tapers, though not a general one, may have been in vogue over various parts of the country?—Certainly, during the Caroline period.

* Vide (N.) letter, Appendix.
† Vide (O.), letter, ibid.
‡ Vide (P.), letter, ibid.

180. And possibly during Queen Elizabeth's reign?—And possibly at other times.

181. That being the case, how can you defend the very modified answer you gave the Bishop of London, that it was not absolutely illegal?—I consider it is perfectly legal; I meant that it was legal, though perhaps not very customary.

182. Then by saying that it was not absolutely illegal, you meant it was legal, but not customary?—Yes, that there was certainly legal authority for the use, though it might not have been very generally acted upon.

183. Do you think, as an expert, as a person who understands the investigation of documents, you—I do not mean you alone but inquirers—could by further research find out more of what has happened since 1688 than we know at present?—I think it is very likely.

184. The Dean of Ely pointed out to you that there were no sacramental elements or vessels represented on the Lord's Table in the Peterborough picture; has it occurred to you that these need not and would not have been put on the Table till the offertory?—They need not, of course.

185. Then that may be a picture of the Lord's Table at Peterborough as dressed for the Communion at the beginning of the Communion Service?—Provided the linen cloth is visible, which may be questioned.

186. I suppose you have studied the rubrics as well as the mere architectural and artistic adornments of the Church?—Yes.

187. You offer yourself as a theological expert?—Yes.

188. Does it seem to you that, supposing it were lawful to light the candles at other services, there is anything so peculiarly different in the Communion service as to make them incongruous for that service, if they were congruous for other services?—Certainly not; they would be more congruous for the Communion than for any other service.

189. Then you do not think that that instance of the candles that were lighted at the evening service, on March 24th, in Elizabeth's reign, which was the first evensong of the Annunciation, and was therefore probably observed with special pomp, would militate against their being lighted at a morning service, or a morning Communion?—Certainly not.

190. Have you had much experience of the habits and customs of our own day in church?—In many churches the lights are lighted at evensong as well as at the celebration, and in many churches they are not lighted at the celebration, and are lighted at evensong.

191. And in other churches they are lighted at both?—Yes.

192. And some are only lighted at celebration, and not at evensong?—Yes.

193. There are a great many churches and chapels in which there are candlesticks and tapers on the Lord's Table, when they are only lighted in a fog, or at evensong?—Yes.

194. Do you apprehend that any proportion of the incumbents of these churches would like to carry out the symbolism of the Injunction, but do not light the candles out of prudence, or out of deference to Dr. Lushington's dictum?—I think that many forbear to do it on account of the offence it might give to their congregations, but I doubt whether this forbearance is due, in any case, solely to Dr. Lushington's opinion.

195. (*Earl of Harrowby.*) You said that you found that there were in churchwardens' accounts statements of expenses incurred for wax-lights at certain festivals?—There are one or two allusions to it, which I might mention.

196. Were those confined to those festivals?—That I cannot say.

197. You mentioned that they were for certain festivals?—I think there are one or two I might mention. "Paid for four pounds of candles upon Christmas day, in the morning, for the Mass, 12*d*." That is in the churchwardens' account in the parish of Abington, Berkshire, in 1561, Hierurgia, p. 3.

198. You have an account of the expenses incurred of that nature, but no mention of any expenditure for wax-candles?—No, I have not.

199. That would seem to imply that, as far as you had information, no expenditure was incurred, by the parish at least, for wax candles, except on festivals?—I should imagine not. Probably many examples might be given if they were sought for, of this kind.

200. Have you not been seeking for all these things for some time?—Not lately.

201. People who are interested in the subject have done so?—I think there have been examples given in other places.

202. These examples are of the general expenditure of the churchwardens?—I think not, but for specific purposes.

203. (*Mr. J. Abel Smith.*) It appeared to me that of the instances you gave, a large proportion were drawn from protests by those who disagreed with the use of candles, and the only instance of defence you gave us, that I am aware of, was that of Dr. Donne's sermon. Can you account for the fact of those persons who approved of the use of candles not saying anything in answer to so many violent protests that you have alluded to?—I am not aware of all that has been said on the other side. But in reference to one case in particular, in regard to Archbishop Laud, he defends the practice on the the authority of the Chapel Royal, and there might have been many other examples, which have not come down to us, of the same kind.

204. Do I understand that you have not sought for these arguments?—I have not come across them. The statements are of such a general kind on the part of the Puritans that it would be difficult, probably to find that other parties had replied severally to those statements. They are statements, which seem to have caused great disturbance and trouble at the time. The Puritans made these accusations very confidently; and we have the proof of the candlesticks being removed by authority of Parliament from the churches when the Parliament had power to do so.

205. Am I right in supposing that you mean that as far as you know there is no published defence of the use of candles except the one you have alluded to?—I am not aware of any particular one in regard to lights in the day-time.

206. I think your evidence with regard to the use of candles came down to the close of the 17th century?—Yes.

207. Do you know at all what has been the practice in parish churches during the last century?—I am not prepared to say. There have been candles and candlesticks on the altar during that period, but whether they have been lighted at celebration I cannot say.

208. Have you any belief that they were lighted?—I am not prepared to say. I do not know.*

209. You do not know what the practice of the Church of England was, generally, during the last century?—I apprehend it was very slovenly, that things ritual were neglected very much, and that this would have been neglected in particular, being expensive.†

210. (*Sir Travers Twiss.*) You made use of an expression about Archbishop Laud "enforcing the rubric," what rubric do you allude to?—I allude to the general regulations of the Church, as set forth in the Prayer Book and Canons.

211. You use the term "rubric" in a general sense?—Yes.

212. Are you aware of any instance in which Archbishop Laud required by authority the lighting of candles in the parish churches at the Commu-

* Vide (Q.), letter, Appendix.

† Vide (R.), letter, ibid.

Rev. J. F. Russell, B.C.L., F.S.A.

28 Nov. 1867.

nion service?—I am not prepared to produce any example.

213. Have you any instance that you know of? I think in that book, the Hierurgia, there is a reference to the Visitation Articles of Bishop Montague?—Yes.

214. Bishop Montague was a bishop who approved of ornate ceremonial, I think?—Yes.

215. Are you aware whether in those Articles of inquiry, to which your attention has been called, there was any requirement on his part to use lighted candles at the Communion service?—I think not.

216. He does go specially into what he conceives to be required for the celebration of the Communion, I think, does he not?—He does.

217. I think you have a reference to bowing to the altar?—Yes.

218. Have you any instance that you know of Bishop Andrewes, in his Articles, inquiring into the use of lighted candles?—No.

219. In fact, I gather from what you say, that there are no Articles of Visitation that you are acquainted with, in which they are required to be used?—Not that I am aware of.

220. (*Earl Beauchamp.*) Do you mean you are not acquainted with Bishop Andrewes' Visitation Articles, or that they do not contain the statement?—I am not aware that there are any extant. I do not know of any.

221. (*Earl of Harrowby.*) Are there Visitation Articles of every bishop in those days?—Not in existence.

222. (*Sir Travers Twiss.*) Are you aware whether there are any Visitation Articles of Bishop Andrewes?—I am not aware that there are.

223. Are you familiar with Bishop Andrewes's works in the Anglo-Catholic Library?—I am familiar with some of Andrewes's works but not with the reprints of them in the Anglo Catholic Library.

224. You are not aware whether there are Visitation Articles in that collection?—I am not aware that there are.*

225. It was suggested, I think, at the Savoy Conference, that the Puritans raised no objection to lights?—They raised a strong objection to the authority of the ornament rubric. They did not specify lights that I am aware of.

226. You referred to the Injunctions of Edward the Sixth?—Yes.

227. Are you aware that by those Injunctions all candlesticks are directed to be removed from the churches?—All those that had been in use for superstitious purposes.

228. There is no exception in the passage?—All those that had been in use for superstitious purposes are to be removed.

229. I will read the passage. I gather, of course, and you are entitled to the inference, that by referring to those lights previously they would be an exception. I refer to the articles of 1547. The contention on this part of the case is that in the first Prayer Book of Edward the Sixth, there is a reference in the rubric at the end of the Communion service that on Wednesdays and Fridays the English Litany shall be read in the form authorized by the Injunctions?—Which recognised the authority of the Injunctions.

230. The Injunctions are referred to as the directory for this Litany, and it is stated in those Injunctions that "immediately before high Mass the priests "with other of the choir shall kneel in the midst of "the church, and sing or say plainly and distinctly the "Litany which is set forth in English, with all the "suffrages following, and none other procession or "Litany to be had or used but the said Litany in Eng-"lish, adding nothing thereto but as the King's Grace "shall hereafter appoint." There at once we see that it was very apposite to point to these Injunctions as furnishing the rule for this English Litany. I do not wish to enter on the legal question at all, but I only ask the question as you have referred to these Injunctions, not in regard to the Litany, but for the purpose of illustrating or supporting the view in regard to the altar lights. I only wish to ask you if these Injunctions are taken to be revived or re-enacted in substance by the Act of Parliament, whether you are aware of this provision in the Injunctions,—28th of the Injunctions of 1547, page 17: "That they shall take away, utterly extinct, and "destroy all shrines, covering of shrines, all tables, "candlesticks, trindils or rolls of wax, pictures, paint-"ings, and all other monuments of foreign miracles, "pilgrimages, idolatry, and superstition: so that "there remain no memory of the same in walls, glass "windows, or elsewhere, within their churches or "houses." That is an Injunction to remove "all "candlesticks"?—Yes.

231. The other passage to which reference is made in regard to the altar lights is this passage: "But only "two lights upon the high altar before the Sacra-"ment, which for the signification that Christ is "the very true Light of the world, they shall suffer "to remain still." Now from your reading in regard to the practice of Archbishop Laud or the Royal Chapel, or any of the episcopal chapels of this period, do you conceive that what is directed to be done by this Injunction was done in respect to the altar lights?—I apprehend that it was with a view of obeying that Injunction that the altar lights were used.

232. Do you find, as a matter of fact, that the two lights were placed before the Sacrament?—I think that they were used at celebration.

233. What do you understand by the words "be-"fore the Sacrament"?—Simply at the celebration. The statement "before the Sacrament" may be rather ambiguous. I am perfectly satisfied that it had not to do with the reserved Sacrament; that it was not before a Sacrament that was reserved in a pyx, or in a tabernacle, or in an aumbrye that the lights were to be used; but as they had heretofore been used at the celebration.

234. My object was to ask you, if it was within your own knowledge, to point out to us, looking at the expression of Laud, "enforcing the rubric and "the law" upon this point, whether you find from these statements that Laud had set up the two lights upon the high altar before the Sacrament?—Not before a reserved Sacrament. There was no reserved Sacrament at that time.

235. Were there lights set up in front of the Sacrament?—I suppose they were burned, as they had been before, and are now, on the altar, usually at each end of the altar, during the celebration. I do not think any such sense can be imposed on the word "before," as would imply a reservation, which I do not believe was admitted at that time. The custom had been abolished, I think, even at the time of the issuing of the Injunctions, certainly in 1548, and that all that was done previously was, certainly not to burn lights before a reserved Sacrament, but simply to have a lamp or one light, (a mere wick floating in oil in a cresset,) to mark where it was, as we see to this day in foreign countries. I think it is a perfectly distinct custom from the other.*

236. (*Earl Beauchamp.*) You would translate "before the Sacrament" *ante Sacramentum*, not *coram Sacramento*?—I would conceive it to mean at the celebration.

237. That would be *ante Sacramentum*?—Yes. I do not think any great stress should be laid on the word. I think the tradition has always been kept up, and that the two candles were to be on the altar at the celebration whether lighted or unlighted.

238. (*Dean of Lincoln.*) You have referred to authorities which describe, as regards the use of lights, the practice in the private chapel of Queen Elizabeth?—Yes.

239. Do you consider that such authorities describe

* Vide (S.), letter, Appendix.

* Vide (T.), letter, Appendix.

the common and general, or a peculiar and exceptional practice?—The practice might have been to a certain extent exceptional, but I think that the Queen continued the practice supposing that she was legally authorized to do so.

240. If exceptional, does it not lead us to conclude that, notwithstanding the known wishes and influence of the Queen, she was unable to bring about a practice which was found to give so much offence to large classes of society?—I think that she found that in that, and many other ritual practices she was obliged to give way to the Puritanical feeling of the time, which militated equally against Archbishop Parker's endeavours to provide even decent conformity to the regulations of the Prayer Book, which he had great difficulty in enforcing, and could not fully enforce after all.

241. You have quoted, in support of your views respecting the practice and opinions of some of our eminent divines, the assertions of opponents and satirists; do you think that the opponents and satirists are witnesses on whose testimony we can rely?—To a great extent. Their statements were perhaps exaggerated; but there must have been some cause for so much remark on the subject. If the offence had not been given, the complaints would not have existed.

242. (*Rev. H. Venn.*) May I ask you, in continuation of the question that has just been put to you, whether you have read Archbishop Laud's own answer to the charges against him?—Some time ago. I have read a good part of his answer, but I think he fully admits and justifies a great deal that was alleged against him.

243. Are you aware that he denies the truth of the greater part of them?—I am not aware that he denies anything in regard to the charges with respect to the altar candles. I think he may have said that the statements were exaggerated, the same as Bishop Cosin did, but I cannot at this moment refer to the passages, nor have I read them very recently, therefore I cannot speak definitely upon them.

244. You have probably compared together those publications of Prynne in a general way, and the way in which Laud met those charges?—I have compared the attacks upon Laud by Prynne, Burton, and others, and Laud's speech, which he made in the Star Chamber at the Censure of Bastwick, Burton, and Prynne. The points he takes up are principally the position of the Holy Table, *i.e.*, "altarwise at the upper end of the chancel," and what was then called the adoration towards the altar, which he very strenuously defends, and quotes the precedent of the Knights of the Garter, and others who had done it all along. He quotes Bishop Jewel in defence of it. I think the candles were not mentioned.

245. He mentions those as the two ceremonies which he, if allowed, would introduce?—Those were specifically mentioned. I do not think that Laud in that speech refers to candlesticks. At all events, Laud does not take any notice of any attack respecting them. He dwells only on certain specific points, adoration towards the altar, the position of the altar; and I think there may be some other minor things.

246. And the rails?—Yes. But the kneeling at the altar and the position of the altar were objected to as strongly as the candles.

247. I understand you are not prepared to say that Laud ever admitted the charge that he introduced lights upon the altar?—I am not prepared to say that he admitted it; but he quotes, as I stated, the authority of the King's chapel for his own practice, and he quotes Bishop Andrewes as his example on these points. So far he does defend the use of the candles.

248. I do not quite see what you mean. You say he does not, and then that he does?—He certainly quotes, as I have stated, the authority of the King's Chapel and of Bishop Andrewes.*

249. I think I understood from you that you consider the right to put candles upon the altar arises from the Injunctions of 1547?—Yes.

250. Do you recollect whether these were before an act of uniformity or not?—Before.

251. Therefore they were before there was any rubric?—They were before the introduction of the first Book.

252. Are you aware that after that first Book was introduced there were other royal Injunctions issued in 1549?—Archbishop Cranmer issued, not Injunctions, but Articles of inquiry founded upon the Injunctions of 1547, in which he asks whether the two candles remain.

253. I am not alluding to that; I am alluding to what were sometimes called "Articles of Royal Visitation," issued in 1549?—I believe there is some doubt as to the time when they were issued; I think they were issued later, and not in the second year of Edward VI.

254. Do you recollect those Injunctions?—I am not certain that I do recollect any undoubted Royal Injunctions of 1549.

255. And that there are these words in them "Item for an uniformity: that no minister do counter-"feit the Popish mass;" and then it goes through a great many particulars; "or setting any light upon the "Lord's board at any time"?—Yes; I believe it has been argued by the present Lord Chancellor that it might not refer to that distinct practice; that it might refer to the practice of putting candles on and off the Holy Table during celebration.

256. Your attention has been drawn to this?—Yes, I have noticed it; I remember it.

257. And therefore, *primâ facie*, it requires the removal of the lights?—I think it need not refer to that particular custom of using the two lights at the celebration.

258. You think you must give some interpretation to this in order to get rid of what appears a direct royal prohibition?—I cannot say that it was so at that time. It was later than the second year of Edward VI., whatever authority it might have, which I am not at this moment disposed to say, because I have not thoroughly gone into the matter.

259. I will read the next few lines. "And finally "to use no other ceremonies than are appointed in "the King's Book of Common Prayer"?—Yes.

260. It is clear, therefore, that it was published after the King's Book of Common Prayer?—Yes.

261. The former Injunctions being before the King's Book was out, and this is after the King's Book was out?—In the fourth year at least.

262. You are aware that these matters, as you stated, were very much debated in the time of the Charleses?—Yes.

263. Do you recollect that it was a common expression among some of the Church authorities, as against the Puritans, that they were accustomed to say that the Church had reserved only three ceremonies, which they called the three "innocent" ceremonies?—I am not aware of any specific statement of the kind. I know that there were three or more ceremonies which were very much objected to.

264. I am now asking, on the other hand, whether those three were defended?—They were generally imposed, I apprehend, and the others were not.

265. Do you recollect what those three ceremonies were?—One would be the cross in baptism; then, I suppose, kneeling at the rails; and the ring in marriage. There were other things that the Puritans objected to very strongly as well.

266. Those were the three ceremonies which the defenders of our ritual maintained?—Yes, but not those only.

267. Perhaps you recollect the name of Bishop Morton?—Yes.

268. And that he wrote a book entitled "A Treatise "on the Three innocent Ceremonies of the Church of "England"?—I do not remember the book by that name.

269. If the lights on the altar had been then con-

* Vide (U.) letter, Appendix.

Rev. J. F. Russell, B.C.L., F.S.A.

28 Nov. 1867.

tended for by Bishop Morton, or any of those parties who defended that, there would have been more than three ceremonies?—There were undoubtedly more ceremonies objected to than those.

270. Defended as ceremonies of the Church of England?—There were other ceremonies or observances objected to, which were equally ceremonies of the Church of England, such as the use of godfathers and godmothers.

271. Those are not ceremonies?—No, not exactly; but, for instance, the bowing at the Holy Name.

272. My argument is that when Bishop Morton published a tract on the three ceremonies, and defended them as the only three the Church of England adopted, it was excluding lights on the altar?—Then it equally excluded the surplice.

273. That is not a ceremony?—It was deemed so; but if not strictly so, neither is the other. One is an ornament of the clergy, the other is an ornament of the church.

274. When we come to later days, to the Savoy Conference, to which you have alluded, are you aware of the subject of lights then being brought into discussion?—I am not aware of anything particular on the point.

275. You are not aware of this remark which Baxter makes:—"Dr. Bates urged Dr. Gunning, "that on the same reasons they so imposed the cross "and surplice they might bring in holy water, lights, "and abundance of such ceremonies of Rome which "we have cast out"?—Dr. Gunning, I think, said "the more the better" or something of that kind.

276. "And so I think we ought to have had more "and not fewer, if we do well." Therefore Dr. Bates takes it for granted that lights were cast out?—Well, that I cannot say.

277. And Dr. Gunning allows that they were, and only regrets it?—That depends, perhaps, upon what lights were referred to.

278. I think there cannot be a doubt in your mind as to what is meant by "lights"?—The altar lights had been in use prior to the Rebellion certainly.

279. However, you recollect this?—Yes.

280. And as far as Dr. Bates, Richard Baxter, and Dr. Gunning go, they all allowed that lights were cast out?—Yes.

281. You mentioned Mr. Stapleton and his work, a Roman Catholic work, attacking our Prayer Book?—Yes.

282. Are you aware whether any answer was given to that?—I am not prepared to say.

283. It would make a strong case if an answer were given to it saying, "We have cast them out"?—Yes; but the fact was unquestioned at the time, that Elizabeth did burn altar lights, and it is confirmed by other statements which we have

284. The Church of England was reproached for not burning lights as the sovereign did?—"Protestants" were so.*

285. The answer to that is what you would like to find?—Yes, I am not acquainted with that.

286. Do you remember in the case of Jewel that anything of the same kind was said by his opponent Harding?—I am not aware that there is.

287. Because Harding charged the same thing, and Jewel answered him. Jewel's answer was, "We have cast them out"?—Yes (*spoken doubtfully.*)†

288. (*Dr. Payne Smith.*) Allusion has just been made to the Articles of 1549. Those, I think, followed the publication of the first Prayer Book of King Edward, do they not? At all events, they were subsequent?—Yes, certainly.

289. And their object, in fact, was to amend the previous Injunctions of King Edward?—I presume so, but I am not aware of the authority under which they were issued. I think there is some doubt upon it.

290. They are called "Articles to be followed and "observed according to the King's Majesty's Injunc- "tions and proceedings." The first is "that all "parsons, vicars, and curates omit in the reading of "the injunctions all such as make mention of the "Popish Mass or chantries, or candles upon the altar, "or any other such thing." Do you not think it follows from that that the king abolished the previous authorities for having lights upon the high altar?—Admitting that, for the sake of argument,—I would say then that the authority had been in existence before, namely, in the second year; and that we have nothing to do with what took place after the second year. This was subsequent to the second year, therefore, the fact of their having been abolished by authority, if it were so, after the second year, shows that they were existing, by authority in the second year.

291. There is here an authority for the disuse?—There is very little doubt that they were prohibited by some episcopal Injunctions, at a subsequent period to the time of their first introduction, but not during the second year, and we find from the Inventories, that the candlesticks were allowed to remain in a great number of instances up to the fifth or sixth year of Edward the Sixth; and in fact up to the putting forth of the second Prayer Book.

292. Still, passing over your argument, it would bear on the meaning of the present rubric, as to what things were retained. If there be proof here that these things had been abolished, of course they could not very well be the things spoken of in the present rubric as being retained? At all events, that may be used as an argument?—I do not lay any stress on the word "retained" in that sense. I think the rubric binds us to use the same ornaments as were "in this Church of England" in the second year of Edward the Sixth, and that anything done subsequently to that year has nothing to do with the question. The words "shall be retained" may as reasonably be understood in a prospective as in a retrospective sense.*

293. Would not these Articles throw light on the Prayer Book of Edward the Sixth in that place?—I think not, at the time of its issue. They may have been put forth afterwards to amend it perhaps, or to interfere with it in some way in preparation for the second Book.

294. I think your evidence then goes on to refer to the use of the candlesticks by Queen Elizabeth as an authority for them:—did not Queen Elizabeth in her Injunctions of 1559 expressly abolish candles and rolls of wax?—That is almost word for word with the Injunctions of Edward the Sixth, which include the order for the altar lights.

295. She does not include it; she mentions the abolition of candlesticks?—Certainly. I do not see that that has any weight, because it is only copied from the Injunction of Edward the Sixth.

296. Edward the Sixth's Injunction had an exception, and this had not?—Yes, she leaves out the exception.

297. The exception is omitted, and it is made more general?—Yes.†

298. Is it not the case that at the commencement of Queen Elizabeth's reign it was uncertain which way her own feelings were; with respect, for instance to the evidence you gave of Sampson, was he not a man of rather extreme opinions?—Yes.

299. And one who even suffered imprisonment rather than wear a surplice?—Yes.

300. And even was deprived of the deanery of Christchurch?—Yes.

301. Would not the evidence which you gave as to his letter to Peter Martyr rather be the alarm that he felt during the time when the Queen's personal feelings were uncertain, than anything founded on fact?—We have the authority of Cosin for stating

* Vide (V.), letter, Appendix.
† Vide (W.), letter, ibid.

* Vide (X.), letter, Appendix.
† Vide (Y.), letter, ibid.

Rev. J. F. Russell, B.C.L., F.S.A.

28 Nov. 1867.

that the candles were retained in her chapel during her reign.

302. Would not the explanation of this letter of Sampson to Peter Martyr be that the Queen's position being at first uncertain, and nobody knowing which side she would take, he was alarmed?—He might have been alarmed, but he was alarmed at the ceremonies that were to be imposed upon the clergy who were going to officiate.

303. Is it not the fact that the first indication of the Queen's feeling was when the Bishop of Carlisle, Dr. Oglethorpe, was about to celebrate the Communion before her?—Yes.*

304. And up to that time there was great alarm on the part of the Protestants as to what course she might take, which would explain his feeling?—Yes.

305. What time did you say was the usual time for matins and evensong?—Matins would be early in the day, I apprehend, and evensong would be in the afternoon.

306. You think that matins would not be so early as that lights would be wanted for the purpose of giving light?—Not necessarily.

307. You referred to Bishop Cosin and the accusation as to there being an immense number of candles at Candlemas. Was he not also accused of having service at 6 o'clock in the morning?—He had an early service.

308. Would not lights be wanted for the natural purpose of giving light?—Yes, but not on the altar.

309. That was one of the accusations against him?—Yes.

310. In fact, generally, were the services very early?—Yes.

311. Does not Strype mention that the consecration of Archbishop Parker was between five and six in the morning?—I am not aware.

312. You are the editor of the Hierurgia Anglicana?—Yes.

313. It is quoted there?—I cannot remember everything that is in the book.

314. Is it not also the case that Archbishop Parker in his visitations ordered the service to be by 8 o'clock in the morning?—That, I apprehend, would not require candle light, but of course circumstances have altered since then.

315. Is it not mentioned that Archbishop Laud consecrated a church at 9 o'clock in the morning?—I cannot state exactly.

316. Generally, I think, the services were early?—They were early undoubtedly.

317. And the same with regard to evensong?—Yes, undoubtedly.

318. In the first case you mentioned, after the sermon was over, at 5 o'clock in the afternoon, they then proceeded to evensong?—Yes.

319. So that, in fact, the lights may have been required both at matins and evensong for the natural purpose of giving light?—They might possibly; not necessarily.

320. They might have been retained for that purpose?—Yes; but there was no service at the Holy Table that would require lights there in particular.

321. With regard to the baptism of the child of Lady Cecile, does not it say, not merely that they were lights, but lights of a certain kind of wax?—Virgin wax.

322. Does not that rather prove that the word "lights" there means candles?—I do not think it need prove it.

323. It mentions what they were made of?—Yes.

324. A light of virgin wax, as long as it was of wax, must be a taper?—Yes.

325. Consequently, so far as the literal construction goes, it suggests that they were tapers?—Wax candles are called tapers; I believe the technical term for candles on the altar would be "altar tapers;" they are usually tapering.†

326. That is no proof that they were lighted, their being called lights of virgin wax?—If I am not mistaken, candles are specified as well in other parts of the statement.

327. I think the word "lights" continually occurs all through?—It does occur, but I am satisfied that service was late in the evening from the account.

328. And something exceptional?—Yes. There were other times at which the same thing was done. I could have alleged other examples where there were ceremonies in which the candles were used on the altar, though not specifically stated to be lighted.

329. In the third part of the Homily "Against the peril of Idolatry," are not candles spoken of as leading to idolatry, and therefore is it not the wholesome doctrine of our Church that candles are not to be used?—It may be so; if so, it is in the same category with organs and choral services, for both are mentioned as leading on to idolatry in, I think, the same Homily.*

330. At that time both were disapproved of?—Possibly.

331. And, therefore, if restored, it is a restoration and not a continuance of observance?—Yes.†

332. (*Rev. T. W. Perry.*) I think you expressed an opinion that the Puritans' objection was generally to lighting the candles?—Yes.

333. Do you remember anything to show that the Puritans thought it a very absurd thing to have candles unlighted?—Yes.

334. Can you give us any instance of it?—After the Restoration there were one or two instances. I will supply that afterwards.‡

335. I would ask you do you remember a case of Hickeringill?—Yes. [The following is the passage:—"For what signification of light can this ceremony "be, any more than a stick? A candle unlighted is "no more a significant ceremony of light than a "stick, before the fire touches it, is a firebrand."—*Ceremony Monger.* Ed. 1693, p. 80.].

336. You referred on two or three occasions to what was done in the cathedrals, and some of the Commissioners asked you whether you thought the cathedrals were to be taken as patterns for the parish churches; and there was an objection taken, on the part of some of the Commissioners, that they might not be patterns to the parish churches. Can you produce any evidence at all to show that the cathedrals were intended to be patterns for the parish churches?—Laud makes that statement.§

337. Are you at all acquainted with Elizabeth's letter to the Ecclesiastical Commissioners of the 22nd January 1561?—Yes.

338. Do you remember this passage, that they they were to take care "diligently to provide that "whatsoever ye shall devise, either in this or any "other like point, to the reformation of this disorder, "that the order and reformation be of one sort and "fashion, and that the things prescribed may accord "in one form, as nigh as they may; specially, that "in all collegiate and cathedral churches, where cost "may be more probable, *i.e.* allowed, one manner be "used; and in all parish churches also, either the "same, or at the least the like, and one manner "throughout our realm?" *Cardwell Doc. Ann.* I. p. 294. Do you not think that passage would go very much to show that cathedrals were intended to be patterns?—Yes.

339. Will you tell us, as shortly as you can, on what ground you yourself would defend the use of lights?—On the Injunction of Edward the Sixth, in the first instance; the interrogation of Cranmer in his Articles of Visitation in the second year of Edward the Sixth; the ornament rubric and the continued use of candles and candlesticks on the Holy

* Vide (Z.), letter, Appendix.
† Vide (A2), letter, ibid.

* Vide (B2.), letter, Appendix.
† Vide (C2), letter, ibid.
‡ Vide (D2), letter, ibid.
§ Vide (E2), letter ibid

Rev. J. F. Russell B.C.L., F.S.A.

28 Nov. 1867.

Table from that time, more or less, to the present day, the traditional use, whether lighted or unlighted. I cannot conceive that candles would have been there at all if there had not been a prior use of them, as lights in the first instance, founded on the Injunction.

340. Are you aware of any other authority which you consider to have the force of law at the present time?—Bishop Cosin refers to certain Provincial Constitutions, "such as have not been repealed, "standing then in the second year of King Edward "VI.," as being in full force, by virtue of this [ornament] rubric and Act of Parliament and we are to consult them, he says, for the authority for lights specifically.

341. You referred on three or four occasions to the practice in Queen Elizabeth's chapel. It was thought by some of the Commissioners that that practice could not be taken as an authority for what was done in the parish churches any more than the cathedrals; but do you think that the Queen was likely to do an illegal thing?—Certainly not.* We have Bishop Cox's statement to the contrary, as to her great particularity in the observance of the law, which I can quote. Cox, Bishop of Ely, in a letter dated February 12th, 1571, writes, with reference to its being supposed that she only carried out those things for her own pleasure, and not in submission to the law, "This is not only false, but injurious, both "to the Queen and the ministers of the Word, to wit, "that we humour Her Royal Highness, and make "her more decided in ordering everything according "to her own pleasure. But far be anyone from sus- "pecting anything of the kind in so godly and religious "a personage, who has always been so exceedingly "scrupulous in deviating even in the slightest degree "from the laws prescribed."

342. Do you remember any passage of Bishop Jewel's to that effect?—No. [The passage is as follows:—"But this woman, excellent as she is, and "earnest in the cause of religion, notwithstanding "she desires a thorough change as early as possible, "cannot, however, be induced to effect such change "without the sanction of law. . . . ." *Jewel to P. Martyr, Lond., Ap.* 14, 1559; *Zurich Letters, No.* 6, 1*st series, p.* 17.]

343. You referred to Dr. Donne's sermon about the use of lights on Candlemas day; it seems to have been thought that that would be no proof of the use of altar lights. Is there anything to show at what time of the day those lights were used?—Not that I am aware of.

344. Then they might have been used at the celebration?—There is nothing to prohibit it that I see, but still I apprehend that the custom was that the lights were brought in by the hands of the people. That is what I understand by the allusion there.

345. But the lights might have been used in the morning service as well as in the evening service?—There is nothing in Donne's sermon to contradict it, because he is not defending the use of lights to give light, but when used for a symbolical purpose, and therefore I suppose the lights were used at any rate, in the day time.

346. Supposing the lights were used in the morning and there was a celebration, then probably there might have been two lights on the altar?—There might have been.

347. It would not prove that there were not?—It would not prove that there were not.

348. What do you understand to be the general objection that is now taken to lighted candles; what do you understand to be the popular objection?—That they have something to do with transubstantiation; with which they have no connection.

349. Does one ground of complaint appear to be the absurdity of lighting candles in the daytime?—Yes.

350. Then it would be equally absurd to light them at an afternoon service in the daytime?—Certainly.

351. With reference to a question that was asked you about the ornaments and ceremonies being shut up in the four corners of the Prayer Book, can you give any particulor instance, anything like a crucial test, that that could not have been the case in the first Prayer Book of Edward the Sixth?—The linen cloth is not mentioned.

352. So that if it were illegal to use anything that was not mentioned, the linen cloth would then have been illegal?—Yes.

353. There can be no doubt that it was used?—None.

354. With regard to the case of Sampson's objecting to officiate before the Queen on account of her having the vestments, the lights, and the crucifix, you were asked whether that went to show that they did officiate, or only that they might be going to officiate; do you think there can be any doubt that they were going to officiate, and that it was the custom so to officiate?—I think there can be no doubt.

355. Do you remember the year when that occurred.—1560.

356. Then it was soon after Elizabeth's accession?—Yes, in her third year.

357. When all the old ornaments, unless abolished, would be in use, having been restored by Mary. Mary restored all the old service?—Yes.

358. Therefore it is a fair presumption that in the Queen's chapel the service was going on as it had been before?—Yes, in regard to the altar lights, cross, and vestments.

359. It was not likely, you think, that for an occasion these three bishops would have been required to officiate?—No. I apprehend it was the custom at the time.*

360. With reference to the case of Prince Charles's chapel at Madrid, do you think it is likely that the King wished to set before the people at Madrid what was the legal and proper service of the Church of England at that time, or do you think that it was merely, as has been suggested, to win the affections of the Princess?—Collier states distinctly it was that a face of the Church of England might appear and the worship be kept up in the Prince's apartment at Madrid, that the King gave the chaplains above mentioned the following instructions,—that the face of the Church of England might appear,—that is, as I understand, should be displayed there as it was at home.

361. In the case of Smart *v.* Cosin, which was referred to, do you remember any judgment that was given upon it, by Judge Yelverton, I think?—I think Bishop Cosin states distinctly that at one time Judge Yelverton had been opposed to his interpretation of the ornament rubric, but that afterwards Judge Yelverton had come to his conclusion on the subject.

362. Reference was made to various Visitation Articles, and you were asked the question whether lights, for example, were inquired for in these Visitation Articles: do you think it was very likely that, looking at the state of things at that time, the bishops would have inquired for them?—I think not; not at the Restoration.

363. Is not the general object of Visitation Articles to inquire whether they have in use such things as are absolutely essential and required by some strictly defined rubric or canon?—Certainly.

364. Therefore it was not very likely that the bishops would have inquired for lights which were not specifically mentioned in any law at that time, especially when there was so much neglect in other points?—I think so; and I find the expression "other church ornaments" used in the inquiries. The particular articles are not specified.†

365. For example now, in those Visitation Articles do you happen to remember whether there are any

* Vide (F2), letter, Appendix.

* Vide (G2), letter, Appendix.

† Vide (H2), letter, Appendix.

of them that do not enquire for the use of the cope ?—Yes.

366. Therefore the mere omission of an inquiry would not prove that the thing was unlawful?—No, certainly not.

367. With regard to a question which you were asked about the meaning of the lights before the Sacrament, you have given some answers in reference to that; do you think that the Visitation Articles of Cranmer in 1548 go to show that it meant the two lights upon the altar ?—I think so, certainly.

368. Have you any evidence at all, or do you think there is any reason to believe, that two lights ever were used before the reserved Sacrament ?—I have none, but the reverse.

369. Now with regard to the supposed Royal Injunctions and Royal Articles of 1549, are you aware whether they have any date at all attached to them ?—I believe not; they have no date.

370. Is there any reason to believe that they are in existence anywhere now ?—I am not aware of it.

371. So that probably they can hardly be taken as evidence?—They rest on the sole authority of Burnet, if I am not mistaken.

372. You were asked, with regard to the case of Dr. Bates, whether his language did not imply that lighted candles had been got rid of in the Church of England, and whether Gunning's answer did not seem to assume that they were. When he said that they were cast out, do you think he might mean that they were cast out in fact, not necessarily that they were cast out in law ?—I should infer so.

373. That is to say, that they had gone out of use entirely?—In practice they were gone out.

374. With regard to the Injunctions of 1547, to which Dr. Twiss referred, I should like to call your attention for a moment to that 28th Injunction, about which he asked you a question. You were asked whether that 28th Injunction did not order that all candlesticks should be taken away. But that Injunction refers, does it not, to monuments of superstition, and classes these candlesticks as being among the monuments of superstition ?—Certainly.

375. Do you think that these Injunctions could be self-contradictory?—Certainly not.

376. Therefore is there any reason to suppose that the 28th Injunction militates against the 3rd Injunction ?—Certainly not.

377. The 3rd Injunction also orders the monuments of superstition to be taken away, does it not ?—Yes.

378. But it says that the candles, the two lights before the Sacrament, are to remain "for the signification that Christ is the very true Light of the world"?—Yes.

379. Therefore that Injunction did not intend to uphold superstition ?—Certainly not.

380. Would you infer that the candlesticks which the 28th Injunction ordered to be taken away are those candlesticks, images, and shrines which the 3rd Injunction ordered to be taken away ?—I should infer so.

381. Having, therefore, nothing to do with the two altar candlesticks ?—Certainly not.

382. You were asked by Mr. Hubbard whether you think that incense stands upon the same ground as the altar lights, and I understood you to say, perhaps not quite the same ?—Not so distinctly.

383. Have you paid attention to the 3rd Injunction of 1547 about images? It says there that "such "images as . . . . be or have been . . . . "or shall hereafter be censed unto they . . . . "shall . . . . take down." Would not that imply that the practice of using incense in churches was to go on though the censing of images was to cease?—Certainly that the censing of images was to cease.*

384. Do you consider it to imply that censing was to go on ?—That it might imply as much.

385. (*Dean of Westminster.*) Have you any notion of the number of churches at this moment in which candles are lighted during the celebration of the Holy Communion, or at any other time, by daylight ?—I should imagine several hundreds.

386. Do you imagine that that proves the legality of the practice at the present time?—It need not prove it.

387. Can you tell me, either from your reading or your experience, whether in former times or the present the lighting of candles during the celebration of the Holy Communion was deemed an essential part of the rite ?—It seems from the very first, to have been considered part of the original institution; and the custom can be traced so very early, that some writers on Ritual have arrived at the conclusion that it is essential, not to the validity of course, but to the *due* celebration of the rite.

388. You would not, yourself, consider that it was essential?—Certainly not to its validity.

389. I think you spoke of there being no instance of the use of it since the Restoration ?—I think there are examples of candles having been lighted on the altar, and probably in the day time, and at celebration.

390. In speaking of the Caroline period, therefore, in your evidence, you meant not Charles II. but Charles I. ?—Generally speaking, what would perhaps be called the Laudian period, but there are later examples.

391. With regard to incense, have you in the course of your reading met with any instances of the persons to whom incense was offered or used in church ?—I have no example of censing persons.

392. (*Bishop of St. David's.*) Do you happen to be acquainted, either from personal observation or from your reading, with the practice of the Roman Catholic Church as to the ceremonies they observe on Candlemas day ?—I have never witnessed them.

393. Do you happen to be aware of the fact that on Candlemas day, in the Roman Catholic Church, where those ceremonies may be supposed to be most strictly observed, that is, in the Pope's chapel at Rome, no additional candle is lighted during the celebration of mass, and the only peculiar ceremony of the day consists in the presenting of unlighted candles to the Pope to receive his benediction; that then the mass is concluded; and after that a ceremony takes place of a procession in an adjoining apartment with lighted candles; but that is the occasion on which the candles are lighted, and not at all during the celebration of the mass ?—Yes (*spoken doubtfully*).

394. Whether you are acquainted with that or not, supposing for a moment that it be the fact, what resemblance does that profusion of candles which I understand were lighted at St. Paul's, bear either to this ceremony of the Church of Rome, or to any other ceremony that you are acquainted with? Do you understand from Dr. Donne's sermon that those candles were lighted during the celebration of the Holy Communion ?—There is no evidence one way or the other. I do not infer it.

395. Then I would ask you, if Dr. Donne had been himself asked by what authority or under what law, or by what right, he had this profusion of lighted candles on that day, what answer do you conceive he either would or might have given to that question ?—I suppose it may have been a traditional custom that had been handed down; only usage, I should imagine.

396. Still, that would have an origin if it had been handed down from the pre-Reformation times ?—It may have been possibly handed down from the pre-Reformation times.

397. They would have followed the practice of the Roman Catholic Church, it is to be presumed, which would not be the case if these candles were lighted during the celebration of the Holy Communion ?—No. It might have been a usage which had been

Rev. J. F. Russell, B.C.L., F.S.A.

28 Nov. 1867.

* Vide (I2), letter, ibid.

Rev. J. F. Russell, B.C.L., F.S.A.

28 Nov. 1867.

retained, perhaps, in a very mutilated form. I do not know.

398. If it were, according to such a tradition, derived from the pre-Reformation Church, those candles would not have been lighted during the Holy Communion, but would have simply served the purpose of some general illumination afterwards, and, therefore, had no reference at all to it?—Possibly; although they appear to have been burned for the reason assigned in the Injunction.

399. If so, those candles were lighted without any rule, law, or order, but merely at the pleasure of the dean of the cathedral; would not that be the case?—Yes.

400. He would not have conceived that in causing these candles to be lighted he was enforcing any rubric, or the observance of any law, would he?—I imagine not.

401. I understood you to say, in answer to a question of Lord Beauchamp's, that Laud's great object was to restore the observance of the rubric, and to enforce the law, or something to that effect?—Yes.

402. I do not understand from what evidence that appeared to be the case. Did your answer rest upon any evidence, or was it only a conclusion of your own from your general idea of Laud's character and conduct?—He expressly states that his object was simply to carry out the law of the Church.*

403. In what particular does he support the law?—I do not know that I could refer to any particular at this time, but when charged with introducing innovations, he throws himself back upon the authority of the law of the Church, and deprecates the idea of being thought to introduce novelties. His whole objection was against that charge. He denied it altogether.

404. Why should he be entitled to greater credit for that wish to enforce the law than Dr. Donne for lighting these candles, which it appears you do not think were enjoined, if indeed authorized or sanctioned by any law?—I do not see, on the face of Dr. Donne's statement, that he had anything to do with the lights beyond finding them there; and referring to them in his sermon, he says, "as *your* custom celebrates it with many lights." He is speaking to the people who were there.

405. Those candles were lighted either according to law or not according to law, and not merely at his own pleasure. If one dignitary of the Church does that, have we any ground to suppose that another might not do the like?—So many things have been done that are contrary to law, on the strength of past usage, that I do not think that would warrant anything one way or the other.

406. You have cited many complaints made by the Puritan party against Laud's proceedings, and those I think of one of the other bishops; did you understand that those complaints of those proceedings were made as being peculiar to those parties, or as being a sample of the proceedings which were common among the bishops of that day?—As common among the bishops of that day, particularly, of course, those that Laud himself appointed. He appointed a great many during his time. They were called his "creatures"—Bishop Wren and others.†

407. Did the language of those complainants warrant that conclusion, that they were considered as samples of the ordinary proceedings of the bishops of that day?—I think so, certainly of the Caroline bishops.

408. You cited instances which in your opinion prove that?—Yes, and I can cite others; they talk of "our bishops" without exception, and even good Bishop Hall, though he was Calvinistically inclined, was afterwards persecuted as severely as were his colleagues.

409. There is a letter of Cranmer's, of the date of 1547, in which there is this passage, "This is to "advertise your lordship that my Lord Protector's "Grace, with the advice of others the King's Majesty's "Council, for certain considerations them thereunto "moving, hath fully resolved that no candles should "be borne upon Candlemas day." Were you aware of that?—I do not remember it.

[The witness withdrew.]

* Vide (J2.), letter, Appendix.

† Vide (K2.), letter, Appendix.

Adjourned to Wednesday next at Twelve o'clock.

[*The following Supplementary Letter of the Rev. J. Fuller Russell, and* NOTES *upon it by a Member of the Commission* (*Sir J. Napier*), *are here added for the sake of the Historical and other Information contained in them.*] *Rev. J. F. Russell, B.C.L., F.S.A.*

DEAR SIR, Greenhithe, 7 Dec. 1867.

I HAVE the honour to acknowledge your communication of yesterday's date, and hasten to avail myself of the courteous permission which, in consideration of the short notice of attendance for examination which I received, the Royal Commissioners on Ritual have given me to send "any additional information in the form of a letter or "memorandum to be added as an appendix to" my "evi-"dence." This, in order to confine my supplementary statements within the narrowest limits practicable, I proceed to do in the form following:—

To my answer to question 4, and after the words "finishing in 1848," insert:—

A. [Before giving any specific examples, I beg to mention the Royal Injunction of 1547 (1 Edw. VI.), viz., "And "shall suffer . . . . only two lights upon the high altar, "before the Sacrament, which, for the signification that "Christ is the very true Light of the world, they shall "suffer to remain still." "These being termed *lights*," says Dr. Fuller, "shows that they were not lumina cæca, "but burning." (*Church History*, p. 374, fol. 1655.) Cranmer in his Visitation Articles of 1548 (2 Edw. VI.) inquires in the words of the Injunction, "Whether they "suffer . . . . only two lights upon the high altar." The Injunction accords with a provincial Constitution of Archbishop Reynolds, in 1322 (confirmed by the unrepealed statutes 25 Hen. VIII. c. 19., and 35 Hen. VIII. c. 16.), viz., "Let two candles, or one at the least, be lighted at the "time of Mass." (*Johnson's Canons*, vol. ii. p. 338); and Lyndwood, chaplain to Archbishop Chichley, and afterwards (in 1442) Bishop of St. David's, commenting upon this Constitution, says, "Note, that the candles to be "burned at the celebration of the Mass must be of wax "rather than any other material. For the candle so "burning signifieth Christ Himself, Who is the brightness "of the eternal light." (Lib. iii. fol. lxxii., Paris, 1506.) Bishop Cosin writes that "in the latter end of King Ed-"ward's time they used ['the two lights'] in Scotland "itself, as appears from Calvin's Epistle to Knox, and his "fellow-reformers there, anno 1554 (Ep. 206), where he "takes exception against them for following the custom of "England." (*Notes in Nicholls's Commentary*, p. 17 fol. 1712; *Hierurgia*, p. 7.) This incidental evidence in regard to the custom of England at this date is given by Calvin as follows:—"Some of my friends have complained "that you press on them so particularly the *Anglican cere-"monies*, so that you are very certainly too much attached "to your country. Certainly *lights*, crosses, and these "kind of trifles, no one, I think, can doubt, flow from "superstition." To proceed to specific examples.]

In my answer to question 10, between the words "except that," and "for the furniture of the chapel," insert:—

B. [as appears from a contemporary engraving in the British Museum, two lighted candles, and two chalices with patens, between them, stood on the altar (prepared for celebration, and placed, apparently, with its ends east and west, in the midst of the choir,) at his coronation,‡ and that]

In my evidence given after my answer to question 11, between the words "unless they were lighted" and "the "lighting seems principally," add:—

C. [Or used, at all events, as directed in the Injunction of 1547, *ritually* and *symbolically* (as, *e.g.*, by the Early Church during the service hours both of light and darkness§), and as part of the pre-Reformation furniture of the altar.]

In my answer to question 16, after the quotation which ends with the words "Communion Table," add:—

D. ["Two ordinances of the Lords and Commons, as-"sembled in Parliament, for the speedy demolishing of all "organs, images, and all manner of superstitious monu-"ments in all cathedral or parish churches and chapels "throughout the kingdom, &c., 4to. 1644," (reprinted in *The Harleian Miscellany*, vol. v. pp. 440–442, 8vo. 1810,) ordain "That in all and every the churches and chapels, as "well cathedral and collegiate as other churches and "chapels, and other usual places of public prayer, autho-"rized by law within this realm of England and dominion "of Wales, all altars and tables of stone shall, before the "first day of November in the year of our Lord God 1643 "be utterly taken away and demolished; and also all "Communion Tables removed from the east end of every "such church, chapel, or place of public prayer, and "chancel of the same, and shall be placed in some other "fit and convenient place or places of the body of the said "church, chapel, or other place of public prayer; or of the "body of the chancel of every such church, chapel, or "other such place of public prayer. And that all rails "whatsoever which have been erected near to, before, or "about any altar or Communion Table in any of the said "churches or chapels, or any such place of public prayer "as aforesaid, shall, before the said day, be likewise taken "away. . . . . And that all tapers, candlesticks, and "basins shall, before the said day, be removed and taken "away from the Communion Table in every such church, "chapel, or other place of public prayer; and neither the "same nor any such like shall be used about the same, at "any time after the said day. . . . . And be it fur-"ther ordained, that all and every such removal of the "said altars, tables of stone, Communion Tables, tapers, "candlesticks, and basins, crucifixes and crosses, images "and pictures as aforesaid, taking away of the said "rails . . . shall be done and performed . . . . "in all and every of the said parish churches or chapels, "or usual places of public prayer belonging to any parish, "by the churchwarden or churchwardens of every such "parish for the time being respectively." Every candid reader of these ordinances must, I think, admit that they convey the impression that, at the date of their promulgation, tapers and candlesticks were commonly to be found in the churches "within this realm."]

In my evidence following my answer to question 16, after the quotation ending "lighted there at evening "prayer," add:—

E. [About 1682, a Nonconformist inquires, "But does "any man dare speak against bowing and ducking, and "cringing to the east, to the altar, towards the lighted candles?" (*The Black Nonconformist, Hickeringill's Works*, vol. ii. p. 87.) In the British Museum is preserved a large contemporary print, engraved by Allard from a painting or drawing by R. de Hooge, of the coronation of William and Mary in Westminster Abbey in 1689, in which twenty tapers are figured as burning on the altar, and eight upon the re-table. In a medallion at the side of the view of the coronation their majesties are represented receiving the blessed Sacrament at the altar so ornamented. There is not any reason for impugning the general accuracy of these representations.]

To my answer to question 39, add:—

F. [There is nothing in the volume which contains the sermon to show the year in which it was preached, but it may be concluded from internal evidence that it was delivered in St. Paul's Cathedral before the civic authorities. I infer this from the language with which it concludes: "That as this noble city hath justly acquired the reputation "and the testimony of all who have had occasion to consider "their dealings in that kind, that they deal most faithfully "and most justly, most providently, in all things which are "committed to their trust for pious uses from others, not "only in a full employment of that which was given, but "in an improvement thereof, and then an improvement of "that improvement to the same pious use, so every man "in his particular may propose to himself some of those "blessed examples which have risen amongst yourselves, "and follow that, and exceed that, that as your lights are "torches ,and not petty candles, and your torches better "than other torches, so he also may be a larger example to "others than others have been to him, for *herein is your "Father glorified if you bear much fruit*, and that it is the "end of all that we all do, *that men seeing it may glorify "our Father which is in heaven*." (*LXXX. Sermons*, &c., p. 86, fol. 1640.) That Donne's sermon was preached in St. Paul's Cathedral before the Lord Mayor, &c., may be also inferred from the following statement:—"Feby. 2 "[1559–60], being Candlemas Day, ... in the "afternoon, according to old custom, the mayor and "aldermen and all the crafts went to St. Paul's, and there "heard a sermon." (*Nichols's Progresses of Queen Elizabeth*, vol. i. p. 82, 4to. 1823.) Candlemas was one of the four great feasts on which it was customary for the Lord Mayor and corporation to go to evensong at St. Paul's and

‡ The engraving represents the presentation of the sword of state to King James by Archbishop Whitgift. The King and Queen received the blessed Sacrament afterwards.

§ St. Paulinus, the contemporary of St. Jerome, says:—
"Clara coronantur densis altaria lychnis,
"Lumina ceratis odolentur odora papyris.
"*Nocte dieque micant.*"
Natal. III. *S. Felicis, Opera*, p. 541, 8vo. 1622.

Rev. J. F. Russell, M.C.L., F.S.A.

hear a sermon. In Stowe's *Survey* (edit. 1633, p. 657) is the Order, "For going to Paul's on All Saints Day, Christ-" mas Day, Twelfth Day, and Candlemas Day," but it contains no account of the service in the church.]

To my answer to question 43, add:—

G. [Bishop Sparrow says:—"The usual hour for the "solemnity of this service was anciently, and so should be, "nine of the clock morning." *Rationale upon the Book of Common Prayer*, p. 244, 12mo. 1668.]

To my answer to question 48, add:—

H. [*e.g.*, Laud says, in reference to the altarwise position of the Holy Table:—"And though it stood in most parish "churches the other way, yet whether there be not more "reason the parish churches should be made conformable "to the cathedral and mother churches, than the cathedrals "to them, I leave to any reasonable man to judge. . . . "May the Holy Table stand this way in the King's chapel "or cathedrals, or bishops' chapels, and not elsewhere? "Surely, if it be decent and fit for God's service, it may "stand so (if authority please) in any church. But if it "advance or usher in any superstition and popery, it "ought to stand so in none." *A speech delivered in the Star Chamber on Wednesday, the 14th of June* 1637, *&c.*, pp. 53, 55, 4to. 1637.]

To my answer to question 57, add:—

I. [More correctly, two sentences of Holy Scripture to be said by the chaplains at the presentation of candlesticks, viz., Ps. cxix. 105, and Ps. xxxvi. 9. Both these texts have reference to the symbolical signification of altar lights.]

To my answer to question 70, add:—

J. [Bishop Sparrow, in allusion to this practice, cites the words of St. Bernard, viz.:—"We go in procession two by "two, carrying candles in our hands, which are lighted, "not at a common fire, but a fire first blessed in the "church by the bishop. . . . And from this usage and "the many lights set up in the church this day, it is called "Candelaria or Candlemas." (*Rationale*, pp. 231, 232, 12mo. 1668.) The learned and candid Roman Catholic ritualist, Dr. Rock, remarks:—"The Purification, a festival "common to the Latin and Greek churches, is rendered "peculiar by the blessing of wax tapers, which are carried "burning by those who form the procession, which takes "place afterwards. The symbolical meaning attributed to "this ceremony is that the faithful should, with the holy "Simeon, recognize in the infant Jesus the salvation "which the Lord had prepared before 'the face of all "'people,'—'A Light to lighten the Gentiles, and the "'glory of the people of Israel.'" (*Hierurgia, or the Holy Sacrifice of the Mass*, vol. ii. pp. 593, 594, 8vo. 1832.) The *Rationale* which was set forth by authority cir. 1541, to explain the meaning and justify the usage of certain rites and ceremonies of the Church, says, "Bearing candles "on Candlemas Days is a very good usage in memory of "Christ, the spiritual Light, of whom Simeon did prophesy, "as is read in the Church this day." *Collier's Eccl. Hist.* vol. ii. p. 197, fol. 1714.]

To my answer to question 92, add:—

K. [And in accordance with this admission they affirm the legality of the credence or side table (an "ornament" which was denounced, in common with lights, incense, &c., as a Popish innovation, by the Caroline Puritans), and also of embroidered altar cloths, and frontals of the ecclesiastical colours.]

To my answer to question 98, add:—

L. [Or, at any rate, I submit, for the symbolical reason in the Injunction, and not for the purpose of affording necessary light.]

To my answer to question 104, add:—

M. [In fulfilment of this promise, I have made some investigation on this point, and I find that there is distinct evidence that they did, as far as one bishop is concerned, *e.g.*, "And so much," says Strype, "these furnitures of her "chapel disgusted some good men, that one of her chief "bishops (viz., Cox, bishop of Ely), being appointed to "*minister the Sacrament* before her there, made it a matter "of conscience to do it in a place which he thought so "dishonoured by images; and could scarce be brought to "officiate there, denying it a great while; and when he "did it, it was with a trembling conscience, as he said. "And to plead for himself, and to give his humble advice "to the Queen, he wrote her a letter in a most submissive "manner; acquainting her both with his conscience, that "would not a great while permit him to minister in her "chapel, namely, because the lights and cross remained." (*Annals*, vol. i. part i. p. 260, 8vo. 1824.) Strype gives the letter in an appendix. Cox does not venture to deny or question the legality of the lights, and finishes his epistle as follows:—"Bear with me, most gracious Sovereign; for "the tender mercy of God, force not my conscience so "sore. Your highness knoweth, 'Qui facit contra con-" 'scientiam, ædificat in gehennam.'"]

To my answer to question 145, add:—

N. [With the exception of the engraving of the coronation of James I.]

To my answer to question 146, add:—

O. [There are, in fact, at least two engravings of a later time in which the altar candles are represented as burning.* One (in the British Museum) is a prospect of the choir of St. Paul's on the General Thanksgiving, Dec. 31, 1706 (when Queen Anne and both Houses of Parliament were present), and a lighted candle is figured on the re-table of the altar. There are no other lights or candles, and only the south part of the Holy Table is portrayed. The other is a print of the marriage (to which I alluded from memory in my answer to question 147) of the Princess Anne to William Charles, Prince of Orange and Nassau, on March 14, 1733, in the Royal Chapel at St. James's. Tapers are figured as burning on the altar, which stands under a canopy. The marriage took place by candle light, but the altar lights were not needed to afford necessary light, as the chapel is represented as profusely illuminated by candles in chandeliers and sconces. Not improbably the Dean of the Royal chapels at that period agreed with his contemporary, Wheatley, who, after citing the Injunction of 1547, and the symbolical meaning of altar lights, adds:—"And these lights, used time out of mind in the Church, "are still [in 1720] continued in most, if not all, cathedral "and collegiate churches and chapels, so often as divine "service is performed by candle light; and ought also, by "this rubric, to be used in all parish churches and chapels "at the same time." (*A Rational Illustration of the Book of Common Prayer*, p. 109, 8vo. 1741.) Thus, at the beginning of the last century, it was considered that the Injunction was sufficiently obeyed by lighting the altar tapers "so often as divine service is performed by candle "light," and we may conclude that the tapers, when lighted at those times, were so lighted in compliance with a customary rule handed down from earlier days, and originally due to the Injunction. Even so recently as the beginning of the present century, viz., in 1807, in St. Paul's Cathedral were a pair of silver-gilt altar candlesticks, two feet nine inches high, with the inscription, *In lumine tuo videbimus lumen. De tenebris vos vocavit in admirabile lumen suum. Sic luceat lux vestra coram hominibus. Malcolm's Londinium*, vol. iii. pp. 144, 145.]

To my answer to question 151, add:—

P. [The fact of Cox's objection to celebrate with lights, which I had forgotten, and the pictures of the coronation of James I. and of William and Mary, which I had not seen when I made the above reply, prompt me to demur to the last six words of that statement.]

To my answer to question 208, add:—

Q. [In York cathedral, in 1736, were "two silver candle-"sticks weighing fifty-three ounces," the gift of Lord Beaumont; and a writer in that year, records that "from "All Saints to Candlemas the choir is illuminated at "*every* service by seven large branches, besides a wax "candle fixed at every stall. . . . These, with two "large wax tapers for the altar, are all the lights commonly "made use of. But on the vigils of particular holy days "the four grand dignitaries of the church have each a "branch of seven candles placed before them at their "stalls." (*Drake's Eboracum*, p. 524, fol. 1736.) The branches were not more needed to afford light on the above vigils than on other days. They were consequently used *ceremonially*.]

To my answer to question 209, add:—

R. [In illustration of the above statement may be alleged an example of neglect in regard to an observance strictly enjoined by a rubric which was inserted in the Prayer Book in 1662, in accordance with the Scotch Liturgy and the first Book of Edward VI. viz., "The priest shall then "[immediately before the prayer for the 'whole state of "'Christ's Church'] place upon the Table so much bread "and wine, &c." "The new rule, we know," says Canon Robertson, "was exceedingly little heeded in the fol-"lowing times. Hickes (quoted in Tract 81, p. 275) "writes that it was 'almost never since observed in ca-"'thedral or parochial churches. I say almost never, "'because I never knew or heard but of two or three "'persons, which is a very small number, who observed "'it.'" *How shall we conform to the Liturgy of the Church of England?* p. 201, 8vo. 1844.]

* I have ascertained since I made the above statement, that at p. 78, vol. vi. of Picart's *Religious Ceremonies*, fol. 1731–37, is a print of the Administration of the Holy Communion at St. Paul's, in which the altar candles are represented as burning.

To my answer to question 224, add:—

S. [I am informed that in the volume containing his minor works there are two sets of Articles to be inquired of by the churchwardens at the triennial visitation. I have not seen them.]

To my answer to question 235, add:—

T. [The two practices are widely different; the one consisting in burning wax candles on the altar at the time of celebration, the other in keeping a lamp or light burning continually before the reserved Sacrament.† Thomas Becon (who played his part in the reigns of Henry VIII., Edward VI., Mary, and Elizabeth) refers to both. "Pope Innocent the Third," he says, "bearing "rule, Eustace, Abbot of Flare, came out of Normandy "into England, and, among other devices, caused that "light should bren [burn] alway in the churches before "the little God's body." (*Reliques of Rome*, fol. 81, 12mo. 1563.) Concerning "candles burning at Mass," he writes, "Pope Gregory the First commanded that priests should "have light at their Mass, and that there should be *set* "*upon the altar* a candle, brenning all the mass time." (Fol. 141, *Ibid.*) In allusion to this usage, and describing what he had himself witnessed and probably practised, he says elsewhere:—"After all these things [the ceremonies, "&c. of the Mass], ye truss up your trinkets, ye shut "your book, ye fold up your corporas cloth, ye wind up "your chalice, ye put off your fool's coat, your vestment, "your stole, your fannel [maniple], your girdle, your alb, "and your amice, ye *put out the candle*, and solemnly "making courtesy to your God, that hangeth over the altar, "ye trudge out of church." (*The displaying of the Popish Mass. Works*, vol. ii. fol. lii. edit. of 1560.) The latter practice, of burning a lamp before the reserved Sacrament, is incidentally alluded to in a very rare book in my possession, written about 1529, by a chaplain or minor canon of some cathedral. Censuring the cathedral dignitaries for their custom of merely "putting in an appearance" in choir during divine service, he says:—"Afterwards come "in our masters and lords of the close, covered with gray "amices, and having on a very white surplice, ... "so fine and thin that a man may see through it. . . . . "They have three or four servants waiting upon them, and "two chaplains, which follow hard at their masters' heels. ". . . . . They sing either nothing at all, or else very "little; . . . . . but yet they resort to the choir very "worshipfully, *they do highly honour the lamp*, they do "make great reverence to the saints, and so after they "have once presented and shewed themselves in the church, "anon after they desire friendly and loving departing, "they go forth of the choir, committing the residue of "the divine service to the chaplains." (*A work entitled of the old God and the new, of the old Faith and the new, of the old Doctrine and the new, or original beginning of Idolatry*, sign. M 2, 8vo. 1534.) It is noteworthy, as showing to which of the above practices the Injunction of 1547 refers, that the reason given by Lyndwood, in his comment upon Archbishop Reynolds's Constitution respecting altar lights, for their use at celebration is precisely the same as that assigned in the Injunction.

To my answer to question 248, add:—

U. [I doubt whether I clearly comprehended question 247. If its object was to inquire whether Laud admitted the truth of the charge that he introduced lights on the Holy Table in his chapel, I would reply, that, so far as I know, he nowhere denies the charge, but defends his chapel furniture on the authority of the chapels of Bishop Andrewes and his royal master; *e.g.*, he said at his trial, "The furniture of the altar is no other than such as is in "use in the King's own chapel at Whitehall, and had "been there used ever since, and before my time." (*Canterbury's Doom*, p. 466.) "I took the pattern of "the credentia from Bishop Andrewes's chapel." *Ibid.* p. 467.]

Rev. J. F. Russell, B.C.L., F.S.A.

To my answer to question 284, add:—

V. [Stapleton does not "attack our Prayer Book;" nor reproach "the Church of England," for not following the example of her Sovereign as to lights, but certain "Pro-"testants," who, while affirming that the Queen was the "supreme governour of their religion," denied it in their practice. "We know and confess," he writes, "in words "they say so; . . . . but we see in their doings they "deny it themselves to be so. Otherwise, why do not "Protestants allow the blessed crucifix of our Saviour, "*why burn they not light before it, as they see the Queen's "most gracious Majesty doth?* Why do the ministers "of Kent, and certain of Oxford, repine and resist against "Her Majesty's commandment touching external beha-"viour and orders in the church?" (*A Fortress of the Faith*, p. 152.) In reference to the same class of persons, he elsewhere remarks:—"We know to wear in the church "holy vestments, and to be apparelled priestlike, seemeth "so absurd to the Puritans of our country, to the zealous "Gospellers of Geneva, that they resist herein not only "the laws and ordinances of the Church stubbornly, "which St. Paul biddeth them obey and submit them-"selves unto, but also they withstand disobediently the "commandment of their Sovereign and Liege Princess, "unto whom also the Apostle chargeth them to be subject "and obedient. . . . If these men do acknowledge "and believe that the Queen's Majesty is supreme gover-"nour in all spiritual causes, why do they not obey Her "Highness' command in the seemly apparel of spiritual "rulers, and wearing of vestments in the church?" *Ibid.*, reverse of p. 134.]

After my answer to question 287, add:—

W. [Harding says:—"Concerning ceremonies, if ye shew "us not the use of chrism in your churches, if the sign "of the cross be not borne before you in processions and "otherwheres used, if holy water be abolished, if lights "at the gospel and communion be not had, if peculiar "vestments for deacons, priests, and bishops be taken "away, and many such other the like, judge ye, whether "ye have duly kept the old ceremonies of the Church." Jewel did not reply, "We have cast them out." He answers, "Ye come in with processions, with lights, with "torches, with tapers, with chrism, with oil, with tunicles "and chisibles, with holy water and holy bread, and "I know not what else; as if all these things had "descended directly from the Apostles, and without the "same the Church of God were no Church. Verily, "M. Harding, we hate not any of all these things, for we "know they are the creatures of God. But you have so "defiled and berayed them with your superstitions . . . "that we can no longer continue them without great "conscience." (*Works*, p. 20, fol. 1609.) Subsequently he cites Lactantius in condemnation of the practice of setting up lights in churches "to the honour of God." (*Ibid.* p. 21.) A perfectly different reason to that of the Injunction of 1547. It will be observed that Jewel forbears to comment upon Harding's allusion to "the sign "of the cross," and does not specifically mention "lights "at communion."]

To my answer to question 292, add:—

X. [The words "shall be retained and be in use" occur in the Act of Uniformity of 1559, and are equivalent to the expression "shall use," in the ornament rubric of the same year.]

To my answer to question 297, add:—

Y. [Because it was no longer needed, altar lights being among the "ornaments" enjoined by the Act of Uniformity of 1559, and by the ornament rubric of that year. That such was the case, and was considered to be so at the time when that rubric was framed, appears from the following extract from a letter of Dr. Sandys to Archbishop Parker:—"Our gloss upon this text is that we shall not "be forced to use them, but that others, in the mean time, "shall not convey them away, but that they may remain "for the Queen." (*Strype's Annals*, vol. i. Part I. p. 122.) The ornaments which were to "remain for the Queen," were *inter alia*, especially the altar cross and lights, which, we know, remained in her chapel accordingly; and she not only retained those ornaments therein, but moreover constrained some of her bishops to "use them," and there is not a particle of evidence that the reluctant prelates ever dreamed of opposing her command on this point on the plea of its illegality.]

† That the continual reservation of "the Sacrament" had ceased in 1548—the year in which Cranmer issued his inquiry about altar lights—may be concluded from "The Order of the Communion," set forth at Easter in that year, in which the celebrant is directed to "con-"secrate *so much* [of 'the Sacrament of the Body'] *as will serve* the people, and "any levation or lifting up" is forbidden. The late A. W. Pugin states that "the blessed Sacrament was never reserved at "the high altar of a church, excepting in a golden dove, or pyx, sus-"pended over the altar." *Dublin Review*, No. xx., p. 337. Is it not incredible that the Sacrament was so reserved, with two lights constantly burning on the altar before it, (which must have been the case upon the supposition that the Injunction and Cranmer's inquiry, founded upon it, do not refer to lights at celebration,) at a time when elevation was prohibited, and the priest was enjoined to consecrate just enough ("so much") wafer bread, as would be required for Communion? Again, it seems yet more incredible, that the Injunction had reference to the reserved Sacrament, when we remember its words, "suffer to *remain*," and that these are employed in regard to *two* lights, whereas Cromwell, the Vicar-General, by an Injunction in 1536, abolished the use of all lights "afore any image or picture," excepting two or three specified *single* lights; one of which was "the light before the "Sacrament of the altar." If the Injunction referred to two lights before the reserved Sacrament, it speaks of what really had no existence as remaining, and deliberately increased instead of reducing the number of lights before the pyx, going beyond the requirement of Cardinal Pole, who, when reviving the reservation of the blessed Sacrament and its light, enjoins in his Legatine Constitutions of 1555, *where it can be afforded*, "ut perpetuo lampas vel cereus coram sanctissimo hoc Sacra-"mento ardeat." *Doc. Ann.* Vol. I. pp. 146, 147.

Rev. J. F. Russell, B.C.L., F.S.A.

To my answer to question 303, add :—

Z. [It is said that the Queen on Christmas Day, 1558, commanded Dr. Oglethorpe, Bishop of Carlisle, when standing ready to say Mass before her, not to elevate the consecrated Host, "but to omit the ceremony because she "liked it not." (*Strype's Annals*, vol. i. part i. p. 73.) An English litany was, however, used before this event in the Royal Chapel, "which they," says the Queen's annalist, Darcie, in reference to the Roman prelates, "held as "execrable." *Annals. The true and Royal History of the famous Empress Elizabeth*, &c. p. 13, 4to. 1625.]

To my answer to question 325, add :—

A 2. [Dr. Johnson in his *Dictionary* (Todd's Edition, 4to. 1814,) defines a "light" to be "anything that gives "light, a taper;" and a "taper" to be both "a wax "candle" and "a light." He illustrates the last definition thus :—

"If any snatch the pure taper from my hand, and hold "it to the devil, he will only burn his own fingers, but "shall not rob me of the reward of my good intention.' *Bp. Taylor.*

"There the fair light,
"Like Hero's *taper* in the window plac'd
"Such fate from the malignant air did find,
"As that expos'd to the boist'rous wind."
Waller.

May not these and like examples* warrant the inquiry whether when, *e.g.*, Laud is accused of defiling churches, &c. with "tapers," *lighted* tapers, or "lights" (in the sense in which that word is employed in the Injunction of 1547, and by Archbishop Cranmer in his Visitation Articles), may not be meant?

I may add that "the *lights* of virgin wax" on the Holy Table in the Chapel Royal at the christening of the child of Lady Cicile were, in fact, not lumina *cæca*. This is clear from other statements in the narrative whence the extract in the *Hierurgia* was made. The ceremony took place on the last day of the month of September; the child was brought to the chapel at 5 p.m., evensong followed, and after that the christening. "Then" says the account, "the "child was carried home in manner as it was brought "with great number of torches lighted . . . . . for "that then it was within night."]

To my answer to question 329, add :—

B 2. [The Homily (which Prynne alleges against Laud, *Canterbury's Doom*, p. 467) refers to the practice (copied from a custom of the "Gentiles idolaters") of lighting candles "at noon-time, *or at midnight*, before" images, "therewith to honour them, for other use," it adds, "is there none in so doing;" and of offering "up to the "Giver of light, the light of a wax candle for a gift." (*Homilies*, pp. 207, 208, 8vo. 1824.) Here is no allusion to that symbolical "signification" of altar lights mentioned in the Injunction, which is neither idolatrous nor amenable to the charge of putting any one "in peril of idolatry." If, however, the Homily will bear the construction of being condemnatory of altar lights, it ought not to be overlooked that, as I stated in my evidence, the Homilies also condemn choral services and organs. Reference is made to these in the "second part of the Sermon of the place and time of "prayer," as follows :—"A woman said to her neighbour, "'Alas, gossip, what shall we now do at church, . . . "'since we cannot hear the like piping, singing, chanting, "'and playing upon the organs that we could before?' "But, dearly beloved, we ought greatly to rejoice and give "God thanks that our churches are delivered out of all "those things which displeased God so sore." (*Ibid.* p. 311.) See Master Edward Dering's complaint (in 1573) of the impossibility of reconciling the *teaching* of the above Homily with the *practice* of the Church. Post. Addition to answer to question 359.]

To my answer to question 331, add :—

C 2. [Upon the hypothesis that the use of altar lights was not merely discontinued in fact, but legally prohibited in common with choral services and organs, which I believe cannot be established.]

To my answer to question 334, add :—

D 2. [Hickeringill, for example, writes :—"He [the "'ceremony-monger,'] does not say the Mass indeed in "Latin; but his hood, his cope, his surplice, his rochet, "his altar railed in, his candles, and cushions and book "thereon, his bowing to it, his bowing or rather nodding "at the name of Jesus, his organs, his violins, his singing "men, his singing boys, with their alternate jabbering and "mouthings (as unintelligible as Latin service), so very "like popery, that I profess when I came from beyond sea, "about the year 1660, to Paul's and Whitehall, I almost "thought at first blush that I was still in Spain or "Portugal; only the candles on our altars, most nonsen- "sically, stand unlighted, to signify, what? The darkness "of our noddles, or to tempt the chandlers to turn down- "right papists, as the more suitable religion for their "trade; for ours mocks them with hopes only. He gapes, "and stares to see the lucky minute when the candles "should be lighted; but he is cheated, for they do not "burn out in an age." *Works*, vol. ii. p. 405.]

To my answer to question 336, add :—

E 2. [The notorious Puritan, Henry Burton, says :—"But "besides all this, these men have one special sanctuary to "fly unto, and that is their cathedral churches. . . . "These be their old high places not removed. . . . . "These be those nests and nurseries of superstition and "idolatry, wherein the old beldame of Rome hath muzzled "up her brood of popelings, and so preserved her *usum* "*Sarum* in life to this present day. And now these are "become impregnable bulwarks to patronize our rebuilders "of Babel in all their innovations. 'Innovations?' say they. "'We bring in no innovations, no new rites, but what "'hath been in use ever since the Reformation, and that in "'the most eminent places, even the mother churches of "'the land. Now, all that we go about is to reduce in- "'ferior churches to an unity and conformity to their "'mother churches.' . . . . . Thus do our master "builders plead." *For God and the King; the sum of two Sermons preached on the fifth of November last in St. Matthew's, Friday Street*, 1636, p. 158, 4to. 1636.]

In my answer to question 341, between the words, "certainly not," and "we have Bishop Cox's statement," insert :—

F 2. [Strype records that her Act of Uniformity was read the third time and passed on April 28th 1559, *i.e.*, anterior to the date of the examples which have been given of the use of altar lights in her chapel, and]

To my answer to question 359, add :—

G 2. [And even in 1573, as appears from the following statement :—"In the second volume of the Homilies it is "said thus: that the costly and manifold furniture of vest- "ments late used in the Church is Jewish, and maketh us "more willingly (in such apparel of Christians) to become "Jewish. If I do subscribe to this, how can I subscribe "to the ceremonies in cathedral churches, where they have "the priest, deacon, and sub-deacon in copes and vest- "ments, all as before? In another Homily, fol. 271, it is "said of piping, singing, chanting, playing upon organs, "goodly sights, &c., that they greatly displease God, and "filthily defile His holy temple. If they will have me "subscribe to this, then I must not subscribe to the "contrary, that our ceremonies are all good, and according "to the Word of God." *An Answer unto Four Articles, by Master Edward Dering. A part of a Register*, &c., pp. 83, 84, 4to. cir. 1590.]

To my answer to question 364, add :—

H 2. [Dr. Dee, Bishop of Peterborough, inquires: "Have "you . . . . a comely large surplice with *all other* "*church ornaments* necessary for the celebration of God's "holy service and administration of the blessed Sacra- "ments?" (*Articles to be inquired of throughout the whole diocese of Peterborough*, &c., 1634, 4to. 1634.) Altar candlesticks may sometimes have been comprehended when not named. This supposition receives some support from the fact that a rubric in the Prayer Book set forth "for the use of Scotland," in 1636, directs that "the Holy "Table, having at communion time a carpet and a fair "linen cloth upon it, and *other decent furniture meet for* "*the high mysteries there to be celebrated*, shall stand, &c." (Folio edition of 1637.) If it be true that the Visitation Articles, issued after 1662, do not require altar candlesticks, it is equally true that they do not, in any case, prohibit them, and the mere omission of inquiries respecting them cannot be alleged in proof of their illegality; for, if so, the eucharistic vestments, organs, and credence tables (all which the Judicial Committee of the Privy Council has pronounced to be lawful) are also illegal, as no mention is made of them in the Articles in question. It would seem that the bishops of the Restoration contented themselves with requiring the *minimum* in regard to "ornaments," in consideration of the reluctance or inability of semi-puritan churchwardens to go to the expense of restoring them,* and also of the poverty of the parochial clergy. In illustration of this forbearance on the part of the above prelates may be mentioned the practice of a distinguished prelate of our own day, the venerable Bishop of Exeter,

* An example of later date than the above quotations, occurs in the following extract from an account of the funeral of the Queen of George II. in Westminster Abbey, 1737. "The choir of the chapel- "royal, attending there in their proper habits, *with wax tapers in their* "*hands*, and the dean and prebendaries in their copes; . . . joined "the procession."—*Gentleman's Magazine*, vol. vii., p. 765.

* Thus, in 1695, a Puritan writes, "In some topping churches you "shall see huge unlighted candles, . . . but the meaner churches "are forced to shift without them." (*Notes upon the Bishop of Salis- bury's Four late Discourses, &c.*, p. 25, London, 1695.)

who, while maintaining the legal obligation of the use of the vestments and his determination to "enjoin the "minister, be he who he may," to wear them when provided by churchwardens at the charge of the parish, yet has never made them a subject of inquiry at his visitations.]

To my answer to question 384, add :—

I 2. [Before I dismiss the subject of incense, I beg to offer a few illustrations of its ritual use in the Church of England since the Reformation. Mention has been made of its combustion at a particular part of the service ("as," says Prynne, "in the Popish Mass and churches," *Canterbury's Doom*, p. 123) in the chapel of Bishop Andrewes. Prynne records, "In Peter House there was on "the altar a pot, which they usually called the incense "pot;" and he mentions "a little boat, out of which the "frankincense is poured, which Dr. Cosins had made use "of in Peter House, where he burned incense." (*Ibid.* pp. 74, 123.) The nonconforming historian, Neale, observes, "The altars in cathedrals [*temp.* Charles I.] were adorned "with the most pompous furniture. . . . . Upon "some altars there was a pot called the incense pot, and "a knife to cut the sacramental bread." (*History of the Puritans*, vol. ii. pp. 247, 248, 8vo. 1794.) In allusion to the use of incense by the Caroline clergy, a Puritan writer remarks :—"As for the ceremonies of breaking the "Host in three parts, the giving the pax, and so forth, "our men will never strain at such gnats; . . . they "take in worse ceremonies than these, to wit, surplices, "rochets, copes, candles, *incense*, organs, cornets, chan-"cels, altars, rails." (*A Parallel or brief Comparison of the Liturgy with the Mass Book, &c., by R. B. K.*, p. 93, 4to. 1641.) Another Puritan, writing in 1641, in reference to the same party, says :—"They tell us . . . . "that the chancel and altar must not only be dedicate "with prayers and unctions, but with lighted candles, "burning *incense*, and many other such toys." (*A large Supplement of the Canterburian's Self-conviction*, p. 85, 4to. 1641.) "What prescription," asks Henry Burton, "can that cathedral church at Wolverhampton, in Staf-"fordshire, plead for her goodly costly new altar, with "the dedication thereof, within these two or three years "last past, in which dedication all the Roman rites were "observed, as *censings*, &c.?" (*For God and the King*, &c., p. 161.) Other quotations on this subject might be made from the works of writers in the first half of the 17th century, but the above may perhaps suffice to show that the practice of burning incense ritually was not uncommon in our Church at that period. I can discover but little trace of the use of incense after the Restoration, except in the Royal Chapel at Whitehall, and at coronations.† Cole, indeed, relates that it was burned at the altar in Ely Cathedral until 1779; and Archbishop Sancroft's "Form of Consecration of new Altar Plate," (*Hierurgia*, p. 128) prescribes : "So likewise when a *censer* "is presented and received, they [the chaplains] say, "'While the King sitteth at his table, my spikenard "'sendeth forth the smell thereof. (Cant. i. 12.) Let my "'prayer be set forth before Thee as the incense, and let "'the lifting up of my hands be as the evening sacrifice.' "(Ps. cxli. 2.)"]

To my answer to question 402, add :—

J 2. [Laud says expressly, that "whatever he did in "these respects was according to both law and canon, and "with the consent and liking of the people, no command "issuing from him against the one or without the other." See his *History*, pp. 156, 224, 416.]

To my answer to question 406, add :—

K 2. [The Puritan Smart complains that, "Most of the "bishops of our time . . . busy themselves in nothing "more than in setting up altars with all manner of super-"stitious furniture, crosses, crucifixes, candles, candle-"sticks, &c. Our bishops think it their bounden duty, "as soon as ever themselves are consecrated, to fall to the "consecration of churches, churchyards, altars, organs, "images, crucifixes, tapers, &c. Our bishops think they "seek the kingdom of God, and the righteousness thereof, "when they persuade his Majesty [Charles I.] to restore "altars, organs, images, and all manner of Massing "trinkets, more brave than ever they were in the time "of Popery. Our bishops teach and maintain stoutly "that altars, images, crosses, crucifixes, candlesticks, &c. "are not repugnant to our religion, nor contrary to the "authority of Scripture; [and] . . . . would have "them brought in again according to the pattern and "after the example of the King's Royal Chapel, and ". . . . labour with all their might and main that "the offence may be spread through all the King's "dominions, both cathedral and parish churches." *Canterbury's Cruelty, &c., by Peter Smart, Introduction*, 4to. 1643.

Rev J. F. Russell, B.C.L., F.S.A.

I believe I have now accomplished the task which the Royal Commissioners on Ritual have courteously allowed me to undertake; but before I conclude this communication, I would, with all humility, add a very few words. I was asked towards the close of my examination, whether in my opinion, lights are essential to the eucharistic rite, and I answered, "Certainly not to its validity." On that head, of course, no doubt can exist; but as to whether they be essential to its meet celebration, perhaps an affirmative opinion may not unreasonably be entertained. The result of the little investigation which I have been able to give to the subject, inclines me to believe that lights formed part of the original institution of the Lord's Supper, and, as such, were immediately adopted into use by the Apostolic and Primitive Church; and so on by all other churches in their celebration of the Holy Communion down to the close of the fifteenth century. I am persuaded that lights "on" or at the Holy Table, "before "the Sacrament," employed as an instructive accessory, subsidiary to and beautifying the eucharistic rite, and setting forth that "our Saviour Christ, both God and "Man," is the "very true Light of the world," were authoritatively retained "in this Church of England" at the Reformation, and (with the exception of that calamitous but providentially brief period when both throne and altar lay shattered in the dust, and the "Book of Common "Prayer" was "cast out" as superstitious and unclean,) have ever since legally continued in our Church.

For the above considerations, and as one whose own practice stops far short of the advanced ritual development of these days, I venture most respectfully and very earnestly to deprecate any step, in any quarter, which would control the liberty of our Church in reference to a usage so innocuous, so significant, so catholic, so primitive, and so apostolic as that of lights at celebration.

I have the honour to be,
Dear Sir,
Your faithful servant,

W. F. Kemp, Esq., &c., &c.

JOHN FULLER RUSSELL.

P.S.—Since the foregoing letter was completed, I have met with certain passages bearing upon my evidence, which I may perhaps be permitted to add here. The four following citations, are highly important as proofs that high altars with lights, vestments, and the cross, at celebration, and lights at the administration of the Sacrament of Holy Baptism, were "retained" and "in use," by lawful authority, "in this Church of England," subsequently to the enactment of the first Book of Edward VI., and even as late as the latter portion of his *fourth* year. The four passages in question occur in a volume entitled, "An "oversight and deliberation upon the holy Prophet Jonas, "made and uttered before the King's Majesty, and his "most honourable council by John Hoper, in Lent last "past. Comprehended in seven sermons, Anno 1550." Hoper was, at that time, "elect and sworn Bishop of "Gloucester." In his "epistle dedicatory," he says : "It "is a fond opinion, most gracious King, and unmeet for a "christian man to bear the magistrates of God in hand, "that in case the Doctrine of Christ, and His Holy Sacra-"ments should not be decked and set forth with these "plausible and well liking ceremonies (that is to speak "plainly,) with papistical superstitution, it were to be "feared of sedition and tumults. . . . Most gracious King "and noble counsellors, as ye have taken away the Mass "from the people, so take from them her fathers also, the "altar,* *vestments*, and such like as apparelled her. And "let the Holy Communion be decked with the holy cere-"monies that the high and wise Priest, Christ, decked and "apparelled her in first of all." This "epistle" is dated "An. 1550, September 6."

In Hoper's fourth sermon, he remarks : "But this "prayer of Jonas is so acceptable, it might be thought of

† Since the above was written, I have met with the following extract from the account-books of the churchwardens of the parish of Solihull, Birmingham :—"1665.—Paid to George Bird for mending the altar stone, 1*s.* 6*d.*; Itt. paid for bread and wine and *frankincense* for the first Sacrament, 13*s.* 2*d.*"

* "During the first seven centuries of the Church, altars were made "indifferently of wood, stone, and metal." (Pugin in *Dublin Review*, No. xx., p. 333.) The Lord's Table (*Mensa Christi* are the words of the Sarum Missal) was, in almost all cases, of stone "in this Church of "England," 2 Edw. vi., and the order for the substitution of wooden for stone tables was not issued until Nov. 1550; and "when," says an eye-witness, "altars were pulled down, . . . *then* were all churches *without* "*any law*, spoiled of all their ornaments, as of copes, vestments, altar "cloths, corporaxes, chalices, crosses, candlesticks, censers, cruets, "books, and all other things belonging thereto." (*An Exhortation to all men to take heed of Rebellion, &c., made by John Christopherson*, sig. Y. iii. 16mo. 1554.) Christopherson was Master of Trinity College, Cambridge, and Dean of Norwich.

Rev. J. F. Russell, B.C.L., F.S.A.

" some men, that the place where Jonas prayed in, should " have bettered it, as the foolish opinion of the world is at " this time, that judgeth the prayer said at the *high altar* " to be better than that which is said in the quire, that in " the quire better than it that is said in the body of the " church. . . . . This I would wish, that the " magistrates should put both the preacher, minister " and the people, in one place, and shut up the partition " called the chancel that separateth the congregation of " Christ, one from the other." In his sixth sermon, in allusion to Holy Baptism, he observes: "The matter and " element of this Sacrament is pure water; whatsoever is " added, oil, salt, cross, *lights*, and such other, be inven- " tions, of men, and better it were they were abolished, " than kept in the Church. . . . . I pray the King's " Majesty and his most honourable council to prepare a " ship, as soon as may be, to send them home again to " their mother church, the bosom and breast of man." In the same sermon, Hoper says, in reference to the administration of the Holy Eucharist: "If we have bread, wine, " a table, and a fair table cloth, let him ['the minister'] " not be solicitous nor careful for the rest, seeing they be " no things brought in by Christ, but by Popes; unto " whom, if the King's Majesty and His honourable council " have good conscience, they must be restored again; and " great shame it is for a noble king, emperor, or magis- " trate, contrary unto God's Word, to detain and keep " from the devil and his minister any of their goods and " treasure, as the *candles, vestments, crosses*, altars, for if " they be kept in church as things indifferent, at length " they will be maintained as things necessary."

When *the time* at which these words were spoken, and *the persons* to whom they were addressed, are considered, can a doubt possibly exist as to the authoritatively permitted use of lights "under" the first Book, and that the absence of any rubric in that Book prescribing their use, was not held to exclude them? Moreover, the alleged 'Royal Injunctions of 1549," which forbid "any light upon the " Lord's board at any time," are thus disposed of. Had they then existed, Hoper, instead of earnestly soliciting the King and His council to restore lights, altar-candles, &c., to the pope and the devil, would rather have congratulated his hearers upon the fact of the royal prohibition of those "ornaments" and of their consignment to the above-mentioned personages. Hoper, like his contemporary Becon, and the Puritans of the Elizabethan and Caroline period, seems to have deemed it a sufficient condemnation of a ceremony, ornament, or usage to assign its origin to a Pope. It will have been observed that he objected to the sign of the cross in Holy Baptism. In his sixth sermon, he says, in regard to the Lord's Supper: "I would wish it " were commanded by the magistrates that the communi- " cators and receivers should do it *standing or sitting*." The preceding quotations are made (the spelling being modernized) from the original edition of the sermons, (that of 1550,) in my possession.

The ornaments and ritual in Queen Elizabeth's chapel did not escape the animadversions of the early Puritans. Thus Henry Barrow writes, "Her Majesty hath found " comfort in receiving it [the blessed Sacrament] at the " Lord Archbishop Grace's hands, with his rich cope on " his shoulders, berayed with all his pontificalibus, " the English Mass-book in his hands, yea (by your leave) " with the round wafer. I will not here speak of *attiring* " *the chapel and high altar* that day, and other court cere- " monies."—*A brief discovery of the false Church*, p. 109, 4to. 1590. The author of the "Admonition to the Parlia- " ment," (cir. 1572) observes, "As for organs and curious " singing, though they be proper to popish dens, I " mean to cathedral churches, yet some others also must " have them. The Queen's chapel and these churches " (which should be spectacles of christian reformation) are " rather patterns and precedents to the people of all super- " stitions." Archbishop Whitgift, in reply, indignantly exclaims, "Your slanderous speech of the Queen's " Majesty's chapel, which you also say to be a pattern and " precedent to the people, of all superstitions, is rather " severely to be punished, than with words confuted."—*An answer to a certain libel intitled an Admonition to the Parliament*, p. 258, 4to. 1573. Subsequently, he says, "I " doubt not but that cathedral churches shall be able to " withstand both your opprobrious, speeches, and the " greediness of all their adversaries, so long as it shall " please God to bless the land with so virtuous and learned a " Queen, and so wise and discreet counsellors."—*Ibid.* p. 280.

The following extract from a letter of James I. to his son Charles and Buckingham, when at Madrid, proves that the ornaments in the Prince's chapel there were provided by the express command of the King who was perfectly satisfied as to their lawfulness: "My sweet Boys, I write " now this seventh letter unto you upon the seventeenth " of March, sent in my ship, called the Adventure, to my " two Boys adventurers, whom God ever bless! And now " to begin with Him,—*a Jove principium*, I have sent you, " my Baby, two of your chaplains, fitted for this purpose, " Mawe and Wren,* together with all stuff and ornaments " fit for the service of God. I have fully instructed them " so as all their behaviour and service shall, I hope prove " decent and *agreeable to the purity of the Primitive Church*; " and yet as near the Roman form as can *lawfully* be done, " for it hath ever been my way to go with the Church of " Rome *usque ad aras*."—*Nichols' Progresses of James I.*, vol. iv. pp. 831, 832. 4to. 1828.

The allusions to candle-lighting in the "third part of the sermon against peril of idolatry," strictly agree with and *need* mean no more than the following quotations from the Injunctions of 1547, one of which, it will be remembered, enjoins altar lights. "They shall suffer from henceforth " no torches, nor candles, tapers, or images of wax, to be " set before any image or picture . . . . If they [the " clergy] have heretofore declared to their parishioners " anything, to the extolling or setting forth of pilgrimages, " relics, or images, or lighting of candles, kissing, kneeling, " decking of the same images . . . . they shall now " openly, before the same, recant, and reprove the same " . . . . And the parson, vicar, and curate, shall " diligently . . . . call upon, exhort, and move their " neighbours, to confer and give . . . to the said " chest, declaring unto them, whereas hitherto they have " been diligent to bestow much substance . . . " upon . . . . decking of images, offering of candles, " . . . . they ought at this time, to be much more " ready to help the poor and needy . . . Also . . . " money given or bequeathed, to the finding of torches, " lights, tapers, and lamps, shall be converted to the same " use." It may be observed, by the way, that the above Homily was considered, in times past, to condemn not all ritual use but the *superstitious abuse* of lights; as otherwise *e.g.* Dr. Donne was not the man to have defended, as he has, the "use of candles by day in divine service," in a sermon preached, in his own cathedral, before the Lord Mayor and corporation of London.

One of my examiners laid great stress upon the inquiry as to post-reformation examples of the use of altar lights at actual celebration; the important point to be ascertained seems to me to be rather, whether lights were lawfully retained on or at the Holy Table (not for the purpose of affording necessary light, but) for the symbolical reason of the Injunction. If it can be shewn that their retention on that ground was lawful, does it not follow, of course, that their use at celebration was so? If, indeed, they had relation, to "any corporal presence of Christ's natural " body and blood," this could not be affirmed, but, notoriously, they had no such relation even in pre-reformation times. This appears, *e.g.* from Lyndwood's (before cited) "note" on Archbishop Reynolds' Constitution; from the fact that St. Isadore of Seville, in the seventh century, assigns the same symbolical meaning to the lights as Lyndwood's signification (*Orig.* vii. 12); and that Durandus (Bishop of Mende in 1286), although he gives a different signification to them, yet makes no allusion to any Romish doctrine concerning the Holy Eucharist. He says, "At " the horns of the altar two candlesticks are placed to " signify the joy of Jews and Gentiles at the Nativity " of Christ: which candlesticks, by means of a flint, have " their wicks lighted . . . . Now the light of the " candlestick, is the faith of the people."—*The symbolism of churches and church ornaments*, &c., p. 70. 8vo. 1843.

Another of my examiners was of opinion, that the word "lights," in a certain example of its use, might mean "candles;" but even upon the assumption that it did, no conclusive evidence that the candles were *not burning* could thence be derived. Examples, in plenty, may be found of the sole employment of the word candles, when lighted candles are meant. Thus we see Donne says, "it is for- " bidden to set up candles in the church-yard, &c., ... " Now the setting up of lights could not trouble them." Again, in a letter from the Earl of Worcester to the Earl of Salisbury, July 22, 1609, we read, "Yesternight, about ten " or eleven of the clock, the King's stable was set on fire, " by negligence of a candle set on a post, which fell upon " the litter, and burnt the stable."—*Nichols' Progresses of James I.* Vol. ii., p. 262.

That the word "Sacrament" in the Injunction of 1547 cannot mean reserved Sacrament, will appear from the following considerations. The Injunction was put forth in the September of the above year. "The order of the Com-

* Chaplain to Bishop Andrewes, Master of St. Peter's College, Cambridge, and Bishop in succession of Hereford, Norwich, and Ely.

" munion" was issued with a Proclamation on March 8, 1548. The "Order" (as we have seen) does not recognize, but rather virtually prohibits the practice of reservation in a pyx, &c.; the Injunction was continued in force, side by side with the "Order;" consequently, it is highly probable that the word "Sacrament" in the Injunction was designed to have the same meaning as it has in the "Order;" but that the phrase "Sacrament" in the latter document does not stand for reserved Sacrament is (apart from other considerations) plain from the Proclamation which accompanies and prefaces the "Order," and which prescribes that the "*blessed Sacrament be ministered* unto our people, only "after such form and manner as hereafter . . . . is set "forth and declared, willing every man with due reverence "and Christian behaviour to come to this *holy Sacrament* "*and most blessed Communion.*" "Sacrament" has, here, evidently the same meaning as that assigned to it by Cranmer, viz.: "Sometime by this word (Sacrament) I mean "the whole ministration and receiving of the Sacraments, "either of Baptism, or of the Lord's Supper." (*An Answer of the most Reverend Father in God, Thomas Archbishop of Canterbury, &c., unto a crafty and sophistical Cavillation, devised by Stephen Gardiner, &c., Preface*, sig. A. 2, fol. 1551.) If, then, it be highly probable, that "Sacrament" in the Injunction was intended to have the same import as "Sacrament" in the "Order of Communion," the conclusion necessarily follows, that it is equally probable that it did not mean reserved Sacrament. And this high *probability* is, I think, converted into *certainty* by the statements following. Hoper, afterwards Bishop of Gloucester, writing in 1547, in reply to Gardiner, says, "The bread lift up over "the priest's head, *nor kept in the box, is not a Sacrament.*" (*An Answer unto my Lord of Winchester's, Book intitled a Detection of the Devil's Sophistry, &c.*, sig. H 2. 4to. 1547.) As Hoper really was what was afterwards styled a puritan, this fact *per se* has not any great significance, but when coupled with what I have next to relate, it becomes important. Hoper's coadjutor, *Cranmer*, in the above year licensed (according to Strype) "an earnest preacher," one Thomas Hancock, "whose mouth had been stopped by a "strict inhibition from preaching in the former King's "reign." This "diligent declaimer against Papal abuses," in a sermon preached (in 1547) in St. Thomas's, Salisbury, denounced "the idol of the altar," and when, in consequence, he was charged by the mayor of Salisbury with "the "breach of a Proclamation, lately set forth by the Lord Pro-"tector, 'That no nicknames should be given unto the Sacra-"'ment, as *Round Robin*, or *Jack in the Box*,' . . . . replied, "'That it was *no Sacrament*, but an idol, as they used it.'" (*Memorials of Archbishop Cranmer*, p. 176, fol. 1694.) Here we find one of Cranmer's chosen agents, whose opinions must have been well known to Cranmer, and who was indeed specially licensed by the Archbishop to preach them, making the same assertion as Hoper, contemporaneously with the date of the promulgation of the Injunction. May it, then, not unreasonably be inferred from this fact, that Cranmer so far agreed with Hoper and Hancock, that, at all events, he would have refused to sanction the application of the word "Sacrament" to the reserved consecrated species in that document? But there is no necessity to resort to inference in regard to Cranmer's views of the Holy Eucharist at the time of the publication of the Injunction. "This year [1547] the Archbishop," says Strype, "put forth a very useful Catechism, ... wrote 'originally in the German language, translated into Latin "by Justus Jones, junior, and thence turned into the vul-"gar tongue by the said Archbishop or his special order." (*Ibid.* pp. 159, 160). This Catechism contains an "In-"struction of the Lord's Supper;" and Gardiner, seeking to convict Cranmer of subsequent inconsistency on that subject, insisted that the doctrine of the corporal presence was therein taught. Cranmer in his *Answer* (before cited) denies this charge, and says, "In that Catechism I teach, "not (as you do) that the Body and Blood of Christ is con-"tained in the Sacrament *being reserved*, but that in the *mi-*"*nistration* thereof we receive the Body and Blood of Christ, "whereunto it may please you to add or understand this "word (spiritually), then is the doctrine of my Catechism "sound and good in all men's ears which know the true "doctrine of the Sacraments." (*An Answer*, &c., p. 269.)

Rev. J. F. Russell, B.C.L., F.S.A.

Thus it appears by Cranmer's own words, that his sentiments concerning the blessed Sacrament, when he set forth the Catechism, were not at variance (as Gardiner wished to show,) with those which he maintained in his *Defence of the true and Catholic doctrine of the Sacrament*, and which he defends in his *Answer*. Now at p. 211 of that *Answer*, we read, "As water in the font or vessel *hath not the reason* "*and nature of a Sacrament*, but when it is put to the *use* "of christening, and *then it is changed into the proper na-*"*ture and kind of a Sacrament, ... such is the change* "of the bread and wine in the Lord's Supper." Again, at p. 282, the Archbishop quotes from his *Defence** the lines which follow: "Our Saviour Christ . . . . has given us "warning that we should not give credit unto such "teachers as would persuade us to worship a piece of "bread, to kneel to it, ... *to light candles to it, to shut* "*it up in a chest or a box.*" The above, then, were unquestionably Cranmer's opinions at the date of the publication of the Injunction of 1547, of which he is presumed to have been the author, and which he undoubtedly approved; and also when, in the next year, he in his Visitation Articles inquire whether (1) the "two lights upon "the high altar" are duly retained; (2) the Injunctions "read every quarter of the year; and (3) the Communion is "ministered as it is set forth by the King's Majesty in the "Book of the Communion?" And this being the case, can any other conclusion be arrived at than this, viz., that the term "Sacrament" in the Injunction has no relation to the (so-called) "idol" of the pyx, but was designed to signify "the most blessed Communion," or, in other words, the whole Celebration? It is my belief that this conclusion is correct, a belief which, once more, is confirmed by the fact that Cranmer in his Visitation Articles, upon one occasion indeed, calls the consecrated wafer "the Sacra-"ment," but *when insisting upon its non-reservation*, as, *e.g.*, when, he asks "Whether they had upon Good Friday last "the Sepulchres with their lights, having the Sacrament "therein?"† Assuredly that interpretation of the word "Sacrament" in the Injunction, which involves and requires assent to the theory that the consecrated species was to remain over the high altars with two lights constantly burning before it, at the very time when even its temporary reservation in a sepulchre, on one day in the year, was made a subject of visitorial inquiry as a forbidden practice; and also that reservation in the one case was commanded by the authorities who forbade it in the other is manifestly untenable.

J. F. R.

* The original edition of this work appeared very early in 1550, when, as we know upon Hoper's testimony, lights were authoritatively in use at celebration.

† "On the gospel side of the chancel, and nearly opposite the sedilia, "we generally find an arch forming a recess or canopy to an altar tomb: "this was used as a sepulchre for the reservation of the blessed Sacra-"ment, from Maundy Thursday till Easter Sunday Morning, which "was anciently practised in the Sarum rite." (Pugin in *Dublin Review*, No. XX., p. 334.) Cromwell enjoins in 1536,—"ye shall . . . suffer "from henceforth no candles, tapers, or images of wax, to be set afore "any image or picture, but only the light that commonly goeth across "the church, by the roodloft, to light before the Sacrament of the "altar, and *the light about the sepulchre* which, for the adorning of "the church and Divine Service ye shall suffer to remain still.' &c. *Wilkins' Concilia*, vol. iii. p. 816, fol. 1737.

Notes on the Supplementary Letter of the Rev. J. F. Russell.

The Injunctions of the year 1547, and the Visitation Articles of the year 1548, to which Mr. Russell first refers, do not seem to me to bear on the question of fact, as to what was the usage of the National Reformed Church in respect of lighted candles at the Lord's Table. The reference to the Provincial Constitution of the year 1322, containing directions as to the celebration of mass, is subject to the same observation.

The Injunctions of Queen Elizabeth, to which Mr. Russell has not referred, contain no exception whatsoever in favour of lights; and the 9th enquiry of the first set of Visitation Articles that followed these Injunctions is in these words:—"Whether they use to declare to their parishioners any-"thing to the extolling or setting forth of vain and super-"stitious religion, pilgrimages, relics, or images, or lighting "of candles, and kissing, kneeling, or decking of the same "images?" (See Cardw. Doc. Annals, vol. i., 213, and the note to cl. iv.; pp. 221, 243, edit. 1844.)

Mr. Russell next refers to a statement attributed to Cosin, and found in the notes of Nicholls. It has been inserted in the Hierurgia Anglicana, of which Mr. Russell is Editor. It is in these words:—"In the latter end of "King Edward's time they used them [the two altar "lights] in Scotland itself, as appears from Calvin's epistle

"to Knox and his fellow reformers there, anno 1554 "(Ep. 206), where he takes exception against them for "following the custom of England."

These notes of Nicholls have been much discredited with reference to Cosin's supposed annotations. It is enough to call attention to the fact, that the date of the epistle of Calvin (1554) is in the reign of Queen Mary, not of King Edward VI. Next, on referring to the Epistle, it turns out to be a letter, not to Knox in Scotland, but to Cox when in exile at Frankfort.

In his reply Cox says, "As to the use of lights we never "had any." (See the St. Albans case, third day, p. 27; Teignmouth case, first day, p. 28.)

Cosin's undeniable opinion as to the use of lights, is to be found in his reply, made on oath, to the charges preferred against him by Peter Smart. It is published in an authentic form in his works. (See vol. IV. p. 390.) He makes no claim whatsoever to use lighted candles for any other purpose than that of giving light that was needed. They were lighted (as he states) "that the people all about "might have the better use of them for singing the "Psalms, and reading the lessons out of the Bible."

As to Donne's sermon, to which Mr. Russell again refers, the extract given requires to be supplemented. The following passage immediately precedes what Mr. Russell has extracted, and published in the Hierurgia, p. 197 :—

Dr. Donne says, "There was a particular holyday "amongst the heathen that bore the name of this day, "accensio luminum, a superstitious multiplying of lamps "and torches in divine service. This superstition Lac-"tantius reproves, &c. &c. Let that man but consider "seriously the sun, and he will see that God, who could "spare him so glorious a light as the sun, needs not his "candle. And, therefore, says Tertullian (reprehending "the same superstition) we do not shorten our days by "setting up lights at noon, &c." After the passage extracted by Mr. Russell, this follows immediately: "*These* "*superstitious lights* are not the lights we call for here,— "let your light shine out; but your light,—the light of "good works, let that shine out."

Mr. Russell has not referred to Jeremy Taylor's Rule of Conscience, Book III. Ch. IV. Rule XX. s. 7, where he speaks of the lighting of candles to represent the Epiphany. "They are unbefitting the gravity and purity and spi-"rituality of the Christian religion; but also the manner "of teaching these truths by symbolical things and actions "is too low, too suspicious, too dangerous to be mingled "with the Divine Liturgies. Christ may as he please "consign his own good things that he gives us; but he "consigns no good and represents none but what he also "gives and effects in that ministration and under that "sign. But a symbolical rite of human invention to 'signify what it does not effect, and then introduced into "the solemn worship of God, is so like those vain imagi-"nations and representments forbidden in the Second "Commandment, that the very suspicion is more against "edification than their use can pretend to." Vol. XIV. page 111 (Heb. edition).

In the Hierurgia, p. 28–9, an extract is given from the MS. of Nicholas Ferrar, in which it is stated that there were candlesticks with wax candles on the Communion Table, and many other candles of the same sort were set up in every part of the Church and on all the pillars of the stalls. "And *these were not for the purposes of superstition,* "*but for real use.*"

Mr. Russell gives an extract from Strype (vol. I. p. 260) as to Bishop Cox officiating in the Queen's private chapel). In the same page of Strype it appears that before this time the Queen had used the lighted candles in her private chapel as adjuncts to the crucifix: that she had laid them aside upon the earnest addresses made to her by her Bishops, that in her Injunctions it might be enjoined that all images should be removed out of the churches; wherein they did prevail: that not long after the Queen resumed burning lights, and the image of the crucifix upon the altar in her oratory, and that the Archbishop of Canterbury performed his part by applying himself honestly to the Queen for divers reasons to remove them.

Mr. Russell has not directed our attention to the evidence that shows this intermittent use of the candles with the crucifix to have been confined to the Queen's private chapel (see Zurich Lett., p. 17, Jewel to Peter Martyr; p. 54, same to same; Sampson to Peter Martyr, p. 62.) From the letter of Bishop Parkhurst to Bullinger, in April 1563, it appears that the candles in the Queen's chapel *were no longer lighted at all.* (See Zur. Lett., p. 129; Cardw. Doc. Ann., vol I. p. 268–9, note. Ed. 1844.)

Mr. Russell has made an addition to his answer to Q. 208. The question related to the usage of parish churches, as to having candles lighted at the celebration of Holy Communion. Mr. Russell was asked, "Have you "any belief that they were lighted?" His answer is, "I "am not prepared to say. I do not know." The addition that he has made is, that "in York cathedral in 1736 were "two silver candlesticks, &c., and a writer in that year "records that from All Saints to Candlemas the choir is "illuminated at *every* service, &c." He refers to Drake's Eboracum, p. 524. It is also quoted in the Hierurgia Ang., p. 196. On referring to Drake's work, it turns out to be 'evening,' not '*every*.'

In the Hierurgia, p. 354, extracts are given from a work there cited, in which it is said: "In some topping "churches you shall see huge unlighted candles (for what "use nobody alive can tell); but the meaner churches are "forced to shift without them."

As to Laud, Mr. Russell says that, so far as he knows, Laud no where denies the charge that he introduced 'lights' on the holy table in his chapel. But it is important to know what is here meant by 'lights'? (See Mr. Russell's note to his answer to question 325.) The charge already stated by Mr. Russell is, in the words of Prynne, that Laud had not only tapers and candlesticks standing, "*but like-wise burning in the daytime,* on the altar." (See his evidence and the Hier. Anglic., p. 339.) From Laud's defence it appears that he admitted that he had "candlesticks with "tapers, *but not burning.*"

This defence is set forth in Rushworth's Historical Collections, vol. II., second part, p. 279. This is cited in the Hier. Anglic., p. 162, on the question of the use of copes; and the words of Laud's defence, in which he says that he had candlesticks with tapers, *but not burning,* is there extracted. In p. 339 it is not in any way referred to. It has not been brought under our notice by Mr. Russell.

In referring to Jewel's reply to Harding, Mr. Russell says, "Subsequently he cites Lactantius, in condemnation "of the practice of setting up lights in churches to the "honour of God." Mr. Russell has overlooked an important passage in this part of the reply of Jewel: "Touching "your lights and tapers, Beatus Rhenanus, a man of great "learning and judgment, doubteth not but ye borrowed "the use thereof from the heathen. I grant that Christians "in old times had lights in their churches, when they met "together for their common prayers; but it appears by "the ancient fathers that the *same lights served to solace* "*them against the dark, and not for any use of religion.*"

One of the additional authorities to which Mr. Russell refers, is the work entitled "A large Supplement of the "Canterburian Self-conviction." It is described by him in the Hierurgia in these words: "This is the second "edition of Bailie's infamous Canterburians Self-convic-"tion, lauded by Pyrnne." (Hier. Ang., p. 357, n.) The same man was the author of the Parallel of the Liturgy with the Mass Book, which Mr. Russell also cites. It is the Scotch liturgy, not the English.

Why he should go back to Peter Smart, as an authority I cannot discover. In the Hierurgia, p. 22, n., Smart is first introduced to our notice by Mr. Russell, as "this pestilent fellow." In the note to page 33 this cautionary notice against him is inserted: "The following "illustrations of the Caroline ritual are taken from the "writings of a virulent Puritan, and are in many particulars "shamelessly. untrue, *e.g.*, in regard to adoration of saints, "angels, and images. This will further appear by com-"paring the charges made against the saintly Cosin, with "his reply to them."

In the Hierurgia, p. 39, Cosin's defence is stated to have been so well proved by Smart's own witnesses, that Mr. Glover, one of Smart's lawyers, told him openly at the Bar of the House of Lords that he was ashamed of him, and could not in conscience plead for him any longer. Why, the reply of Cosin should now be ignored requires explanation.

I have thought it right to confine my remarks at present to such matters in Mr. Russell's supplementary letter as seemed to me to bear on the question of the usage of the National Reformed Church in respect of lighted candles at the Lord's Table or in the public services. This is a question of fact, to be decided according to the evidence.

JOSEPH NAPIER.

APPENDICES.

[*The Letters in Appendices (A.) and (B.) are inserted here, at the request of the writers, with the view of correcting certain statements contained in the printed evidence attached to the First Report.*]

APPENDIX A.

LETTER from the REV. J. BICKNELL, Incumbent of St. Saviour's, Highbury.

41, Highbury Hill, N.
November 26, 1867.

Sir,

I should be obliged if the Ritual Commissioners will allow me to make some remarks on the evidence given before them respecting my church (S. Saviour's, Highbury) by the Vicar of Islington.

The evidence is contained in answer 156.

1. The Rev. D. Wilson first states that the number assembling at S. Saviour's for daily prayers on week-days is "3, 4, or 5; *and that is all.*"

The fact is, as appears from a list kept regularly for some months, that the number varied during that time from 9 to 36, and that the average was 22. On only one occasion, previous to the list being kept, the number was as low as 4; on another it rose to 51. But I believe the average of the above list to be a fair return.

2. The Rev. D. Wilson states that "*The founder is utterly disappointed.*"

Whether Mr. Wilson wishes it to be understood that the founder is "utterly disappointed" with the result of *daily prayers* at S. Saviour's, or with the *general* result of the church, seems doubtful. In either case, the *fact* is, that the founder is most thoroughly satisfied, and considers the result far better than he could have anticipated. In proof of this assertion, I refer to a letter published by him in the "Guardian," September 18, 1867; wherein he gives to Mr. Wilson's statement on this point his "*unqualified denial.*" And I also beg permission to quote (by his authority) the following extracts from a letter written to me after the publication of Mr. Wilson's evidence:—

"The questions you put are, (1) Are you 'utterly disappointed' with the results of S. Saviour's, or with the attendance, as far as you know, at daily prayers? (2) Whether you have told either of my churchwardens, or any one, that you are? I answer to all alike, certainly not . . . . If I were utterly disappointed, or at all disappointed, I should be utterly wanting in thankfulness to Him who . . . . has enabled me to provide church accommodation for Aberdeen Park . . . I should also fail in gratitude to you who have so ably, boldly, and devotedly fulfilled your ministry since the consecration of S. Saviour's. How the Vicar of Islington can have had the hardihood to use the words in connexion with S. Saviour's, I cannot think. It is most charitable to put his mis-statement down to the account of ignorance. But if there was ever a 'great success,' (to use the slipshod language of the day) it is S. Saviour's as one of the Islington churches."

Having thus shown what the real facts are, as to the points in Mr. Wilson's evidence to which I have now referred, I hope I may request of the Commissioners that this my letter may appear in the Appendix to their Report, and may have attention so directed to it that my reply may meet with as wide a circulation as the statements which have called it forth.

Yours obediently,
JOHN BICKNELL,
Incumbent of S. Saviour's,
Highbury.

The Secretary
to the Ritual Commission.

APPENDIX B.

[*The following Letter was sent with enclosures by the Bishop of Winchester to the Chairman of the Commission.*]

Southwick Park, Fareham,
October 29, 1867.

My Lord,

THE evidence given by the Rev. George Nugee, the vicar of Wymering, before the Ritual Commission, with reference to the chancel of Wymering church and my rights, as lay rector, over it, having been so very incorrect, I felt called upon, as soon as I became aware of it, to ask him for an explanation. I have now the honour to enclose to your lordship a copy of the correspondence which has passed between us, and I would venture to request your lordship to be good enough to lay the same before the Commissioners, in order that Mr. Nugee's admission of his error, as well as his explanation, may be brought to their notice.

I think it right that the real facts should be made known to the Commissioners, and trust for my own sake, if for no other reason, that the Commissioners will see fit to add the correspondence as an Appendix to their Report, and thus to refute in a public manner the error under which Mr. Nugee laboured at the time he gave his evidence, and to prevent it from compromising at any future time the rights of myself or my successors over the chancel.

I have the honour to be,
My Lord,
Your lordship's obedient servant,
THOS. THISTLETHWAYTE.

The Right Reverend
The Bishop of Winchester,
&c., &c.,
Farnham Castle.

(Enclosure 1.)

Dear Sir,

Southwick, Sept. 16, 1867.

I HAVE just been reading a report of your evidence as given before the Ritual Commission in London, and printed in the "Hampshire Telegraph" of Sept. 14 last.—I know not, of course, whether it has been taken down by their own reporter, or may have been copied from some other paper, but I was greatly startled by reading what I must think has been quite a misconception on the part of the reporter. I will copy it word for word from the "Hampshire Telegraph" as having come from you:—

"Mr. Thistlethwayte is my lay rector at Wymering, "and he has resigned over to me the chancel formally and "distinctly on condition of myself and my successors "keeping it in order, so that were it not for that I should "have no power in the chancel at all."

Now, as I have no knowledge or idea of this resignation of my rights over the chancel, nor ever had, I must look upon this passage as a total misapprehension on the part of the reporter, and shall feel much obliged by your letting me know what you did say about the chancel, as it concerns my rights most materially both now and hereafter. Neither have I the power, as tenant for life, or the wish, to circumscribe or prejudice the rights and powers of my successors.

I remain, &c.

To the Rev. Geo. Nugee.

THOS. THISTLETHWAYTE.

(Enclosure 2.)

Wymering, Cosham, Hants,
Sept. 17, 1867.

Dear Sir,

THE report does not convey the true purport of my evidence. The facts are these. A legacy having been left by my late father, as patron of the living of Wymering and Widley, towards the restoration of the parish church of Wymering, you agreed to allow the chancel to be restored out of that money according to the plans submitted to and sanctioned by the Bishop of Winchester, in due conformity with the rubric that "the chancels shall remain as they have done in times past."

You will remember that I referred you to that rubric at the time in my letter, the legal observance of which I made a condition of my acquiescing as executor in the application of the said legacy to the restoration of the chancel.

To this you agreed by letter, stating on your part a condition that I should keep the chancel so restored in good repair, and, so far as I could, bind my successors to do the same. It is evident that you can no more bind

your successors than I can mine, except by a moral obligation to acquiesce in an arrangement so honourably made between us.

I am, dear sir,

To T. Thistlethwayte, Esq. Yours truly,
GEO. NUGEE.

(Enclosure 3.)

Dear Sir, Southwick, Sept. 18, 1867.

As I consider this matter about my rights over the chancel at Wymering to be of deep moment to myself and to require a distinct settlement at this present time, after so public an assertion on your part before the Commission that I had formally and specially resigned them to you, which, if not the exact words (as I understand), you do not deny to be the meaning of what you said. Now I have looked over (I believe) all the correspondence I had with you about Wymering church, and cannot myself find anything tending to a resignation of my rights over the chancel, but, on the contrary, a distinct assertion of them, in my protest about the alteration in the pews in the chancel which I had not understood from the plans. But as you say you have my letter giving my assent to your proposal, and stipulating that you should keep the chancel in repair and, so far as you could, bind your successors to do the same, may I beg the favor of you to give me the date of your letter making the proposal, and citing the rubrics, and a copy of my reply in those terms, as I can find nothing approaching to it, and you will greatly oblige,

Dear sir,

To the Rev. Geo. Nugee. Yours truly,
THOS. THISTLETHWAYTE.

(Enclosure 4.)

Wymering, Cosham, Hants.

Dear Sir, Sept. 20, 1867.

ON referring to the connected correspondence about the restoration of Wymering church, I find that I have not stated the facts with sufficient accuracy, my error consisting in this, that I confounded in memory "restoration" with "repairs," and the "chancel" with the new side buildings attached to it. This will be seen from the following extracts. Thus, in your letter dated Dec. 6, 1859, you gave your consent to the plans for the restoration of Wymering church, (1.) on condition of the legacy of 1,200*l.* being devoted to that purpose, and (2.) "on condition of a clause "being inserted in the faculty, stating that you and your "successors, as lay rectors, are, and shall be, exempt from "all liability for repairs to the new buildings,—viz., a side "aisle and vestry which it is proposed to attach to the "chancel wall." Again, in your letter dated March 21, 1860, you further agree to the work being completed if I gave you a written guarantee that in the event of any deficiency of funds I would make myself responsible for the restoration of the chancel in accordance with the plans and without any expense to you. In that letter I now see that you state explicitly that "as lay impropriator I am "liable to the repairs of the chancel." Again, in your letter dated March 27, 1860, you say that your completing the restoration of the chancel before the body of the church at Wymering "I accept as a sufficient guarantee that I shall not be called upon under any circumstances as lay rector to contribute towards the restoration of the chancel." I think it must have been those words, *under any circumstances*, which, floating in my memory, must have caused the confusion. Whereas I now see plainly that you referred only to the restoration of the chancel at that time and to the future repairs of the new buildings.

With regard to the other point touching the *rights* of the lay rector, what was really in my mind when I spoke of the chancel being resigned over to me "formally and distinctly" (I assume that those very words were used by me), was that by your adoption of the plans as sanctioned by the Bishop of Winchester and the vestry you had so far formally given up the chancel for the ministrations of the church, the pews having been abolished and choir stalls set up in their place. Such an act on your part I accepted as a formal recognition of the rubric to which I referred in my letter to you dated Feb. 20, 1860, and on the legal fulfilment of which I allowed the legacy to be applied towards the restoration of the chancel. I think that the foregoing explanation will be satisfactory to you, and serve as a settlement of the question.

Believe me,

To T. Thistlethwayte, Esq. Yours truly,
GEORGE NUGEE.

To the Royal Commissioners on Ritual.

My Lords and Gentlemen,

I FIND that one or two statements in my evidence (No. 2,113) call for some correction and explanation.

Thus (1st), I am reported as having said that Mr. Thistlethwayte, as lay rector of Wymering church, "has "assigned over to me the chancel formally and distinctly." He did not do so by any formal instrument, but I accepted Mr. Thistlethwayte's formal adoption of the plans sanctioned by the Bishop of Winchester and the vestry as tantamount to a full and formal recognition of the rubric that "the chancels shall remain as they have done in times past." Accordingly the pews were abolished and proper stalls for the choir set up in their place.

2ndly. I am reported as having said that I and my successors were bound to keep the chancel in repair. I ought to have said, the new buildings adjoining the chancel, for Mr. Thistlethwayte stipulated that I and my successors should keep them in repair, while he and his successors would still be liable for the repairs of the chancel as such.

3rdly. I am reported as having said, that "were it not "for Mr. Thistlethwayte having so assigned over the "chancel to me, I should have no power in the chancel "at all." So sweeping a statement has been rightly objected to by some friends as contrary to the real rights of the Church both before and after the Reformation, and I beg to withdraw it.

I have the honour to be,
My Lords and Gentlemen,
Your obedient Servant,
GEO. NUGEE,
Vicar of Wymering.

Wymering,
November 28, 1867.

APPENDIX C.

I.

MEMORIAL adopted at a Public Meeting held in St. James's Hall, November 19th, 1867.

To the Commissioners appointed to inquire into the Rubrics, Orders, and Directions for regulating the course and conduct of Public Worship, &c., according to the use of the United Church of England and Ireland.

The humble memorial of the undersigned Clergyman and Laymen, being Communicants,—

Sheweth,—

1. That the use of high ceremonial in churches and chapels is part of the common and statute law of the Church of England, and is the subject of a rubric of the present Book of Common Prayer, relating to ornaments of churches and vestments of ministers, which rubric has received a legal interpretation from the Judicial Committee of the Privy Council, as follows:

"The Rubric to the present Prayer Book adopts the "language of the statute of Elizabeth, but they all* "obviously mean the same thing, that the same dresses "and the same utensils or articles which are used under "the first Prayer Book of Edward VI. may still be used." —Liddell *v.* Westerton.

2. That such use, although in many particulars long in abeyance, is held by many of her clergy and laity to be the proper outward expression of her doctrine, a help to devotion, and a means of teaching; and the disuse to have resulted in very serious loss to the life and devotion of our congregational worship.

3. That such abeyance in the Church of England, together with its continued existence elsewhere, has caused the revival of high ceremonial to be regarded as an introduction of novelties in worship, and to be matter for suspicion.

4. That, therefore, such revival should not be effected in any case without great care and caution, and due regard for the feelings of the congregation and the legal rights of the Ordinary.

5. That to impose any restraint upon such revival other than the restraints above specified, would require ex post

* Speaking of the present Rubric and those similar to it, and occupying the same places in the Prayer Books of Queen Elizabeth and King James, their Lordships say "the Rubric," as in text of memorial.—Report of Committee of Lower House of Convocation of Canterbury on Ritual 1866.

facto legislation, which is, upon general principles, most objectionable; and which, in this particular instance, would operate with grave and manifest injustice against one section of the clergy and laity; and would, further, contravene obligations with respect to ceremonial entered into by clergy under the existing law; thereby setting a precedent for the contravention of all other obligations alike entered into, and which ex post facto legislation, if it could be obtained, would have the further evil consequence of narrowing the basis of the Church of England.

A large number of your memorialists are not in the habit of using high ceremonial, or worshipping in churches where it is used; but nevertheless, in common with their brethren who do so worship, they humbly submit that, for all the reasons above stated, it is most inexpedient to promote any alteration of the existing law, or in any way to restrain the lawful liberty of the clergy and the rights of the laity.

NELSON, Trafalgar, near Salisbury.
GEORGE ANTHONY DENISON, M.A., Vicar of East Brent, Archdeacon of Taunton.
ROBERT BRETT, Stoke Newington.
(Together with 2,208 other signatures up to November 23rd, 1867.)*

II.

MEMORIAL to the Royal Commissioners appointed to inquire into the Rubrics, Orders, and Directions for regulating the course and conduct of Public Worship, &c., according to the use of the United Church of England and Ireland.

The humble memorial of the Vice-Presidents and Council of the Church Association—

Sheweth,—

That your Memorialists acknowledge with satisfaction the decision announced in the first report of the Royal Commission, "That it is expedient to restrain in the public "services of the United Church of England and Ireland "all variations in respect of vesture from that which has "long been the established usage of the said United "Church."

A Church established by law is bound by a compact, expressed or implied, with the State; and the Church of England, when reformed under Edward the Sixth, re-established under Queen Elizabeth, and restored and settled under Charles the Second, was expressly admitted to its position and privileges with a full record of its doctrines, and an equally clear setting forth of its order of worship. Nor could any departure from either of these be tolerated without the consent and assent of both parties,—the Church and the State. And that this was understood by both is plain from their acts; for the Church maintaining in her Articles (19 and 34) that she hath power to decree rites and ceremonies, did, after careful examination, reject many rites formerly in use, explaining in her Book of Common Prayer ("Preface concerning the Service of "the Church" and "of Ceremonies"), that she adopted her present service as simple, not burthensome, and such as to allow room for the full teaching of Holy Scripture; and she also declares why, reviewing the Salisbury, York, and other Uses, she has rejected these as containing "many "things, whereof are some untrue, some uncertain, some "vain and superstitious." And further, she lays it down that an excessive multitude of ceremonies is a burden "intolerable to Christian people." Many of these she declares to be so dark, "that they did more confound and "darken than declare and set forth Christ's benefits unto "us."

Therefore, forbidding divers Uses, she declared that, "from henceforth all the whole Realm shall have but one "Use"; and she adds this weighty caution:—that "though the keeping or omitting of a ceremony, of itself "considered, is but a small thing, yet the wilful and con-"temptuous transgression of a common order and disci-"pline is no small offence before God." And, further, in Article 34, she says, "Whosoever, through his private "judgment, doth openly break the traditions and cere-"monies of the Church, which be ordained by common "authority, ought to be rebuked openly."

This being the mind of the Church, not less clear was the judgment of the State. For on the re-establishment of the Church, in the first year of Elizabeth (Chapter 1 and 2), the State passed two Acts, one of Supremacy, the other of Uniformity; the former statute vesting in the Crown supremacy in all Ecclesiastical causes, the latter statute requiring strict conformity to the Book of Common Prayer, and forbidding all rites and ceremonies but those sanctioned therein. And upon the settlement of the Church at the Restoration, the new Act of Uniformity expressly enforced the directions and penalties of the preceding Acts with reference to the revised Book of Common Prayer. And this is reasonable. For if the State preserves to the Church her position and endowments it has a right to understand what religion is taught and what order of worship is observed. So jealously did the authorities, both of Church and State, watch over this uniformity of worship and those common Articles of faith, that, as no deviation was suffered from either on any plea, so if any *special service* was at any time required, it could not be had without the authority of the Sovereign, directing it through the Archbishop as Primate of the Church. And as no clergyman had any right or licence to change, omit, or add to the public ministrations, as prescribed in the Book of Common Prayer, so, if he had any doubts respecting the meaning of any direction therein contained, he was not suffered to exercise his own judgment, or to follow his own will, but "the parties that so doubt or diversely take "anything shall always resort to the Bishop of the Diocese, "who, by his discretion, shall take order for the quieting "and appeasing of the same, so that the same order be not "contrary to anything contained in this book, and if the "Bishop of the Diocese be in doubt, then he may send for "the resolution thereof to the Archbishop."

Yet in the face of this clear declaration of the mind of the Church and the Legislature and this Use of the Realm, declared by law and fixed by custom, unvaried through 300 years, a section of clergymen, organized within the last 30 years, have set up after their own fancy (as is abundantly proved by their evidence before the Commission) strange ornaments and ceremonies, which have had no place within the Church since the Settlement of the Reformation. And in adopting these, as they themselves declare, they set aside the order of the Church, which has said that the whole Realm shall have but one Use. At times they follow the Use of Sarum, at other times that of York; at all times they imitate the ceremonies of Rome, reviving, as they contend, the rites which, by the Church of England, have been rejected as "superstitious and "vain."

And when the Archbishops and Bishops of the Church, whom these clergymen have solemnly pledged themselves to obey and to submit themselves to their godly judgments, and to whom they have sworn canonical obedience, have with unanimous voice collectively denounced these practices in 1851, 1866, and 1867; and when the Ordinary of each Diocese in which these clergymen are found has addressed to them again and again advice, warning, and remonstrance, they have refused to obey the Bishops and the Church, and have thus incurred the Church's sentence that "the wilful and contemptuous transgression and "breaking of a common order and discipline is no small "offence before God."

In such a case, so plain and undeniable, it could not be doubted but that the Royal Commissioners, who include Prelates, Ministers of State, members of both Houses of Parliament, and men learned in the law, would do as the Commissioners have done and condemn these innovations on the usage of the Reformed Church.

It is true, as these clergymen allege, that the ceremonies which they have introduced into the services of the Church are symbolical of certain doctrines, and intended to shadow them forth. But this, so far from extenuating, aggravates the offence; for these doctrines, no less "repugnant to the plain words of Scripture," than to the teaching of the Reformers, founders of our Church, have been rejected by the Church of England. And not only are they violating the Church's order by strange uses, but they are breaking the Church's Articles of Faith by their heresies.

It is certain that the injury they thus inflict on the United Church of England and Ireland is grave and serious. The great body of the nation is warmly attached to the Reformed doctrines of our Protestant Church: therefore when clergymen, repudiating the name of Protestant, seek reunion with the two corrupt Churches from which our Church has separated, adopt their ceremonies and preach their dogmas, and ask that they should be

---

* The total number of signatures to January 31, 1868, was as follows:—

Clergy	1,235
Laymen	7,249
Female communicants	4,227
	12,711

"left in peace" to practise and teach them, they are, assuredly, alienating from our Church the affections of intelligent and faithful laymen, and infusing into the public mind such distrust as will produce, if continued, disastrous results.

Your Memorialists, therefore, appeal to the Commissioners to complete the work on which they have entered, and not to regard it as effected until they have suggested to Her Majesty for the consideration of Parliament, a remedy for these evils; so that every clergyman "who " wilfully breaks the common order and discipline of the " Church " may be restrained, and if he perseveres be then suspended and deposed.

Signed on behalf of the Vice-Presidents and Council of the Church Association.

J. C. Colquhoun,
Chairman.

12 York Buildings,
Nov. 21, 1867.

APPENDIX D.

In the Court of Arches, Wednesday, December 4, 1867.

Before the Right Hon. Sir R. J. PHILLIMORE, Dean of the Arches.

THE OFFICE OF JUDGE PROMOTED BY MARTIN *v.* MACKONOCHIE.

Counsel for Promoter.	*Counsel for Respondent.*
Mr. A. J. Stephens, Q.C., LL.D.	Mr. W. M. James, Q.C.
Mr. Coleridge, Q.C.	Mr. Prideaux, Q.C.
Dr. Swabey.	Dr. Tristram.
Mr. Droop.	Mr. E. Charles.

Proctor for Promoter, Messrs. MOORE & CURREY, instructed by Mr. J. M. DALE.
Proctor for Respondent, Mr. GEORGE H. BROOKS.

FIRST DAY.

The Registrar reads a minute whereby the Delegates of the Official Principal resigned their powers to try this cause to the Right Hon. Sir R. J. Phillimore, and made a minute to the same effect in the Court Book.

Mr. Edward Morton Walsh is sworn as short-hand writer for the Promoter, and Mr. Thomas Meredith for the Respondent.

(*Mr. Stephens.*) Perhaps it may be almost superfluous for me to remark that from the resignation of the two surrogates or commissaries and the entry on the records of the Court, whatever power your Lordship may have delegated to them has now been exhausted, and whatever powers you had before the issuing of the Commission are now again absolutely vested in your Lordship.

May I now be permitted to ask your Lordship how many counsel you will hear on each side? Is it unlimited, or will you restrict it according to the usual practice of this Court to two counsel? It is a matter of perfect indifference to me.

(*The Dean of the Arches.*) I think it would be sufficient to hear two counsel in this case, but if any application is made to me, considering the important character of the proceedings, I will listen to that application; at present it will be sufficient to say that I will hear two counsel.

(*Mr. Stephens.*) I think my learned friend and myself should come to some understanding on the subject at the present moment.

(*Mr. James.*) Your Lordship sees it is a very important case.

(*The Dean of the Arches.*) I am not at all inclined in this case to deprive myself of the benefit of any assistance I can derive from counsel, and if either of the leaders are of opinion that it is expedient that more than two counsel should be heard I think I should hear more.

(*Mr. Stephens.*) Your Lordship must perceive the position in which I as counsel for the Promoter am placed. Supposing Mr. Coleridge and myself, in order to save your Lordship's time, do not think proper to avail ourselves of the assistance of our learned friends, Dr. Swabey and Mr. Droop, and that the opposite side think it proper to call for the assistance of Dr. Tristram and Mr. Charles, your Lordship will perceive that the opposite side will receive a degree of assistance which we have not received.

(*The Dean of the Arches.*) Why? I do not understand. I do not propose to exclude Dr. Swabey and Mr. Droop, but to hear them.

(*Mr. Stephens.*) Then your Lordship will hear four counsel on each side.

(*The Dean of the Arches.*) I will certainly hear three and perhaps four counsel.

(*Mr. Stephens.*) Your Lordship, as I understand, will certainly hear three counsel?

(*The Dean of the Arches.*) Certainly.

(*Mr. Stephens.*) If your Lordship pleases, before I open the articles I propose to call two or three witnesses. They will not occupy your Lordship's attention long.

(*The Dean of the Arches.*) Before you open the articles?

(*Mr. Stephens.*) That was my intention.

(*Mr. James.*) I do not know whether that is the usual course. It does not seem to me to be a very convenient course, because one ought to know upon what articles you are going to examine witnesses.

(*The Dean of the Arches.*) I think it will be convenient that you should make a short statement to the Court as to the subject upon which these witnesses are to be examined before you call them.

(*Mr. Stephens.*) If your Lordship pleases. In the responsive allegation put in by the Respondent, it is charged that some of the facts of the case have been untruly stated. All I propose to do at the present stage is to call evidence so far as regards that particular point, and it is only with respect to the elevation.

(*Mr. James.*) I do not know what dispute there is between us.

(*Mr. Stephens.*) It is with regard to the third article; it is the responsive allegation, "Whereas in the third article it is pleaded that the said Alexander Heriot Mackonochie——"

(*The Dean of the Arches.*) Would not the more regular course be that you should prove the averments contained in your articles?

(*Mr. Stephens.*) As I understand, they are admitted, my Lord.

(*Mr. James.*) I should have thought the whole thing was admitted for all the purposes of this argument.

(*The Dean of the Arches.*) No; this question of the elevation of the paten is not admitted.

(*Mr. Stephens.*) How can it be admitted when it is stated in the responsive allegation to the third article, that it is in part untruly pleaded?

(*The Dean of the Arches.*) Then the best course will be to call your witnesses to prove that part of the case.

(*Mr. Stephens.*) That was the course I was about to pursue.

(*The Dean of the Arches.*) I see no objection to it at all.

(*Dr. Swabey.*) We will now call Mr. Beames. The evidence will be confined entirely to the third of our articles, the third paragraph of their responsive allegation, which my learned friend has pointed out, at all events not fully admitting the statement in our third article. I think all the rest of the articles are fully admitted, at least sufficiently admitted for our purpose.

Mr. Francis Beames sworn, examined by Dr. Swabey.

1. Were you present at St. Alban's Church on Sunday, the 23rd of December last?—I was.

2. And on Christmas day following that Sunday?—Yes, I was.

3. Was that at the 11 o'clock, or at the half-past 11 o'clock service?—About that time.

4. (*The Dean of the Arches.*) Which service; the 11 or the half-past 11 o'clock service?—I think they call it the second service; about a quarter-past 11 the bell tolled.

5. (*Mr. Swabey.*) Was Mr. Mackonochie one of the officiating clergymen on that day?—The gentleman I see present (*pointing to Mr. Mackonochie*) was the gentleman that officiated.

6. On both days was Mr. Mackonochie there?—Yes, he was there on both days.

7. I do not want to know wholly what you saw, but direct your attention to that part of the service where the communion was celebrated; were you present during that?—Yes, I was.

8. Did you attend particularly to what took place during the reading of the prayer of consecration?—Yes, I did.

9. Was your attention attracted to anything the clergyman did with the paten?—Something I had never seen before; the paten was put above the head at one part of the service (*describing the elevation*).

10. (*The Dean of the Arches.*) Just do that again; you say it was lifted up?—The paten was elevated above the head.

11. Above the head?—Yes, as high as the vestments on the arm would allow.

12. Was it above the head?—Yes, above the head, decidedly.

13. (*Dr. Swabey.*) Can you tell his Lordship at what particular time that elevation took place?—It was at the time in the Prayer-book, which I have here—I do not know whether it is called the consecration prayer, but it is at the consecration of the bread and wine—where it says, or somewhere about that part, "The same night that he was betrayed he took bread."

14. Was that the time?—As near as I can recollect that was the time.

15. Will you just run your eyes over the words that follow? You say the elevation took place after those words?

(*Mr. Prideaux.*) No, he says at the time.

(*The Witness.*) About the time.

(*The Dean of the Arches.*) The paten was elevated at the time these words were uttered, "In the same night that he was betrayed he took bread." That is what I have taken down.

16. (*Dr. Swabey.*) What did the clergyman do with the paten after he had so elevated it?—He returned it.

17. To where?—He returned it, as far as I recollect, to the place from which he took it.

(*The Dean of the Arches.*) Let me have that answer.

(*Mr. James.*) "He returned it to the place from whence he took it."

18. (*The Dean of the Arches.*) What was that place; the holy table I suppose?—Yes, the communion table.

19. (*Dr. Swabey.*) Did anything attract your notice with regard to the chalice or cup?—The same thing; an elevation took place of that in the same manner, though not at the same time.

(*The Dean of the Arches.*) Describe how it took place

20. (*Dr. Swabey.*) Just refer to the words of the Prayer-book, and then, perhaps, you will be able to tell his Lordship exactly what took place with respect to the cup?—I think it was about the time of these words: "Drink ye all of this."

21. (*The Dean of the Arches.*) What happened then?—Then the cup was elevated.

22. How?—In the same manner (*describing as before*).

23. Elevated above the head?—Yes, above the head.

24. (*Dr. Swabey.*) Did the cup and paten remain long in that position above the head?—Oh, quite an appreciable time.

25. Either before or after the elevation did you notice whether the clergyman kneeled or not?

(*Mr. Prideaux.*) Do not lead the witness.

(*The Witness.*) Yes, the surrounding clergymen; some of the clergymen knelt and prostrated themselves on the steps.

(*The Dean of the Arches, to Dr. Swabey.*) What was your question?

(*Dr. Swabey.*) Whether before or after the elevation and during the prayer of consecration the witness noticed any kneeling on the part of the clergyman?

(*The Dean of the Arches.*) Clergymen or clergyman?

(*Dr. Swabey.*) I intended it, my Lord, with regard to the officiating priest.

(*The Witness.*) The three clergymen knelt.

26. (*Dr. Swabey.*) First of all with regard to the clergyman who had elevated the cup and paten?—He prostrated himself.

27. (*The Dean of the Arches.*) Am I to take it in this way—"Mr. Mackonochie then prostrated himself"?—I do not know as to Mr. Mackonochie; it was the gentleman to whom I have pointed.

28. What is it that I understand you to say, that he then prostrated himself?—On his knees with his head to the ground.

(*Dr. Swabey.*) You say that he knelt on his knees, and inclined his head.

(*Mr. Prideaux.*) He did not say so.

(*The Dean of the Arches.*) The words are these, "Mr. Mackonochie then prostrated himself on his "knees with his head to the ground." It is important to get the exact words.

29. (*Dr. Swabey.*) Did you observe whether the other clergymen knelt in the same way?—Two others in the same manner on the step behind him.

30. Referring to the Prayer-book, tell us at what particular time this kneeling took place?—At the time when the cup containing the liquor was elevated.

31. I presume the clergyman while he was holding up the cup did not kneel?—Certainly not.

32. When did he kneel?—After he had replaced it.

(*The Dean of the Arches.*) What is the meaning of this answer, "At the time when the cup containing the liquor was elevated;" I suppose it refers to the other clergymen?

(*Dr. Swabey.*) That was what I was coming to.

33. Who do you mean knelt at the time when the cup was elevated?—The two assistant clergy.

34. (*The Dean of the Arches.*) And when was it that Mr. Mackonochie knelt?—He knelt immediately afterwards.

35. (*Dr. Swabey.*) After the cup was replaced, as I understand?—Yes.

36. And did the same kneeling take place when the paten was elevated?—In the same way.

37. This was on the 23rd of December?—The 23rd of December; the Sunday before Christmas-day.

38. (*The Dean of the Arches.*) And on the Christmas-day following?—Yes.

39. Your evidence applies to both days?—To both days.

(*Mr. James.*) I have no question to ask this witness.

The Reverend Henry Malin sworn, examined by Mr. Coleridge, Q.C.

40. I believe you are a clergyman of the Church of England?—I am.

41. Do you live at Blackheath?—I live in that neighbourhood.

42. Have you a church there?—No.

43. Have you attended on any occasion the services at St. Alban's?—I attended on the 30th of December last, and on the 13th of January.

(*Mr. James.*) I do not think the 13th of January is charged.

(*Mr. Prideaux.*) No, only the 30th of December; they charge the 25th and 30th of December.

44. (*Mr. Coleridge.*) Very well, we will take the first. We will confine it to that. I will just take you to this, if you please. I do not want to ask you about any other portions of the service; but be good enough to confine your attention to the prayer of consecration, and to what took place during that prayer when you were there. First of all, did Mr. Mackonochie consecrate on the 30th of December?—Mr. Mackonochie did not.

45. But although he did not consecrate, was he present?—Yes.

46. Was he one of the clergymen?—Yes, he was the assisting priest.

47. He was one of the assisting clergymen?—Yes.

48. Was he at the altar?—Yes, he was there.

49. If he did not consecrate I do not ask you as to those portions of the charge which refer to the elevation of the paten and cup, but did he during the prayer of consecration kneel or prostrate himself or do any thing of that sort?—All the clergy except the consecrating clergyman knelt after the words of consecration were uttered. There was a pause in the middle of the prayer immediately after the consecration of the paten.

(*The Dean of the Arches.*) The consecration of the paten?

(*Mr. Coleridge.*) He means of the bread, my Lord.

50. (*The Dean of the Arches.*) You say there was a pause?—There was a pause, and the paten was elevated above the head of the consecrating clergyman, and then a special prostration on the part of the clergy took place.

51. (*The Dean of the Arches.*) What do you mean by a special prostration?—Some of them were already kneeling and they threw their bodies forward, and it was observable in several of the members of the congregation as well.

52. (*Mr. Coleridge.*) I must confine you to what you observed yourself?—I am speaking of what I observed myself.

53. I understand you say they moved themselves forward. Were any of them standing?—The consecrating priest was standing.

54. Yes of course, but were any of the others standing?—No.

55. You say the consecrating priest was standing; what did he do after he had said the words of the consecration prayer and elevated the paten above his head as you have described?—After he had replaced it on the altar, the same ceremony took place on his part as the others.

56. You mean he knelt?—He knelt.

57. (*The Dean of the Arches.*) I have not got who the consecrating clergyman was. You say it was not Mr. Mackonochie?—On the 30th of December it was not.

58. (*Mr. Coleridge.*) Do you happen to know who it was?—I do not know the gentleman personally, but I believe it was Mr. Walker.

(*The Dean of the Arches.*) I only wanted to know who it was not, that was all.

59. (*Mr. Coleridge.*) Mr. Mackonochie, you say, was present as one of the assisting clergymen when this was done?—He afterwards administered the cup.

60. You say the bread was consecrated and elevated over the head of the priest, and then you say this prostration or kneeling was done by the consecrating priest. Was that in the middle of the prayer?—In the middle of the prayer.

61. (*The Dean of the Arches.*) Stop. I have not got that down yet. This throwing of the body forward was in the middle of the prayer?—Yes.

62. (*Mr. Coleridge.*) And also this kneeling of the priest after the consecration of the bread?—Yes.

63. Do I understand you that the consecrating priest knelt down after he had consecrated the bread?—I am now speaking of nearly a year ago; to the best of my knowledge.

64. Just pay attention to me. You never can be assumed to speak, except to the best of your recollection, you know. Are we to understand that after the consecrating priest had consecrated the bread and raised it over his head, as described, and then placed it on the table, he then knelt down, and proceeded with the rest of the consecration prayer?—He then went on with the rest of the prayer.

65. When you speak of this kneeling or prostration, was it for any lengthened time?—For a very appreciable or perceptible period.

66. (*The Dean of the Arches.*) What is the expression you make use of?—A very appreciable or perceptible time.

67. (*Mr. Coleridge.*) Was it time enough to make a marked pause in the consecration prayer itself?—It was a decidedly marked pause.

68. Having done that you say he proceeded with the rest of the consecration prayer; what did he do with the chalice?—The chalice was elevated on the 30th of December in the same way.

69. Before or after the words, "This is my blood"?—Afterwards; I may say partly cotemporaneously, and partly after.

70. (*The Dean of the Arches.*) Let me see if I have got your answer rightly. You say, "he did the same with the chalice"?—Yes, the consecrating clergyman elevated the chalice above his head in the same way as he had done with the paten.

71. And then what did he do?—There was the same prostration after that.

72. (*Mr. Coleridge.*) What I want to know is this; the words of consecration, as we commonly observe, are said, and at the same time one hand is placed on one or other of the elements, whichever is being consecrated at the time. How was that done?—I did not see.

73. Before or after?—Before the elevation.

(*The Dean of the Arches.*) The rubric is, "And here he shall lay his hand on every vessel."

74. (*Mr. Coleridge.*) You say the elevation was after that?—After the act of consecration.

75. Was the chalice placed upon the table?—To the best of my belief it was.

76. And after that was done there was a second kneeling?—Yes.

77. Was that of the same sort, lasting for the same time and making the same pause in the prayer that the former one had done?—Yes, it appeared to me so.

Cross-examined by Mr. Prideaux.

78. Was it cotemporaneously with saying the words, "This is my body," or immediately afterwards?—Immediately afterwards.

79. Are you sure of it?—I feel sure of it.

80. Did you particularly observe?—Yes.

81. It was immediately afterwards, was it not.

You told us just now it was almost cotemporaneous? —Yes, it was almost, but it was not precisely. I am confining myself now to the 30th of December.

82. That I understand; was it also immediately after the consecration of the cup that the kneeling took place; was it almost cotemporaneous in that case also?—It was a similar act.

83. You say the other clergymen were kneeling during the whole of the prayer of consecration?—I believe so.

84. Were you kneeling?—Yes.

85. During the whole time of the prayer of consecration?—I will not be positive about that.

86. (*The Dean of the Arches.*) You were kneeling? —I will not be positive about it.

87. Cannot you recollect?—I am not certain.

88. (*Mr. Prideaux.*) Do you mean to say that you do not know whether you did kneel or not?—I am not certain, but I believe I was kneeling.

89. Is it your practice when you are not assisting at the holy communion to kneel during the prayer of consecration?—Yes.

90. And of course I need not ask you whether when you communicate, not assisting at the celebration, you also kneel?—Yes, of course, I also kneel.

91. (*The Dean of the Arches.*) This will be the answer: "Of course I kneel when I communicate"? —Of course.

92. (*Mr. Prideaux.*) When you celebrate yourself do you kneel when you receive the consecrated elements?—Yes.

93. I will ask you one other question, what do you mean by prostration? You say the other clergymen were kneeling?—There was a special bending of the body forward on the occasion to which I allude.

94. In other words a reverential bending downwards? —I should speak of it as somewhat excessive.

95. That is the description you give—a somewhat excessive bending forwards?—A somewhat excessive bending forwards.

96. Nothing more than that will you undertake to say?—I think that fairly represents it.

97. Will you undertake to say it was nothing more in your judgment than a somewhat excessive bending forward at the time of consecration?—I should say it was very excessive.

Re-examined by Mr. Coleridge.

98. That, you see, is the use of cross-examination; but were those clergymen on their knees at the time they bent forward?—Yes.

99. Then it was something beyond bending their knees?—Oh, certainly; it was a bending of the upper part of the body.

(*The Dean of the Arches.*) I want to ask this witness a question.

100. Did you say you were a clergyman at Blackheath?—Yes.

101. By prostration, have I got your meaning correctly when you say the clergymen were kneeling? —The assistant clergy were already kneeling.

102. And while they were so kneeling they bent forward?—Yes.

103. You say in a very excessive manner; do you mean that their bodies touched the ground?—I really cannot say whether their bodies actually touched the ground; I should say not.

104. Did their foreheads touch the ground?—I really cannot say; I was some way behind them.

105. You were behind them at the time?—I was in the nave of the church.

106. Were you behind them all the time they were doing these things?—Yes.

(*Mr. Stephens.*) I have no more witnesses to call, my Lord; I do not know whether my learned friend, Mr. James, has any witnesses.

(*The Dean of the Arches.*) You had better go on with your case.

(*Mr. Stephens.*) My Lord, in this case the articles allege, "That by an Act of Parliament passed in a "session of Parliament holden in the first year of the "reign of Queen Elizabeth, cap. 2, and by another "Act of Parliament passed in a session of Parliament "holden in the 13th and 14th years of the reign of "King Charles 2nd, cap. 4; and by another Act of "Parliament passed in a session of Parliament holden "in the 28th and 29th years of the Queen, cap. 122, "and by the 14th, 36th, and 38th of the constitutions "and canons ecclesiastical, treated upon by the Bishop "of London, president of the convocation for the "province of Canterbury and the rest of the bishops "and clergy of the said province, and agreed upon "with the licence of His Majesty King James I., in "their synod begun at London in the year of our Lord "1603, ratified by his said Majesty's letters patent "under the great seal of England, all clerks and "ministers in holy orders are, among other things, "bound to say and use the Book of Common Prayer "and administration of the sacraments, and other "rites and ceremonies of the church, according to the "use of the United Church of England and Ireland."

The *second* article alleges, "That Alexander Heriot "Mackonochie was and is a clerk in holy orders of "the United Church of England and Ireland, and "was during the entire of the year 1866 the lawful "incumbent and perpetual curate of the new parish "of St. Alban, Holborn." The *third* article alleges, "That the said Alexander Heriot Mackonochie has "in his said church, and within two years last past "(to wit on Sunday, the 23rd day of December, on "Christmas-day last past, and on Sunday the 30th "of December, all in the year of our Lord 1866), "during the prayer of consecration in the order of "administration of the Holy Communion elevated the "paten above his head and permitted and sanctioned "such elevation, and taken into his hands the cup, "and elevated it above his head during the prayer of "consecration aforesaid, and permitted and sanctioned "the cup to be so taken and elevated, and knelt or "prostrated himself, and sanctioned such kneeling "or prostrating by other clerks in holy orders." The *fourth* article is of a merely formal character. The *fifth* article alleges "That the said A. H. Mac-"konochie has in his said church, and within two "years last past (to wit on Sunday, the 23rd day of "December, on Christmas-day last past, and on "Sunday the 30th day of December, all in the year "of our Lord 1866; and on Sunday the 13th day of "January, in the year of our Lord 1867), used lighted "candles on the communion table during the cele-"bration of the Holy Communion at times when such "lighted candles were not wanted for the purpose of "giving light, and permitted and sanctioned such "use of lighted candles." The *sixth* article is merely formal. The *seventh* article states, "That the said "Alexander Heriot Mackonochie has in his said "church, and within two years last past (to wit on "Sunday the 23rd day of December, on Christmas-"day last past, and on Sunday the 30th day of "December, all in the year of our Lord 1866), used "incense for censing persons and things in and during "the celebration of the Holy Communion, and per-"mitted and sanctioned such use of incense." The *eighth* alleges, "That he the said A. H. Mac-"konochie has in his said church, and within two "years last past (to wit on Sunday the 13th day of "January, in the year of our Lord 1867), unlawfully "used incense, in and during the celebration of the "Holy Communion, and permitted and sanctioned "such unlawful use of incense." The *ninth* article is of a merely formal character. The *tenth* states, "That the said A. H. Mackonochie has in his said "church and within two years last past (to wit, on "Sunday the 23rd day of December, on Christmas-"day last past, and on Sunday the 30th of December, "all in the year of our Lord 1866, and on Sunday the

" 13th day of January, in the year of our Lord 1867), " during the celebration of the Holy Communion " mixed water with the wine used in the administration " of the Holy Communion, and permitted and sanc- " tioned such mixing, and the administration to the " communicants of the wine and water so mixed." The *eleventh* article is merely formal. The *twelfth* article prays that there shall be taken and read as part of these articles "A certain printed paper pamphlet " marked with the letter A, intituled 'St. Alban's, " 'Holborn. An Address to his Parishioners, by the " 'Perpetual Curate.' " The *thirteenth* article is merely formal. The *fourteenth* states, " That on the com- " plaint of John Martin of Baldwin's Gardens, in the " said parish or ecclesiastical district, the Right " Reverend Archibald Campbell, Lord Bishop of " London, has, by virtue of an Act of Parliament, made " and passed in a session of Parliament holden in the " third and fourth years of the Queen, cap. 86, sent " the case in the first instance by Letters of Request " under his hand and seal to the judge of the Arches " Court."

The *first allegation in the responsive allegation* admits that Mr. Mackonochie is the incumbent of St. Alban's.

With reference, my Lord, to the remainder of that allegation, and also with reference to the *second* allegation, I am perfectly ready to read them *in extenso*, but I submit they have nothing to do with the matters in issue. We should have taken the opinion of the Court on this matter, but we did not wish to incur the expense. The allegations in question are really *nihil ad rem.* The first allegation gives an account of the population of the parish; and that the parish has been for many years past a common resort of thieves and prostitutes. The second allegation states that Mr. Mackonochie's stipend has only been 150*l.* per annum. It then gives the number of services since Advent Sunday, 1866; that on Easter Sunday, 1867, the Holy Communion was administered to 515 persons, and that during the last year there have been 17,392 communicants; that 2,000*l.* have been received by the offertory during the year. It alludes to the day schools, and that the spiritual wants of the parish have required the assistance of five curates. Then Mr. Mackonochie speaks of himself in the following language, that he has " with the most unwearied zeal and self- " devotion faithfully and diligently discharged his " duty as a minister in accordance with and in con- " formity to the laws, canons, and constitutions of the " Church of England, and has conducted himself and " the services of the said church without any com- " plaint on the part of and to the great atisfaction of " the majority of the inhabitants of the said district, " amongst whom he is held in high esteem and regard " as well for the manner in which he with the co- " operation of his curates performs his public minis- " trations, as for his attention to the schools and also to " the poor and sick of the said parish or ecclesiastical " district, and that such esteem, satisfaction, and " regard continue undiminished up to the present time. " That from the time he became incumbent of the " said parish up to the present time, neither of the two " churchwardens of the said parish, one of whom " is appointed by the said Alexander Heriot Mac- " konochie and the other by the inhabitants of the " said parish in vestry assembled, has presented or " made any complaint against the said Alexander Heriot " Mackonochie to the Lord Bishop of the diocese " at his visitations, or have they presented or made " any complaint against him to the Archdeacon." Such I believe is a correct abstract of the allegations. Nos. 1 & 2; and it is quite clear they have nothing to do with the matters in issue.

Respecting the *third* allegation it is as follows:— " Whereas in the third article given in and admitted " as amended in this cause, it is pleaded that the " said A. H. Mackonochie has, to wit, on Sunday the " 23rd day of December, on Christmas-day last past, " on Sunday the 30th day of December, all in the " year 1866, during the prayer of consecration in " the order of the administration of the Holy Com- " munion elevated the paten above his head, and " permitted and sanctioned such elevation; and taken " into his hands the cup and elevated it above his " head during the prayer of consecration aforesaid, " and permitted and sanctioned the cup to be so taken " and elevated, and knelt or prostrated himself before " the consecrated elements during the prayer of " consecration, and permitted and sanctioned such " kneeling or prostration by other clerks in holy " orders. Now the same is in part untruly pleaded, " for the party proponent alleges that whilst he admits " that the said Alexander Heriot Mackonochie did on " the said two Sundays and on Christmas-day during " the prayer of consecration kneel and sanction " kneeling by other clerks before the Lord's table, " he denies that his said party did on the said two " Sundays, and on the said Christmas-day, kneel or " prostrate himself before the consecrated elements " aforesaid, or permit and sanction such kneeling or " prostration by other clerks in Holy Orders, as in the " third article pleaded; and he further alleges that " whilst he admits that he did on the said two Sundays " and Christmas-day, in the said third article mentioned, " elevate and sanction the elevation by other clerks " of the paten and cup above his head, as in the said " third article pleaded, yet that such elevation of the " paten and cup has been wholly discontinued by the " said A. H. Mackonochie during the administration of " the Holy Communion ever since the said 30th day of " December 1866, and long prior to the institution of " this suit; that such practice was discontinued in " consequence of legal advice and in compliance with " the expressed wish of the Lord Bishop of the Diocese " of London, and with a resolution of Convocation, as " was well known to the Promoter of this suit before " he instituted the same." In the *fourth* allegation " The defendant denies that the elevation of the paten " and the taking and elevation of the cup so discon- " tinued as aforesaid, and the kneeling and prostration " charged in the said article, are severally unlawful " additions to and variations from the form and order " prescribed and appointed by the said statutes and " by the said Book of Common Prayer." The *fifth* allegation states that the fifth article is "in part " untruly pleaded, for the party proponent alleges " that on the said three Sundays and Christmas-day " in the said fifth article mentioned, the lighted candles " were not placed on the communion table, but upon " a narrow moveable ledge of wood resting on the " said table, and that the said candles were so placed " and kept lighted not during the celebration of the " Holy Communion only, as falsely alleged in the " said fifth article, but also during the whole of the " reading of the communion service, including the " epistle and gospel, and during the singing after the " reading of the Nicene Creed, and during the delivery " of the sermon." In the *sixth* allegation " the De- " fendant denies that the use of such lighted candles " is an unlawful addition to, and variation from, the " form and order prescribed and appointed by the said " statutes and by the said Book of Common Prayer." And in the *seventh* allegation he admits that " on " the 23rd day of December, on Christmas-day last " past, and on Sunday the 30th December, he used " incense for censing persons and things in and during " the celebration of the Holy Communion, and per- " mitted and sanctioned such use of incense, but the " party proponent alleges that ever since the said 30th " day of December 1866 the said A. H. Mackonochie, " as was well known to the promoter of this suit prior " to the institution thereof, desisted from so doing, " and has ever since discontinued the said ceremony, " on being apprised by the opinion of counsel that such " usage was of a doubtful legality, and that he has " never since reintroduced the said ceremony, as " appears in the published address of the said A. H. " Mackonochie to his parishioners dated January 1867, " and exhibited and appended to the articles brought " in and admitted in this cause." In the *eighth* allegation the Defendant " admits that he has in

" his said church, to wit, on Sunday the 13th day of " January, in the year of our Lord 1867, caused and " allowed incense to be burned during the reading of " the prayer of consecration and afterwards until the " time for the administration of the Communion to " the people, and permitted and sanctioned such use " of incense, but that he denies that he used the same " unlawfully or that such use is unlawful." The *ninth* allegation states, " That he denies that such uses of " incense as in the seventh and eighth articles alleged " are severally an unlawful addition to and variation " from the form and order prescribed and appointed " by the said statutes and by the said Book of Common " Prayer and administration of the sacraments and " other rites and ceremonies of the church, and are " contrary to the said statutes, and to the 14th, 36th, " and 38th of the said constitutions and canons as in " the ninth article alleged." In the *tenth* allegation " the Defendant admits the 10th article " (which relates to the mixed chalice) " to be true ;" but in the *eleventh* he denies that such mixing and administration of the wine and water as in the said 10th article alleged is an unlawful addition to and variation from the form and order prescribed and appointed by the said statutes and by the said Book of Common Prayer.

In the *twelfth* allegation he admits the address that was published in January 1867, and in the *thirteenth* allegation " he denies that the complainant—" I do not know whether your Lordship thinks it is requisite that I should go into this statement respecting the complainant, but I will read it *in extenso*, if it is thought desirable that I should do so.

(*The Dean of the Arches.*) You had better take your own course.

(*Mr. Stephens.*) Very well, my Lord. The statement has nothing to say to the matters in issue, and therefore I need not read it.

The promoter in this suit, my Lord, is Mr. John Martin, a gentleman well known and respected for his energy and self-devotion in the promotion of many public measures of benevolence during the last 30 years. Mr. Martin has personally superintended the management of two large schools within what is now called the parish of St. Alban's. These schools are known by the name of " Baldwin's Gardens National Schools." Hence the great anxiety of the promoter that the parochial clergy of St. Alban's should use the rites and ceremonies prescribed by the Book of Common Prayer, and that they should likewise teach the doctrines of the Protestant faith. All the charges in the articles fall under one class ; they are other rites and ceremonies than those prescribed by the Book of Common Prayer, and the offences charged are offences against the Acts of Uniformity as a whole.

The questions that have been substantially raised in this case are not between ritual and no ritual, but between the simple and pure ritual of the reformed church, and a ritual unauthorized by that church and borrowed from the Church of Rome. There is a doctrine within the ceremonial, which is now the subject of complaint, that gives it a significance and an influence,—because it symbolises the errors, it symbolises the superstitions, it symbolises the corruptions, and finally it symbolises the idolatries from which the church, under the blessings of Divine Providence, was freed at the time of the Reformation and by the subsequent Acts of Uniformity.

Before I proceed, my Lord, to comment in detail upon the respective allegations in the articles, I think it desirable, in order to elucidate such comments, to draw your Lordship's attention to the provisions of the Acts of Uniformity of Edward VI., of Elizabeth, and of Charles II., because such statutes apply to all the allegations in the articles.

The principle upon which our reformers proceeded in framing such Acts of Parliament has been most ably and clearly stated by one of the most learned, one of the most able, and one of the most respected judges that ever presided in any ecclesiastical court in this country. I allude to Dr. Lushington, who in Westerton and Liddell, page 80 of Moore's report, is reported to have said : " Upon what principle did the " Church proceed ? Upon the principle of excluding " from the Church of England all forms of worship ; " all ceremonies ; all observances ; all ornaments ; " which had misled the people from the true worship " of God, and transferred it to forbidden objects,— " which had inculcated superstitious notions and led " to superstitious practices. And this was the reason " and this the foundation of the Acts and all the " proceedings of the Reformation."

I will now ask your Lordship's attention to the provisions of the 13th & 14th Charles II., cap. 4., the Act of Uniformity now in force. The second section, after reciting " that nothing can conduce more to " the settling of the peace of this nation, nor to the " honour of our religion, and the propagation thereof, " than an universal agreement in the worship of Al- " mighty God, and to the intent that every person in " this realm may certainly know the rule to which " he is to conform in public worship and adminis- " tration of Sacraments, and other rites and ceremo- " nies of the Church of England," enacts—" that all " ministers shall be bound to say and use the Morning " Prayer, Evening Prayer, celebration and adminis- " tration of both the sacraments, and all other the " public and common prayer in such order and form " as is mentioned in the book annexed and joined to " this present Act, intituled ' The Book of Common " Prayer, and administration of the sacraments and " other rites and ceremonies of the Church according " to the use of the Church of England.' "

The phraseology of this statute is almost identical, so far as regards the questions now in issue, with the preceding Acts of Uniformity ; and it therefore becomes expedient to direct attention to the first Act of Uniformity, when the language was first used, and to consider the meaning then ascribed to it.

Although at the termination of the reign of Henry VIII.—the jurisdiction of the Pope had been abolished and the supremacy of the Crown established ; although monasticism had been abolished ; although the Old and New Testaments had been translated into English and disseminated among the people ; although religious formularies had been published in English, such as primers, litanies, and psalters; although a reformed edition of the Salisbury Breviary and the missal had been circulated ;—yet the doctrines of the Church of Rome prevailed. The ancient canons and constitutions and the old service books were in full force. Henry VIII., when he died, had left 600*l.* per annum to the dean and canons of Windsor, in order that two priests might be for ever employed in saying masses for his soul in St. George's Chapel, where he was buried. Lord Chancellor Wriothesley and the great majority of leading men at that time were Roman Catholics.

Perhaps I cannot afford your Lordship a better illustration of the state of things which existed immediately anterior to the reign of King Edward VI. than by referring your Lordship to Cardwell's Liturgies, page vi. of the preface : " Edward VI., " on succeeding to the throne, found the cause of " the Reformation advanced to the following extent : " The Church of England was a distinct body, " acknowledging no allegiance whatever to the Church " of Rome. The Bible had been translated into " English ; and though close limits had been placed " on the circulation of it, it had been publicly declared " to be ' the only touchstone of true learning.' The " Litany and other portions of the public service " had also been translated and published together " with many forms of private prayer, in order that " all ' such as are ignorant of any strange or foreign " speech may have what to pray in their own ac- " quainted and familiar language with fruit and un- " derstanding.' Several superstitious ceremonies and " flagrant abuses had been removed, having also been " exposed to public contempt ; and commissioners

" had been appointed to alter the services of the church, " to draw up a new code of ecclesiastical laws, and to " correct other superstitious practices still remaining." . . . . . " When the impediments presented by " the character of Henry had been removed by his " death, it seemed as if a new impulse had suddenly " risen up within the nation, displaying at once the " maturity of its strength, and 'rejoicing as a giant " to run its course.' "

I will now direct your Lordship's attention to four statutes that were enacted in the first year of the reign of Edward VI. relating to doctrine and to matters of religion. The first is 1 Edward VI., cap. 1. It is an Act "against such as shall unreve- " rently speak against the sacrament of the altar and of " the receiving thereof, under both kinds." This statute was to check the violent and irreverent language which was used against the sacrament in defiance of the severest penal legislation, by the moderate penalties of fine and imprisonment, and it also provides for the cup as well as the bread being administered to the people.

The second statute is the 1st Edward VI., cap. 2. It is an Act for "the election of bishops and what " seal and style they and other spiritual persons exer- " cising jurisdiction shall use." I have no observations to make upon that statute.

The next is a very important statute. It is the 1st Edward VI., cap. 12, sect. 2. That statute, I believe, is not to be found in the ordinary editions of the statutes of the realm, and is only to be found in the folio edition.

(*The Dean of the Arches.*) Is it in your book, Mr. Stephens.

(*Mr. Stephens.*) No, my Lord, it is not. I will hand this folio up to your lordship if you wish. This statute repealed the statute of the 5th Richard II., statute 2., cap. 5., and the statute of 2nd Henry V., cap. 7., which were made against the Lollards, and had been put in force in the reign of Henry VIII. It also repealed the 25th Henry VIII. cap. 14., concerning the punishment of heretics and Lollards; the statute of the six articles, (the 31st Henry VIII., cap. 14.,) which, as your Lordship no doubt remembers, enforced under the penalty of death: I. The doctrine of Transubstantiation; II. The denial of the cup to the laity; III. The celibacy of priests; IV. Vows of chastity; V. Private mass; and VI. Auricular confession. Such, I believe, are the principal provisions of that statute. It also repealed the statute of the 34th & 35th Henry VIII., cap. 1., abolishing all books contrary to the doctrine set forth since 1540 to be set forth by the King, prohibiting under heavy penalties all teaching contrary to such doctrine, and placing restrictions on the circulation and reading of the Bible in English.

(*Mr. Prideaux.*) What statute is that you are referring to?

(*Mr. Stephens.*) The 34th & 35th Henry VIII., cap. 1. The statute of the 34th and 35th Henry VIII., cap. 5., was also abolished, which had in some degree qualified the statute of the six articles. Then comes the very important language of this statute, (the 1st Edward VI., cap. 12. s. 2) which abolishes "all and " every other Act or Acts of Parliament concerning " doctrine and matters of religion." Now I submit to your Lordship the effect of the 1 Edward VI. c. 12 is, that every existing Act of Parliament at that time, namely in 1547, relating to doctrine or other matters of religion, became repealed; and that every document issued under any such Act, or deriving authority from any such Act, lost its statutory authority. Therefore, at this time there was a *tabula rasa* of all Acts of Parliament relating to doctrine or other matters of religion, and all documents emanating from such Acts of Parliament.

(*The Dean of the Arches.*) That is what I want to know. Your argument is that there is a *tabula rasa* relating to all that went before?

(*Mr. Stephens.*) Certainly, my Lord. I now call your Lordship's attention to 1 & 2 Edward VI., cap. 14. That I believe is only to be found *in extenso* in the folio edition of the Statutes of the Realm. It is " An Act whereby certain Chantries, colleges, free " chapels, and the possession of the same be given " to the King's majesty."

(*The Dean of the Arches.*) That is in your collection, is it not? It is in your book, Mr. Stephens. You do an injustice when you say it is not. I have got it here in your own book.

(*Mr. Stephens.*) My Lord, I am not in the habit of doing that. I see it is in my book.

(*The Dean of the Arches.*) You will find it at page 294 of your own book.

(*Mr. Stephens.*) I am much obliged to your Lordship for that information. The sections which appear to me to be applicable to the questions at issue are sections 4, 5, 6, 7, and 19. I mention this to save your Lordship trouble. Section 5 is the important section, but I will very shortly direct your Lordship's attention to the effect of the other sections. This Act, after condemning "the vain opinions of " purgatory and masses satisfactory," which "by " nothing more is maintained than by the abuse of " trentals, chantries, and other provisions," and reciting that "The conversion of these to godly uses, " as in the erecting of grammar schools for the education " of youth, and for the further augmenting of the " universities and better providing for the poor and " needy, must be committed to the Crown," provides in substance, that all colleges, chantries, and free chapels with certain exceptions (section 19), and " All lands " assigned for the finding of a priest or the maintenance " of any anniversary or *obit* or of any light or lamp " in any church or chapel, should from the Easter " following belong to the king."

(*The Dean of the Arches.*) Are you reading the 5th section?

(*Mr. Stephens.*) Yes, my Lord.

(*The Dean of the Arches.*) Then it is not quite identical with your book, because in your book it is this way: " The said priest shall have or hold." However it does not signify, the substance is here. Just read that 5th section from the beginning.

(*Mr. Stephens.*) "Also where part of the issues or " revenues of any manors, lands, tenements, rents, or " other hereditaments, hath, by any of the ways or " means above said, been given, assigned, or appointed " to be bestowed," now come the important words, " to the finding and maintenance."

(*The Dean of the Arches.*) " Employed wholly" is the phrase in your edition, and there is a note to the word "wholly" which is printed in italics. It is " assigned or appointed to go or to be employed to the " finding or maintenance wholly;" and there is a learned note to the word "wholly."

(*Mr. Stephens.*) There is not a statute in that book, of which the text was not taken from a copy of the Queen's printers.

(*The Dean of the Arches.*) That is very likely; all I want to know is, which is the right one to be followed; your copy is different from the one I have.

(*Mr. Stephens.*) I should respectfully contend, my Lord, that the edition which has been printed by the order of the Record Commission should be trusted.

(*The Dean of the Arches.*) Yes, but you have put the word "wholly" in italics.

(*Mr. Stephens.*) My Lord I am afraid you are on the 4th section.

(*The Dean of the Arches.*) No, the 5th.

(*Mr. Stephens.*) The sections in the folio edition do not always run the same as in the ordinary edition of the statutes of the realm.

(*Mr. Coleridge.*) Your Lordship is reading quite correctly from what is the 5th section in the ordinary edition, but it is the 4th section in the edition my friend is reading from.

(*Mr. Stephens.*) That is what has given rise to the mistake.

(*The Dean of the Arches.*) The 4th section begins

"Provided always, and be it enacted, that when and "so soon."

(*Mr. Stephens.*) That is the 3rd section in the book from which I am quoting.

(*The Dean of the Arches.*) Then the 6th section will be the one.

(*Mr. Stephens.*) My Lord, the sections are different in my edition of the Ecclesiastical statutes from the edition published by the Record Commissioners.

(*The Dean of the Arches.*) I see it is the same language as in the 6th.

(*Mr. Stephens.*) Yes, my Lord, precisely the same, "And also where part of the issues or revenues of "any manors, lands, tenements, rents, or other here- "ditaments, hath by any of the ways or means above "said been given, assigned, or appointed to be be- "stowed or employed to the finding or maintenance of "any anniversary or *obit*, or any other like thing, "intent, or purpose, or of any light or lamp in any "church or chapel to have continuance for ever." Then it goes on, "From the Easter following, all "the revenues for the support of any light or lamp "vested in the Crown."

(*The Dean of the Arches.*) Yes, I see that.

(*Mr. Stephens.*) Therefore, every endowment for the support of lights or lamps anterior to this statute, was taken away, and the property vested in the Crown. From the provisions of the Ecclesiastical Statutes which were enacted in the first of Edward the VI., it is clear, that the Reformation was in a state of transition. Parliament merely remedied (1), the gross abuses of the communion in one kind only, (2), and of trentals and chantries, and put it in the power of the King's council to remedy other flagrant abuses, and prepare the way for the new service, which was then in the course of preparation, by repealing all Acts of Parliament relating to doctrine and matters of religion, and thus removing all practical obstacles to the exercise of the King's ecclesiastical supremacy. It appears that in August 1547, some months before the session of Parliament a visitation had been commenced and injunctions issued, containing many salutary regulations for the removal of various abuses which had existed. But it is also quite clear that in those injunctions several abuses, several remnants of Popery, remained, and the reason why they had been retained is obvious—various Acts of Parliament were then in existence which prevented the council from removing such abuses.

(*The Dean of the Arches.*) You say this was in August 1547. What is the date of the statute which you say made a *tabula rasa* of all those preceding statutes?

(*Mr. Stephens.*) The session commenced November 4th, 1547, therefore the statute would take effect from the commencement of the session.

(*The Dean of the Arches.*) Is that the 1st Edward VI., chapter 12?

(*Mr. Stephens.*) All the statutes of the 1st Edward VI. would bear the date November 4th, 1547.

(*The Dean of the Arches.*) Then those injunctions issued, of course, previous to that?

(*Mr. Stephens.*) They did, my Lord, in August. I will now refer to the liturgies of Edward VI. (Parker Society's edition, page 3). After the end of the session the council, besides issuing "the order of the communion" in English, by which the sacrament was to be administered to the laity in both kinds, issued orders through the Archbishop of Canterbury. Those orders will be found in 1 Cardwell's Documentary Annals, page 45.

(*The Dean of the Arches.*) The last book which I took down of that editor was Cardwell's Liturgies.

(*Mr. Stephens.*) Yes; that was only for a reference to "the order of the communion." This is the Archbishop's letter to the Bishop of London against candles, ashes, palms, &c. in churches. It orders that no candles should be borne on Candlemas-day. And in 1 Cardwell's Documentary Annals, pages 47 and 48, it is said: "In the King's Majesty's visitation, "among other godly injunctions commanded to be "generally observed through all parts of this his "highness' realm, one was set forth for the taking "down of all such images as had at any time been "used with pilgrimages, offerings, or censings——"

(*The Dean of the Arches.*) Is this the injunction?

(*Mr. Stephens.*) No, this is a letter from the Archbishop to the Bishop of London. It then orders that "all images remaining in any church or chapel within "your diocese be taken away." This letter is dated the 21st of February 1547. Therefore, my Lord, we have in 1547 a prohibition against candles on Candlemas-day, palms in churches, and likewise an order for the removal of all images, whether those images had been abused or not.

(*Mr. James.*) The Archbishop says so, that is all.

(*Mr. Stephens.*) That is what I have distinctly stated; he issued orders.

(*The Dean of the Arches.*) I quite understand that.

(*Mr. Stephens.*) So I apprehended, my Lord; but I am explaining it to my friend Mr. James. These were orders issued to the Archbishop of Canterbury.

(*Mr. James.*) Who issued the orders?

(*Mr. Stephens.*) The council.

I now come to the 2nd and 3rd Edward VI. cap. 1, which is the first Act of Uniformity of Edward VI. It commences by reciting that there had been in England "divers forms of common prayer, "that is to say, the use of Sarum, of York, of Bangor, "and of Lincoln, and besides the same now of late "much more divers and sundry forms and fashions "have been used in the cathedral and parish churches "of England and Wales, as well concerning the "mattens or morning prayer and the even song as "also *concerning the Holy Communion, commonly* "*called the Mass*, with divers and sundry rites and "ceremonies concerning the same, and in the adminis- "tration of other sacraments of the church."

The words here used, "rites and ceremonies con- "cerning the same," clearly shew that the Legislature applied the words "rites and ceremonies" to the separate acts done by the priests and ministers during the celebration of mass.

The Statute then goes on, "And as the doers and "executors of the said rites and ceremonies in other "form than of late years they have been used, were "pleased therewith, so others not using the same rites "and ceremonies were thereby greatly offended, and "albeit the King's majesty with the advice of his "most entirely beloved uncle, the Lord Protector, "with other of his Highness council, hath heretofore "divers times assayed to stay innovations or new "rites."—In Cardwell's Documentary Annals, page 42, the proclamation issued on the 6th of February 1547–8, is printed——

(*The Dean of the Arches.*) We are now in 1548, are we not?

(*Mr. Stephens.*) Yes, my Lord, but I am only submitting to your Lordship my observations upon the construction of the Act of Uniformity, as to what was considered to be the meaning and the intent of those words, and I refer to the proclamation which was issued and printed in Cardwell.

(*The Dean of the Arches.*) I see.

(*Mr. Stephens.*) This proclamation directed—"That "no manner of person, of what estate, order, or degree "soever he be, should of his private mind, will, or "fantasy do, omit, leave undone, change, alter, or "innovate any order, rite, or ceremony commonly "used and frequented in the Church of England." I submit, my Lord, this shows, even so far back as the 6th of February 1547, the anxiety and the intention that there should be only one uniform rite and ceremony for the performance of divine worship.

(*The Dean of the Arches.*) And this section, as I understand your argument, to which you are referring, about "assaying to stay innovations, or new rites," refers back to that proclamation?

(*Mr. Stephens.*) I think I have a right to assume it, and such is the object of my observation. It is only to show that if you take all the Acts of Parlia-

ment, all the proclamations, and all the visitation articles issued at that time, there is but one spirit that pervades the entire, namely, that there should be but one uniform order, rite, form, and manner of administering the sacraments and performing the services of the church.

I will now proceed with the Act: "Hath "heretofore at divers times assayed to stay in- "novations or new rites concerning the premises, "yet the same hath not had such good success as his "highness required in that behalf, whereupon his "highness, by the most prudent advice aforesaid, "being pleased to bear with the frailty and weakness "of his subjects in that behalf, of his great clemency "hath not only been content to abstain from punish- "ment of those that have offended in that behalf, "(for that his highness taketh that they did it of a "good zeal,) but also to the intent a uniform, quiet, "and godly order should be had concerning the "premises, hath appointed the Archbishop of Canter- "bury" and certain distinguished men "to consider "and ponder the premises, and thereupon having as "well eye and respect to the most sincere and pure "Christian religion taught by the Scriptures as to "the usages in the primitive church"——

Now, my Lord, I inquire what is the meaning of the words, "the usages in the primitive church."? It is clear the compilers of the Prayer Book dealt with the "usages in the primitive church," and intended only such usages as were included therein to be continued and used, in order that there should be *one* convenient meet, order, rite, and fashion throughout the kingdom. Unless such a construction be given to the language, it is perfectly useless.

The Statute then proceeds: "should draw and "make one convenient, and meet, order, rite, and "fashion of common and open prayer, and adminis- "tration of the sacraments, to be had and used in His "Majesty's realm of England and in Wales, the which "at this time, by the aid of the Holy Ghost, with one "uniform agreement, is of them concluded, set forth, "and delivered to his highness, to his great comfort "and quietness of mind, in a book entituled 'The "'Book of Common Prayer and Administration of "'the Sacraments and other Rites and Ceremonies "'of the Church after the use of the Church of "'England;' wherefore the Lords Spiritual and "Temporal, and the Commons, in this Parliament "assembled, considering as well the most godly travail "of the King's highness, the Lord Protector, and "of other his highness' council, in gathering and "collecting the said archbishop," and so forth, as "the godly prayers, orders, rites, and ceremonies in "the said book mentioned, and the considerations of "altering those things which be altered, and retaining "those things which be retained in the said book." [Therefore, my Lord, all things which were not retained in this Act of Parliament, or in the Book of Common Prayer that was annexed to this Act of Parliament, were, as I submit, absolutely excluded:] "but also to the honour of God, and great quietness "which by the grace of God shall ensue" "upon "the *one* and uniform rite and order in such common "prayer, and rites and external ceremonies to be used "throughout England and in Wales."

(*Mr. James.*) Is the word "external" there?

(*Mr. Stephens.*) "External ceremonies."

(*Mr. Prideaux.*) In the copy I have it is "external."

(*Mr. Stephens.*) "External ceremonies." Therefore in order that there should be this one uniform order and prayer, all "external ceremonies" were abolished and the Statute enacts, "That all and "singular the ministers in any cathedral or parish "church shall be bounden to say and use the mattens, "evensong, celebration of the Lord's Supper, com- "monly called the Mass, and administration of each "of the sacraments and all their common and open "prayer, in such order and form as is mentioned in "this book, and none other or otherwise."

It is idle to say, that recourse can now be had to any usage, any statute, or to any book anterior to this period. Every person was bound, in order to ascertain what ceremonies were to be used, external or otherwise, to go to this Book of Common Prayer and to no other. Which likewise enacts, "That if any manner of parson, vicar, or other "whatsoever minister, that ought or should sing or "say Common Prayer mentioned in the said book, or "minister the sacraments, shall refuse to use the "said Common Prayers or to minister the sacraments "in such cathedral or parish church: in such order "and form as they be mentioned and set forth in the "said book, or shall use, wilfully and obstinately, "standing in the same, any other rite, ceremony, "order, form, or manner of mass, openly or privily, "or mattens, evensong, administration of the sacra- "ments, or other open prayer, than is mentioned "and set forth in the said book," he then becomes liable to certain penalties.

These enactments prohibit the use, not only of any "other rite, order, form, or manner" of Mass or other service, but "any other rite or ceremony of mass or other service," that is, any single ceremony not pre- scribed by this Prayer Book. Consequently the introduction of a single ceremony not prescribed by this Prayer Book is, I respectfully submit, clearly illegal. And I shall be enabled to establish that for the performance of any of the services prescribed in the 1st Book of Edward VI., there is no occasion to go beyond that statute, or to introduce any of those ceremonies which had been abolished.

The 7th section of this Act states, "that it shall be "lawful for all men, as well in churches, chapels, "oratories, or other places, to use openly any psalms "or prayer taken out of the Bible, at any due time, "not letting or omitting thereby the service or any "part thereof mentioned in the said book." Under this section any psalm or prayer may be taken out of the Bible—it therefore establishes that no deviation from the *one* uniform rite and order was to be allowed except what was expressly permitted under this section.

The 8th section provides "That the books con- "cerning the said services shall, at the costs and "charges of the parishioners of every parish and "cathedral church, be attained and gotten before "the Feast of Pentecost next following, or before; "and that all such parishes and cathedral churches, "or other places, where the said books shall be "attained and gotten before the said Feast of "Pentecost, shall within three weeks next after the "said books so attained and gotten, use the said "service, and put the same in use according to this "Act." The churchwardens were therefore bound to provide the books containing the services of the church. They were to be provided at the cost of the parishioners. And why? Because the provisions of this Statute prohibited reference to any other book.

I will now direct your Lordship's attention to the First book of Edward VI.

(*The Dean of the Arches.*) The Prayer Book.

(*Mr. Stephens.*) Yes, my Lord, the first Prayer Book which was annexed to this statute; I am now reading from the book published by the Parker Society, called the Liturgies of Edward VI. The preface (page 17) after reciting the inconveniences which had arisen from the difficulty of ascertaining what was to be read or done during the services of the church, states at page 18, "These inconveniences therefore con- "sidered, here is set forth such an order whereby "the same shall be redressed; and for a readiness in "this matter, here is drawn out a calendar for that "purpose, which is plain and easy to be understanded: "wherein (so much as may be) the reading of holy "scripture is so set forth that all things shall be done "in order, without breaking one piece thereof from "another. For this cause be cut off anthems, "responds, invitatories, and such like things as did "break the continual course of the reading of the "scripture. Yet because there is no remedy but that "of necessity there must be some rules: therefore "certain rules are here set forth, whichas they be "few in number, so they be plain and easy to be "understanded. So that here you have an order for "prayer (as touching the reading of holy scripture)

" much agreeable to the mind and purpose of the old " fathers, and a great deal more profitable and commodious than that which of late was used. It is " more profitable, because here are left out many " things whereof some be untrue, some uncertain, " some vain and superstitious; and is ordained " nothing to be read but the very pure word of God— " the holy scriptures, or that which is evidently " grounded upon the same; and that in such a " language and order as is most easy and plain for " the understanding, both of the readers and hearers. " It is also more commodious, both for the shortness " thereof, and for the plainness of the order, and for " that the rules be few and easy.

"Furthermore by this order the curates shall need " none other books for their public service but *this* " *Book and the Bible*, by the means whereof the " people shall not be at so great charge for books as " in time past they have been."

It is quite clear, that the Legislature intended no other books to be used except "this book" (the Prayer Book) " and the Bible." Thus showing, that all the old books and formularies were not to be used, and that the ceremonies omitted from Edward's first book, and for which it would have been necessary to refer to the old service books, were altogether discontinued.

Can language be more conclusive than that? Supposing it was wanted to exclude all the old canons, constitutions, and service books, and all the old external ceremonies, what more forcible language could be composed than that used on the present occasion? Its exclusive character likewise receives forcible illustration from the exception in the 7th section of this Act of Uniformity.

Then there is another passage at page 19: " And " for so much as nothing can almost be so plainly set " forth but doubts may rise in the use and practising " of the same: To appease all such diversity (if any " arise), and for the resolution of all doubts concerning " the manner how to understand, do, and execute " the things contained in this book, the parties that " so doubt, or diversely take anything, shall always " resort to the bishop of the diocese, who by his " discretion shall take order for the quieting and " appeasing of the same, so that the same order " be not contrary to anything contained in this book."

Does not the language of this book show that the Legislature considered that all the old laws and formularies for the performance of divine worship had been abolished, otherwise there would have been some restrictive words " upon the discretion of the bishop," for it could not have been for one moment supposed that the bishop was to be put above all law.

(*The Dean of the Arches.*) How do you interpret those words, " or diversely take anything ?"

(*Mr. Stephens.*) Whenever doubts arise.

(*The Dean of the Arches.*) Just read those words again.

(*Mr. Stephens.*) They are in the present Prayer-book. I believe since the Act of Uniformity this provision has not been carried out in the way that it was done anterior to the Act of Charles the Second, and there are certainly much greater powers in this clause than is generally supposed.

I will now read the passage again: " And forsomuch " as nothing can, almost, be so plainly set forth but " doubts may rise in the use and practising of the " same: to appease all such diversity (if any arise), " and for the resolution of all doubts concerning the " manner how to understand, do, and execute the " things contained in this book, the parties that so " doubt, or diversely take anything, shall always resort " to the bishop of the diocese, who by his discretion " shall take order for the quieting and appeasing of the " same, so that the same order be not contrary to any- " thing contained in this book." But, of course, if there was any custom, or if there was any statute for the regulation of the performance of divine service, it would override the power of the bishop. The bishop would not have an absolute power, he would have precisely the like power that your Lordship (I say it with due submission) has in construing an Act of Parliament according to equity and justice. The Bishop would not have an absolute discretion, because an absolute discretion is unknown to our law. The Legislature intended that no person should go beyond the Book of Common Prayer. And if in the manner of performing Divine service any doubts arose, then the bishop was to have the power of determining those doubts.

(*The Dean of the Arches.*) Would not that rather point to this, the Legislature having contemplated the possibility of doubts arising as to the performance of the service?

(*Mr. Stephens.*) No, my Lord, it means—not as to any doubt regarding the performance of the services of the church, because, as I submit, no doubt could arise if persons honestly and conscientiously dealt with the language of the Act of Parliament; but it is to meet cases of clergymen setting up their opinions against the spirit and the words of the Act of Parliament, thinking themselves above all law and guided only by their own discretion.

At that period of our history the object of the Legislature was to put down priest rule and priestcraft, which your Lordship is well aware were then in full force.

(*The Dean of the Arches.*) You say it did not contemplate any person honestly doubting, but that it dealt with dishonest persons.

(*Mr. Stephens.*) Precisely so, my Lord.

(*The Dean of the Arches.*) And that the rubric was framed to meet the case of dishonest persons who wanted to evade the statute.

(*Mr. Stephens.*) That is what I contend.

(*Mr. James.*) And the bishop, I suppose, might be equally dishonest?

(*Mr. Stephens.*) I do not wish that interpellation to be put in. I was speaking of the bishop as a judge.

(*The Dean of the Arches.*) These interpellations are very inconvenient.

(*Mr. Stephens.*) I was speaking of the bishop as a judge. And I was also speaking of conceited clergymen. I do not think these interruptions should be permitted, otherwise we shall not terminate this case on this side of Christmas.

(*Mr. James.*) I beg your pardon; but really sometimes the temptation is too great.

(*Mr. Stephens.*) In Lanfranc's Canons it is directed " of all altars that they be of stone" (2 Johnson's Canons, p. 8, Oxford ed. 1851). In the Injunctions issued by the Bishop of London for uniformity in his diocese——

(*The Dean of the Arches.*) What is the date of the injunctions?

(*Mr. Stephens.*) 1550. They are Bishop Ridley's injunctions of the 4th year of King Edward VI. (1 Cardwell, Doc. Ann. 94.) These Injunctions are to enforce uniformity on the basis of the new Prayer Book, and in them the bishop forbids the setting of any light upon the Lord's board. At page 94 they recite that " in divers places some use the Lord's board after the " form of a table, and some as an altar, whereby dis- " sention is perceived to arise among the unlearned; " therefore wishing a godly unity to be observed in " all our diocese, and for that the form of a table " may more move and turn the simple from the " old superstitious opinions of the Popish mass, and " to the right use of the Lord's Supper; exhorts the " curates, churchwardens, and questmen here present " to erect and to set up the Lord's board after the form " of an honest table, decently covered, in such place " of the quire or chancel as shall be thought most " meet by their discretion and agreement, so that the " ministers with the communicants may have their " place separated from the rest of the people; and to " take down and abolish all other by-altars or tables." I do not think I can give your Lordship a more apt illustration respecting the power of the bishop to enforce the provisions of the Act of Uniformity. Nothing, I believe, was at that period considered of more importance by a great number of persons who were secretly inclined to Popery, than the altar, and objections were made to the communion table. But here we find all altars were ordered to be removed.

(*The Dean of the Arches.*) I remember when the stone altar case was argued in the Court of Arches drawing Sir Herbert Jenner Fust's attention to that rubric, and he declined in fact to hold anything further than that it referred to proceedings in court, and that the bishop had no jurisdiction out of his court in camera.

(*Mr. Stephens.*) I am aware of the passage.

(*The Dean of the Arches.*) You know the whole thing was very much discussed.

(*Mr. Stephens.*) The bishop, I apprehend, in his court is primary judge of his diocese, and he can hold a court wherever he thinks proper. His chancellor has not the absolute power that the bishop has.

(*The Dean of the Arches.*) However, the question does not really arise here.

(*Mr. Stephens.*) All that I want to establish is, that the object of this provision in the Act of Uniformity, giving the bishop the power of interference, was, that there should be an easy mode of correcting clergymen who disobeyed the Book of Common Prayer, namely, by not following it out according to its spirit and letter.

I now wish, my Lord, to refer to the 6th volume of Foxe's Actes and Monuments, at page 5.

(*The Dean of the Arches.*) In order that I may follow you, what is the proposition that you are now seeking to establish by these authorities ; that the bishop had power ?

(*Mr. Stephens.*) That he had jurisdiction in matters of doubt, my Lord. I shall only give your Lordship one more reference upon that point.

(*The Dean of the Arches.*) I am not wishing to curtail your authorities, I only wish to know the proposition that they are to support.

(*Mr. Stephens.*) It is this proposition,—that it was not lawful to go out of this Act of Parliament for the due performance of the servicesof the church, and that if the Act was not carried out according to its spirit and letter, the bishop had a right, and I submit he has so at the present moment, to compel any clergyman to observe and obey the language of the Act of Uniformity. We find in the 6th volume of Foxe's Actes and Monuments a summary of the reasons used to justify and enforce compliance with Bishop Ridley's order. This document was appended to the council's order to Bishop Ridley to take down altars and place communion tables in their stead, and at page 6 the reasons are given. The fifth and sixth reasons I wish to refer to : "Christ did institute the sacrament of his " body and blood at his last supper at a table and not " at an altar, as it appeareth manifestly by the three " evangelists ; and St. Paul calleth the coming to the " holy communion the coming unto the Lord's Supper ; " and also it is not read that any of the apostles or " the primitive church did ever use any altar in " ministration of the holy communion. Wherefore, " seeing the form of a table is more agreeable to Christ's " institution and with the usage of the apostles and " of the primitive church than the form of an altar, " therefore the form of a table is rather to be used than " the form of an altar in the administration of the " holy communion."

The sixth and last reason is this : "It is said in the " preface of the Book of Common Prayer, that if any " doubt do arise in the use and practicing of the same " book, to appease all such diversity the matter shall be " referred unto the bishop of the diocese, who by his " discretion shall take order for the quieting and " appeasing of the same, so that the same order be not " contrary unto anything contained in that book."

(*The Dean of the Arches.*) Then Bishop Ridley must have thought that if there was a stone altar in existence at that time, he had a right to take it away and put a wooden table, although it is not mentioned in the Prayer Book of King Edward VI.

(*Mr. Stephens.*) Certainly, my Lord.

(*The Dean of the Arches.*) I was trying to see to what extent the discretion of the bishop would go in your view. You say it would go to this length, that although nothing is said in the book of King Edward VI., with regard to the material of the altar (and I suppose, as a matter of fact, stone altars then existed), the bishop would have power, under those words, to change the material of the table.

(*Mr. Stephens.*) Certainly, my Lord, for the proper performance of divine service.

(*The Dean of the Arches.*) It would not be found in that statute, it would be something that he would import into the words of that statute.

(*Mr. Stephens.*) The reasons given by Bishop Ridley were approved of by the Privy Council, and circulated all over the country. There we get a construction which shows how the language of the preface of the Book of Common Prayer, giving the bishop jurisdiction in doubts, was then understood, and how exclusive the Prayer Book was treated as to rites and ceremonies.

(*Mr. James.*) It says nothing about rites and ceremonies.

(*Mr. Stephens.*) I am discussing the spirit of the Prayer Book. I contend if altars can be removed, rites and ceremonies and "all external ceremonies," not authorised by the Prayer Book, can be suppressed.

(*The Dean of the Arches.*) I suppose it was under that authority that the material of the table was changed.

(*Mr. Stephens.*) Yes, my Lord, it was so undoubtedly.

I will now come to the consideration of the preface in the 1st book of Edward VI., as to ceremonies. Your Lordship will find it at page 155 of the Liturgies of Edward VI., the book from which I have been reading. This preface as to ceremonies is in our present Prayer Book, a mere reprint of that in the first book of Edward VI.

(*The Dean of the Arches.*) Are you leaving the part about ceremonies now ?

(*Mr. Stephens.*) I am proceeding with the preface about ceremonies. I will now read from page 155. The title is, " Of Ceremonies, why some be abolished " and some retained." " Of such ceremonies as be " used in the church, and have had their beginning " by the institution of man, some at the first were " of godly intent and purpose devised, and yet at " length turned to vanity and superstition ; some " entered into the church by undiscreet devotion, and " such a zeal as was without knowledge ; and for " because they were winked at in the beginning, they " grew daily to more and more abuses, which not only " for their unprofitableness, but also because they have " much blinded the people and obscured the glory of " God, are,"—what ? " worthy to be cut away and " *clean rejected.* Other there be, which although they " have been devised by man, yet it is thought good " to reserve them still, as well for a decent order " in the church (for the which they were first devised), " as because they pertain to edification, whereunto all " things done in the church, (as the apostle teacheth) " ought to be referred. And although the keeping or " omitting of a ceremony, (in itself considered) is but " a small thing: yet the wilful and contemptuous trans- " gression, and breaking of a common order and disci- " pline 'is no small offence before God. 'Let all " 'things be done among 'you,' (saith St. Paul,) " 'in a seemly and due order,' the appointment of " the which order pertaineth not to private men." Every part of this preface shows that the framers of Edward VI.'s first book had only two ways of dealing with ceremonies. They (1) either abolished them or (2) they expressly retained them. It is impossible, as I submit to your Lordship, to put any other construction upon this language.

(*The Dean of the Arches.*) You say they either abolished them or expressly retained them. You are speaking of ceremonies now ?

(*Mr. Stephens.*) Yes, my Lord, I am now dealing with ceremonies.

(*The Dean of the Arches.*) You say that is a universal proposition without exception. They either abolished or expressly retained them ?

(*Mr. Stephens.*) I wish to put it in that way. I am afraid I have not expressed myself clearly.

(*The Dean of the Arches.*) I only want to understand the limits of your proposition.

(*Mr. Stephens.*) The proposition I would lay down

is this,—that every part of this preface shows that the framers of Edward's first book had only two ways of dealing with those ceremonies that had been previously in use. They either abolished them or they retained them. If they retained them then those ceremonies would be found in the first book of Edward VI.

(*The Dean of the Arches.*) They would be expressly mentioned.

(*Mr. Stephens.*) They would be expressly mentioned.

(*The Dean of the Arches.*) I wanted to know what you meant by "retain." As I understand you mean by "retain" that there would be express mention of them in that book of Edward VI.

(*Mr. Stephens.*) Express mention of them, and if mention was not made of them——

(*The Dean of the Arches.*) They would be abolished.

(*Mr. Stephens.*) They would be abolished.

(*The Dean of the Arches.*) That I understand to be your proposition.

(*Mr. Stephens.*) If you cannot prove by the first book of Edward VI. that there is a ceremony retained in it, it was abolished.

(*The Dean of the Arches.*) By "retained" you mean mentioned in the rubric as the book?

(*Mr. Stephens.*) Precisely so, the rubric is part of the book.

With reference to the words "are worthy to be cut away and clean rejected," can your Lordship question that the use of this language, in reference to ceremonies that it was not "thought good to reserve," shows that the observance of these reserved ceremonies was not optional but compulsory upon every minister? Therefore the reserved ceremonies must have been only the ceremonies reserved by the Prayer Book, as otherwise ministers would not be enabled to know what they were, because all the old service books had been destroyed. How was it possible for them to import into the services of the Church any ceremonies except those that were expressly mentioned in the first book of Edward VI.? Where were they to get their information? The old service books had been all destroyed.

I will now proceed with the preface: "Therefore no "man ought to take in hand nor presume to appoint "or alter any public or common order in Christ's "church, except he be lawfully called and authorized "thereunto. And whereas, in this our time, the "minds of men be so diverse, that some think it a "great matter of conscience to depart from a piece of "the least of their ceremonies (they be so addicted "to their old customs); and again, on the other side, "some be so new fangled that they would innovate all "things and so despise the old that nothing can like "them, but that is new: It was thought expedient "not so much to have respect how to please and "satisfy either of these parties, as how to please God, "and profit them both. And yet lest any man should "be offended (whom good reason might satisfy), here "be certain causes rendered why some of the accustomed ceremonies be put away, and some retained "and kept still."

Such language clearly supports the proposition which I ventured to submit to your Lordship, that this preface shows, its framers had only two ways of dealing with the ceremonies—that they either (1) retained them or (2) rejected them? Some accustomed ceremonies are by express language "put away," and those that are not put away are "kept still." Where are they kept? In this Prayer Book. "Some "are put away because the great excess and multitude of them hath so increased in these latter days "that the burden of them was intolerable, whereof "Saint Augustine in his time complained, that they "were grown to such a number that the estate of "christian people was in worse case (concerning that "matter) than were the Jews. And he counselled that "such yoke and burden should be taken away, as time "would serve quietly to do it. But what would "Saint Augustine have said if he had seen the ceremonies of late days used among us, whereunto the "multitude used in his time was not to be compared? "This our excessive multitude of ceremonies was so "great and many of them so dark, that they did "more confound and darken than declare and set "forth Christ's benefits unto us. And besides this, "Christ's Gospel is not a ceremonial law (as much of "Moses law was), but it is a religion to serve God, "not in bondage of the figure or shadow, but in the "freedom of the Spirit, being content only with those "ceremonies which do serve to a decent order and "godly discipline, and such as be apt to stir up the "dull mind of man to the remembrance of his duty "to God by some notable and special signification "whereby he might be edified.

"Furthermore, the most weighty cause of the "abolishment of certain ceremonies was, that they "were so far abused partly by the superstitious "blindness of the rude and unlearned, and partly by "the unsatiable avarice of such as sought more their "own lucre than the glory of God; that the abuses "could not well be taken away, the thing remaining "still. But now as concerning those persons, which "peradventure will be offended, for that some of the "old ceremonies are retained still, if they consider "that without some ceremonies it is not possible to "keep any order or quiet discipline in the church, "they shall easily perceive just cause to reform their "judgments. And if they think much that any of "the old do remain and would rather have all devised "anew, then such men (granting some ceremonies "convenient to be had,) surely where the old may "be well used, there they cannot reasonably reprove "the old (only for their age) without bewraying of "their own folly. For in such a case, they ought "rather to have reverence unto them for their antiquity, if they will declare themselves to be more "studious of unity and concord than of innovations "and newfangleness which (as much as may be with "true setting forth of Christ's religion) is always to "be eschewed. Furthermore such shall have no "just cause with the ceremonies reserved to be "offended. For as those be taken away which were "most abused, and did burden men's consciences, "without any cause; so the *other* that remain"——

(*The Dean of the Arches.*) You are dealing now with the first Prayer Book of Edward VI.

(*Mr. Stephens.*) Yes.

(*The Dean of the Arches.*) I was following you in the new Prayer Book; it is exactly the same, word for word; I do not think there is a word different.

(*Mr. Stephens.*) They are identically the same, my Lord.

(*The Dean of the Arches.*) Then your argument would be that all the ceremonies abused were taken away by the first Prayer Book of Edward VI.

(*Mr. Stephens.*) Yes, and all that were not abused were retained.

(*The Dean of the Arches.*) By the first Prayer Book?

(*Mr. Stephens.*) I am now dealing with the first Prayer Book.

(*The Dean of the Arches.*) I understand you. Excuse me putting these questions, for I am endeavouring to follow your argument. I do not wish to interrupt you.

(*Mr. Stephens.*) Your Lordship does not interrupt me. I assure you it assists me very much to learn what is passing from time to time in your Lordship's mind. The Preface goes on: "are retained for a discipline "and order, which (upon just causes) may be altered "and changed, and therefore are not to be esteemed "equal with God's law. And moreover they be neither "dark nor dumb ceremonies, but are so set forth that "every man may understand what they do mean, and "to what use they do serve. So that it is not like "that they, in time to come, should be abused as other "have been. And in these all our doings we condemn no other nations, nor prescribe anything but "to our own people only. For we think it convenient "that every country should use such ceremonies, as "they shall think best to the setting forth of God's "honour and glory, and to the reducing of the people "to a most perfect and godly living, without error or "superstition; and that they should put away other "things which from time to time they perceive to be

" most abused, as in men's ordinances it often chanceth " diversely in divers countries."

The object of the Prayer Book was to put down those ceremonies which in England had been abused and were found useless, perfectly irrespective of whether they were used in other countries, and consequently, if lights, for instance, were used in the Lutheran Church, that would be no reason for their being used in the Church of England, because they had been abolished by this Act of Parliament.

(*The Dean of the Arches.*) Do you say the stone altar was abolished by that Act of Parliament?

(*Mr. Stephens.*) I am not upon that question at present.

(*The Dean of the Arches.*) You say lights were abolished by that Act of Parliament?

(*Mr. Stephens.*) I do, my Lord.

(*The Dean of the Arches.*) Let me see. You say that Act of Parliament abolished the lights. That is one of the things we shall have to consider by-and-by.

(*Mr. Stephens.*) Yes; I will come to it by-and-by.

(*The Dean of the Arches.*) There is no hurry at all. I want to get what you say correctly.

(*Mr. Stephens.*) I submit that, inasmuch as neither lighted candles nor candlesticks are mentioned in the first book of Edward VI., neither of them can, as a matter of right, be introduced into our churches.

(*Mr. James.*) Nor gas.

(*The Dean of the Arches.*) Your proposition goes that legitimate length.

(*Mr. Stephens.*) I did not put the proposition. Candlesticks, are introduced as ornaments. But I do not think the word " candlestick " can be found in any one of the Acts of Uniformity. I test it in this way—How could the churchwardens be compelled to put a candlestick on the Holy Table except for the purpose of giving light? It is a different thing putting a candlestick on the Holy Table with a candle in it, and afterwards lighting that candle, because not only is there an ornament not mentioned in the Acts of Uniformity, but in addition to that a religious ceremony is introduced

(*The Dean of the Arches.*) I quite see the argument. The reason I put the question of stone altars was, because you have been insisting upon the lawfulness of Ridley's injunction which removed the stone altars.

(*Mr. Stephens.*) Upon Ridley's injunction, supported by the Order in Council.

(*The Dean of the Arches.*) I should like to understand that. Do you say Ridley's order, supported by an Order in Council, was equivalent to an Act of Parliament?

(*Mr. Stephens.*) No.

(*The Dean of the Arches.*) How did the Order in Council operate? What does it show?

(*Mr. Stephens.*) It shows the construction that the highest authorities in the land placed upon the first book of Edward VI. as to the powers of the Bishop under the Act of Uniformity.

(*The Dean of the Arches.*) Just apply that argument to the question of the stone altar. It is only a criterion of the extent to which it goes. It seems to be admitted that stone altars were *de facto* in existence at the time of the first Prayer Book, and that they were removed by this injunction of Bishop Ridley's. They are not spoken of at all in the Prayer Book one way or the other. Then that was an alteration of an ornament of the Church by the authority of the bishop without the consent of Parliament, was it not?

(*Mr. Stephens.*) No, my Lord; I can never admit that the Church or a prelate has any power, except under an Act of Parliament, to exercise jurisdiction over the people.

(*The Dean of the Arches.*) I agree with you, and I want to try that proposition. How came what Ridley did to be lawful with respect to the substitution of a different material for the altar table?

(*Mr. Stephens.*) I only cited it to show (I am not arguing the question of altars now) how exclusive the Prayer Book was, so much so,—that if any doubt arose upon its construction, the Bishop was the proper judge to determine, and none other; acting like your Lordship in carrying out an Act of Parliament.

(*The Dean of the Arches.*) He had authority, under those words which gave the parishioner right to resort to the bishop, to alter the material of which the altar was framed?

(*Mr. Stephens.*) No doubt, if the bishop thought it led to superstition, because one of the primary objects of the Act of Uniformity was to put down superstition.

(*The Dean of the Arches.*) Although it was not mentioned in the Prayer Book?

(*Mr. Stephens.*) Although it was not mentioned in the Prayer Book; and for this reason, because it was against the spirit of the Prayer Book.

(*The Dean of the Arches.*) That is what I want to know. You say he had that power?

(*Mr. Stephens.*) Yes, because it was against the spirit of the Prayer Book. The observations which your Lordship has made (and for which I am deeply indebted) as to the ornaments, show, that a clergyman has no right (and I say it unhesitatingly) to put a single ornament upon the holy table. The duty of putting ornaments for the performance of divine service belongs to the churchwardens, and if they do not provide the proper furniture, for the use of the clergyman, they can punishable.

(Adjourned for a short time.)

Your Lordship may remember that we were discussing the preface on ceremonies, in the first book of Edward VI., and I was directing your Lordship's attention to the very strict and exclusive language that is used, not only in the Act of Uniformity but in the Book of Common Prayer, which is part of our statute law.

The language of this statute is essentially different from that of the Council of Trent, when dealing with the sacrifice of the mass. I beg to refer your Lordship to the canons and decrees of the Council of Trent, published by Mr. Buckley of Christchurch, Oxford, p. 43. The edition I propose to quote from is London, 1851.

(*The Dean of the Arches.*) Perhaps you will refer to the session. My copy is not the same as that to which you are referring.

(*Mr. Stephens.*) It is the 22nd session, and the 5th chapter, dealing with the ceremonies of the mass. " The Ceremonies and Rites of the Mass." " And " whereas such is the nature of man that without " external helps he cannot be easily upraised to the " meditation of divine things, on this account has holy " mother church instituted certain rites, to wit, that " certain things be pronounced in the mass in a " softened, and others in a raised tone. She has like- " wise made use of ceremonies such as mystic bene- " dictions, lights, fumigations of incense, vestments, " and many other things of this kind, derived from " an apostolical discipline and tradition, whereby both " the majesty of so great a sacrifice might be recom- " mended and the minds of the faithful be excited by " these visible signs of religion and piety to the con- " templation of those most sublime things which lie " hidden in this sacrifice."

How very different the language of this chapter is from the language to which I have directed your Lordship's attention in the preface on ceremonies in the Prayer Book. In the preface on ceremonies in the Prayer Book, the rights of the laity as to what rites and what ceremonies shall be used in the churches of this country are most rigidly reserved; nothing is left, and in my opinion nothing ought to be left, to the discretion of the minister except it be under the words of an Act of Parliament. The clergy are not a different class and distinct from the laity. They are not a class of men standing between the laity and our Creator. We therefore find, my Lord, that in almost every case where a ceremony is directed to be used in the first book of Edward VI., which, if unexplained would be a

" dark and dumb " ceremony, an explanation of such ceremony is given, thus affording an additional, and, as I most respectfully submit, a conclusive proof that the Book of Common Prayer was to be the exclusive guide as to the rites and ceremonies which were to be performed within our churches. The minister has no discretionary power except when it is expressly given to him. He is bound, and rightly bound, by the Acts of Uniformity. If a clergyman does not agree with the spirit and principle of the Acts of Uniformity he would have no right of institution to his living, and the very moment he objects to the spirit and the language of the Acts of Uniformity, from that moment, if he be a conscientious man, he ought no longer to retain the status which a minister of our church has nor to receive the pay of the Established Church.

I will now direct your Lordship's attention in detail, to what I have submitted to you generally, viz., that looking through the first book of Edward VI., where there is a "dark and dumb ceremony" mentioned, an explanation of its meaning is given, and it will be found that no dark and dumb ceremonies, such as lighted candles, when not required for light, the use of incense, as a religious ceremony, and the mixing of water with the sacramental wine, are allowed by the laws of this country.

(*The Dean of the Arches.*) Do you say that neither lights nor incense, nor mixing the water with the wine, were allowed by the first Prayer Book of Edward VI. ?

(*Mr. Stephens.*) I submit, generally speaking, that not only by the statutes of Edward VI., but by every Act of Uniformity, dark and dumb ceremonies without explanation are excluded.

(*The Dean of the Arches.*) I was calling your attention especially to what we are now upon, the Prayer Book of Edward VI.

(*Mr. Stephens.*) It was only parenthetically I made that general allusion.

(*The Dean of the Arches.*) I do not mean to limit you to that, but we are upon that now.

(*Mr. Stephens.*) I thought your Lordship would have a better note and a clearer view of the argument by a general statement. But I apply the observation without reservation to the Second Act of Uniformity of Edward VI. and to the Acts of Elizabeth and Charles II. I extend it likewise to the practice of the church from the time of Edward VI. down to the present time, except during the reign of Mary, when our land was covered with a cloud of spiritual darkness.

I now beg to refer your Lordship in the first instance to page 108 of the Liturgies of Edward VI.

(*Mr. James.*) I am afraid you are not reading from the same copy I have got. I have Cardwell's Liturgies.

(*Mr. Stephens.*) My friend, Mr. James, is not perhaps aware of the difference between "Cardwell's Liturgies" and the "Liturgies of Edward VI." I am reading from a book called "Liturgies of King Edward VI.," published by the Parker Society.

At page 108, on the sign of the cross, it directs: "Receive the sign of the Holy cross both in thy "forehead and in thy breast"—and the following explanation is given—"in token that thou shalt not be "ashamed to confess thy faith in Christ crucified, "and manfully to fight under his banner against sin, "the world, and the devil, and to continue his faithful "soldier and servant unto thy life's end. Amen." There we have an explanation of the reason of the sign of the cross.

I will now direct your Lordship's attention to page 112, as to the chrisom: "Then the godfathers and "godmothers shall take and lay their hands upon the "child, and the minister shall put upon him his white "vesture commonly called the chrisom, and say: "Take this white vesture for a token of the in-"nocency, which by God's grace in this Holy Sacra-"ment of Baptism is given unto thee, and for a sign" (here we get the explanation) "whereby thou art ad-"monished, so long as thou livest, to give thyself to "innocency of living, that after this transitory life thou "mayest be partaker of the life everlasting. Amen." "Then the priest shall anoint the infant upon the "head, saying, Almighty God, the Father of our Lord "Jesus Christ, who hath regenerate thee by water "and the Holy Ghost, and hath given unto thee "remission of all thy sins; he vouchsafe to anoint "thee with the unction of his Holy Spirit, and bring "thee to the inheritance of everlasting life. Amen."

As to the ring in marriage, at page 129: "Then "the man leaving the ring upon the fourth finger of "the woman's left hand, the minister shall say, Let us "pray. O Eternal God, Creator and Preserver of "all mankind, Giver of all spiritual grace, the Author "of everlasting life, send thy blessing upon these "thy servants, this man and this woman, whom we "bless in thy name, that as Isaac and Rebecca (after "bracelets and jewels of gold given of the one to the "other for tokens of their matrimony) lived faith-"fully together; so these persons may surely perform "and keep the vow and covenant betwixt them made "whereof this ring given and received is a token and "pledge." Without this explanation it would be a dumb ceremony.

At page 139 extreme unction. "If the sick person "desire to be anointed, then shall the priest anoint "him upon the forehead or breast only, making the "sign of the cross, saying thus, As with this visible "oil, thy body outwardly is anointed, so our Heavenly "Father, Almighty God, grant of His infinite good-"ness that thy soul inwardly may be anointed with "the Holy Ghost, who is the spirit of all strength, "comfort, relief, and gladness." That would have been a dark and dumb ceremony without the explanation.

Now I beg to refer your Lordship to the ordering of deacons. I propose to read from page 170: "Then "the bishop laying his hands severally upon the head "of every one of them shall say, 'Take thou authority "to execute the office of a deacon in the church of "God committed unto thee: in the name of the "Father, the Son, and the Holy Ghost. Amen.' Then "shall the bishop deliver to every one of them the "New Testament, saying, 'Take thou authority to "read the gospel in the church of God, and to preach "the same if thou be thereunto ordinarily com-"manded.'" That would have been a dark and dumb ceremony without the explanation.

At page 179, in the ordering of priests: "The "bishop shall deliver to every one of them the Bible "in the one hand, and the chalice or cup with the "bread in the other hand, and say, Take thou "authority to preach the word of God, and to "minister the holy sacraments in this congregation." Without those words that would have been a dark and dumb ceremony.

Again at page 185, in "The Ordering of Bishops:" "Then shall the archbishop put into his hand the "pastoral staff, saying, Be to the flock of Christ a "shepherd, not a wolf; feed them, devour them not; "hold up the weak, heal the sick, bind together the "broken, bring again the outcasts, seek the lost; be "so merciful that you be not too remiss, so minister "discipline that ye forget not mercy, that when the "Chief Shepherd shall come, ye may receive the "immarcescible crown of glory, through Jesus Christ "our Lord." That would have been a dark and dumb ceremony without this explanation.

From these extracts an explanation is afforded of the expression "dark and dumb" ceremonies. And what does it prove ? That every dark and dumb ceremony that is mentioned in our Prayer Book is explained. What are lighted candles but a dark and dumb ceremony ?

(*Mr. James.*) Not dark at all events I should fancy.

(*Mr. Stephens.*) It is a dark and dumb ceremony, when candles are lighted not for the purpose of giving light, but in order to symbolize Roman Catholic doctrine.

I now beg to direct your Lordship's attention to 5 Collier's Ecclesiastical History, page 104, octavo edition, 1852. This is the rationale of the rites and ceremonies of the church in England and was published towards the termination of the reign of Henry VIII. It is not an authorized document, but it is a manuscript, partly in Bishop Gardiner's handwriting, and I put it forward, therefore, for what it is worth, as representing

the views of his party. It is intituled "Ceremonies to "be used in the Church of England, together with "an explanation of the meaning and significancy of "them." That title will be found at page 104, and I am about to read from page 110.

The title is, "Ceremonies used in the Mass. And "the ceremonies thereof are not dumb, but they be "expressives and declaratives of the same passion, to "the intent, that by such signs and ceremonies, they "that be present thereat, may the better be admo-"nished and reduced into the memory of the same. "And, first, it is to be understood that the priest is "to be a common minister in the name and stead "of the congregation, and as the mouth of the same "not only renders thanks to God for Christ's death "and passion, but also makes the common prayers "and commends the people and their necessities in "the same to Almighty God. The priest, therefore, "when he shall say mass, says it not in his common "apparel which he daily uses, but puts upon him clean "and hallowed vestments, partly representing the "mysteries which were done at the passion, partly "representing the virtues which he himself ought to "have that celebrates the mass." The question of vestments is not before your Lordship; but in order to save my learned friend any trouble when he comes to reply, I use it for the purpose of showing that vestments cease to be a dumb and dark ceremony, because an explanation is given why they are worn. "First, he putteth on the amice, which, as touching "the mystery, signifies the veil with which the Jews "covered the face of Christ when they buffeted him in "time of His passion, and as touching the minister "it signifies faith, which is the head, ground, and "foundation of all virtues, and therefore he puts "that upon his head first. Secondly, he puts upon "him the albe, which, as touching the mystery, signi-"fieth the white garment wherewith Herod clothed "Christ in mockery, when he sent him to Pilate; "and as touching the minister it signifies the pure-"ness of conscience and innocency he ought to have, "especially when he sings the mass. The girdle, as "touching the mystery, signifies the scourge with "which Christ was scourged; and as touching the "minister it signifies the continent and chaste living, "or else the close mind which he ought to have at "prayers when he celebrates. The stole, as touching "the mystery, signifieth the ropes or bands that "Christ was bound with to the pillar when he was "scourged; and as touching the minister it signifieth "the yoke of patience which he must bear as the "servant of God, in token whereof he puts also the "phanon on his arm, which admonisheth him of "ghostly strength and godly patience that he ought "to have to vanquish and overcome all carnal infir-"mity. The over vesture or chesible, as touching "the mystery, signifies the purple mantle that Pilate's "soldiers put upon Christ after they had scourged "him; and as touching the minister it signifies "charity, a virtue excellent above all other."

At page 113 follows the offertory: . . . "At "which time the minister, laying the bread upon the "altar, makes the chalice, mixing the water with the "wine, signifying thereby, how that blood and water "ran out of Christ's side in His passion, and "admonishes us of the inseparable coupling and "joining of Christ and His church."

"Then, after the offertory done, the priest washes "his hands, acknowledging himself not to be so clean "but that he has ever need more to be washed, ac-"cording to the saying of David, 'Wash me, Lord, "'more and more from my wickedness, and cleanse "'me from my sin.'"

Then follows the gospel. And at page 114 it is stated, "Then the priest begins to represent in this "Sacrifice of the Mass, the most painful and bloody "sacrifice once offered for our salvation upon the "cross, and prays the Father to accept these gifts "prepared for the consecration, and inclining His "body, makes a cross upon the altar and kisses it, "signifying thereby the humble inclining and obe-"dience of Christ to his Father's will, to suffer His "passion upon the altar of His cross for our salva-"tion."

At page 115: "And likewise the substance of "wine into His precious blood, which He lifteth up, "both that the people with all reverence and honour "may worship the same, and also to signify thereby "partly Christ's exaltation upon the cross for our "redemption, which was figured by the serpent set "up by Moses in the desert, and partly signifying "that triumphant advancement and exaltation "whereto God the Father because of His passion has "exalted Him above all creatures, bidding the people "to have it in remembrance as oft as they shall do "the same. After the which the priest extends and "stretches forth his arms in form of a cross, declaring "thereby, that according to Christ's commandment, "both he and the people not only have fresh remem-"brance of the passion, but also of His resurrection "and glorious ascension."

At page 116: "And therefore the minister takes "the kiss of peace from the blessed sacrament, and "sends it to the people, saluting each other *in osculo* "*sancto*, as biddeth St. Paul, admonishing them "thereby of the fraternal and mutual peace and con-"cord which they ought to have, without which "peace and concord, this communion or sacrament of "common communion is to them nothing profitable, "but much to their hurt."

At page 106 [I am now going to the rites and ceremonies observed about the sacrament of baptism]: "And then he puts hallowed salt into his mouth, to "signify the spiritual salt, which is the Word of God, "wherewith he should be seasoned."

And, at page 109: "Finally, the minister puts a "candlelight in the right hand of him that is baptized, "in token that he should through all his lifetime, "show before all men, a light of good example and "godly works; that he may be always in readiness "with the saints to meet our Lord, and receive the "fruition of everlasting joy."

Here we have dark and dumb ceremonies, but an explanation is given, so that the people may clearly and distinctly understand what is meant by them.

I want to know from the Acts of Uniformity (and the questions in issue must be decided upon the Acts of Uniformity) where is the authority for lighting the candles upon the holy table on Sunday during daylight? Can you compel the parishioners, can you compel the churchwardens (for they are the persons who are responsible), to levy a rate for the purpose of providing wax candles in order that there may be lighted wax candles on the holy table when there is daylight? Can you compel them to provide censer pots? Can you compel them to provide frankincense? Can you compel them to provide a cruet for the holding of water in order to mix it with the sacramental wine? If you cannot, how is it possible for my friends to reconcile the rites and ceremonies under discussion, with the language of the present Act of Uniformity, where it absolutely and positively provides, that there shall be only one uniform rite and ceremony, and in order to ascertain what that uniform rite and ceremony is, that you shall not go beyond the Book of Common Prayer. We likewise find in the Act of Uniformity of Charles II. every ornament of the church that is essentially requisite to carry out the service prescribed by it, and every direction to carry out the ceremonies that are therein prescribed. These "dark and dumb" ceremonies were rightfully abolished, for they, in point of fact, owe their origin not to the usage of the primitive church, but to priest rule and priestcraft.

(*The Dean of the Arches.*) You have not left the first Prayer Book of King Edward VI.?

(*Mr. Stephens.*) I am still upon it. I am generally illustrating the preface as to ceremonies in the first Prayer Book, but which is applicable to the Prayer Book now in force.

(*The Dean of the Arches.*) I thought you might be turning to another subject.

(*Mr. Stephens.*) I am dealing with the preface on ceremonies generally.

(*The Dean of the Arches.*) In the first Prayer Book?

(*Mr. Stephens.*) Yes. Your Lordship followed me with the Prayer Book of Charles II., and you found

that the language was identical, at least I so understood your Lordship.

(*The Dean of the Arches.*) They are quite identical.

(*Mr. Stephens.*) Then the observations I am now making in reference to the first Prayer Book of Edward VI. fully apply to the statute of Charles II.

There is a pamphlet entitled, "A Plea for the "threatened Ritual of the Church of England, by "James Skinner, M.A., Vicar of Newland, Great "Malvern, and Warden of the Beauchamp Charity, late "Fellow of the University of Durham, and sometime "senior curate of St. Barnabas, Pimlico," published in London, 1865. Mr. Skinner is a gentleman well known, a man of position and learning, and in that pamphlet he says, "Ritual and ceremonial are not "only not defensible, they are intolerable as mere "ecclesiastical literature or as religious astheticism, "or as the philosophy of worship, or any other for- "malism. They are not even to be endured as mere "securities for decency and reverence. They are "the signs of realities or they are nothing." "They "are the expression of the mind of the Spirit or "they are nothing. They are the witnesses of mo- "mentous truth or they are nothing. They are no "mere accident to religion. They belong to the very "substance of religion. They are not the mere "adjuncts and decorations of religion, they are the "natural and spontaneous exhibition of religion."

(*Mr. Prideaux.*) What page are you reading?

(*Mr. Stephens.*) Pages 20 and 21 of Mr. Skinner's pamphlet.

(*The Dean of the Arches.*) Can Mr. Skinner's pamphlet have any authority at all?

(*Mr. Stephens.*) No, but I am making it part of my argument, to show what are the objects of these dark and dumb ceremonies.

(*The Dean of the Arches.*) You have a perfect right to do so. I wanted to know how you would press it upon me.

(*Mr. Stephens.*) The language that I have quoted from Mr. Skinner's pamphlet shows the object of using the rites and ceremonies in question, and I think it would have been very advisable for Mr. Skinner, before he had preached and published this sermon, to have referred to the preface on ceremonies in the Book of Common Prayer, and he would have discovered that the ceremonies that have been retained "were for discipline and for order."

I now beg to refer to a book that I think will illustrate the inconveniences and absurdities which would result if your Lordship should come to a decision that it is optional for any parochial clergyman, however conscientious, to depart from the strict spirit and letter of the Act of Uniformity, more especially as, when doubts arise he has the power of appealing to the bishop. And with all due respect to Sir Herbert Jenner Fust, I should say he has a right to appeal to the bishop *in camerâ* as well as in court.

(*The Dean of the Arches.*) You must not understand me as saying that Sir Herbert Jenner Fust said he had not any right, but he said he thought the bishop could not enforce his orders except through his court.

(*Mr. Stephens.*) I am very much indebted to your Lordship, but I do not exactly coincide in that position of law.

This is a very curious book which I hold in my hand, but it contains valuable information. It is entitled, "The Ritual Reason why," edited by Charles Walker, a gentleman of great learning. This book is published by Hayes, London. It professes to be an explanation of some 450 points of ritual. That is to say 450 points of difference from the spirit and letter of the Book of Common Prayer.

At page 118: "Why does the priest uncover the "oblations at the end of the invocation?" The answer is, "To prepare them for the consecration "which follows. As a symbolical act, this unveil- "ing represents the stripping off of our Lord's gar- "ments at the crucifixion."

At page 53: "What is the pneuma or slur?" Answer. "It consists of a few notes either sung to the "concluding syllable of the psalms, or played on the "organ." "When is it used?" "At the end of the "psalms for the day, and at the end of the Canticles, "Benedictus, and Magnificat in the choir service, "and of the Te Deum on festivals, and at the end of "the sequence in the Holy Eucharist." At page 54: "Why are the psalms finished with a pneuma?" Answer. "As a sign of our reluctance to quit the "praises of God even for instruction and prayer."

I will now read from page 60: "Will you explain these incensations of the altar and choir?" Answer. "The altar represents Christ, and by the "incense with which the priest surrounds it, he signi- "fies the truth of Christ's divinity, the solemn obla- "tion of incense being an act of worship due to God "alone. (Exod. xxx. 37.) It is also typical of the "mercy seat, and the cloud of incense which sur- "rounds it symbolizes the intercessions which in "union with that of our great High Priest surround "the throne of God on every side. The altar is censed "in the midst, first, because that is the place of "honour, being the spot where the blessed sacra- "ment is consecrated." Here there is a note which I will read, "After the priest has censed the cross with "three motions of the censer he censes the upper part "or retable, first twice towards the gospel side, then "twice towards the epistle side, then he censes the "altar itself, first on the epistle side, as described "above. This signifies that the gospel existed in the "purpose of God before all time and was therefore "really anterior to the law."

I will now return to the text: "Afterwards on the "epistle side first, because to the Jewish church first "the ministry of intercession was committed, then the "gospel side, because it is now committed to the "Christian church; then again from the gospel to the "epistle side, in token that Jew and Gentile are all "one in Christ. The congregation are censed in "acknowledgment that through the incarnation all "are partakers of the divine nature, and in order, "first the clergy, next the choir, lastly the laity, to "show that though all one in Christ all members "have not the like honour. But whereas men are "only in a certain sense partakers of the divine "nature, which is directly allied to the human alone "in Christ; therefore the priest alone censes the "altar, while the choir and people are censed by an "inferior minister." I am anxious to ascertain from my learned friends, whether they disavow carrying out these directions, when the censing of persons and things took place at St. Alban's in December 1866.

Is it for one moment to be said, that with the Prayer Book in my hand, I am to go into a parish church and to be in profound ignorance of the ceremonies that are used? I confess that I do not know, looking at the Prayer Book, and speaking as a member of the Protestant Church, what incense means, because I find no direction for the religious use of incense in the Book of Common Prayer. For the like reason I do not know what lighted candles, upon the Communion Table during daylight, mean. I do not know why the sacramental wine is mixed with water, because I do not find any directions for it in the Book of Common Prayer.

(*The Dean of the Arches.*) I wanted to know your argument. You say there is no mention of mixing water with wine in any of the Books of Common Prayer?

(*Mr. Stephens.*) Excepting the first Book.

(*The Dean of the Arches.*) That is the book we are upon now.

(*Mr. Stephens.*) I am speaking generally of symbolical ceremonies, and I respectfully submit to your Lordship that no symbolical ceremony can be now used in any parish church except we find an explanation of that ceremony in the present Book of Common Prayer. I am not to go into a church and see a parcel of dark and dumb ceremonies which puzzle me, and of which I am profoundly ignorant, because I derive my religious opinions, so far as regards the ceremonies of the church, from the Book of Common Prayer, and I derive my faith from the Bible, and exclusively so, as containing the Word of the living God.

There is a passage in the preface on ceremonies which I will read again: "This our excessive multi- "tude of ceremonies was so great, and many of them

" so dark, that they did more confound and darken " than declare and set forth Christ's benefits unto us;" so long as the service was in Latin it was necessary to have the lighted candles and incense, and a variety of gestures and ceremonies, in order that there might be something that the laity could attend to and take an interest in.

My Lord, I will again ask, What are lighted candles during daylight but a dark and dumb ceremony which has been clean rejected? What is incense used in the performance of divine worship but a dark and dumb ceremony which has been clean rejected? What is the mixed chalice, the mixing of water with the sacramental wine, but a dark and dumb ceremony which has been clean rejected?

I will now proceed to direct your Lordship's attention to four very eminent writers to show the views of the Protestant Church in respect of ceremonies.

(*The Dean of the Arches.*) Church of England writers?

(*Mr. Stephens.*) Yes, my Lord; when I use the word Protestant I mean the Church in England.

(*Mr. Prideaux.*) That is a dark and dumb ceremony indeed.

(*Mr. Stephens.*) I will first direct your Lordship's attention to Nicholls on the Book of Common Prayer. Your Lordship knows how very confused Nicholls is for reference. I am not going to quote from the additional notes. The edition which I have is the second folio edition, dated 1712, and is the last edition. I cannot of course give the page, but it is on "ceremonies," and your Lordship will find it at the commencement of the book. The writer is dealing with ceremonies, some to be abolished and some to be retained, and he says, "In the first book of Edward " VI. there are indeed many ceremonies prescribed, " but those we have nothing to do with now. For " there water is enjoined to be mixed with the wine " in the administration of the Lord's Supper, and " crossing in the consecration prayer; the bread " was to be unleavened and round; exorcism was " used in the office of baptism; and the infant was " anointed after dipping thrice, and was to have " the chrisom (or white vesture) put upon him; " the bishop was to cross the confirmed person in the " forehead; bracelets and jewels were to be given in " matrimony as tokens of spousage; the sick person " upon desire, was to be anointed on the forehead and " the breast; the priest was to cast earth upon the " corpse, and to recommend his soul to God; the " churched woman was to offer up her chrisom; and " crossing, knocking upon the breast, and other " gestures were permitted to be used. These are " ceremonies in the strictest sense, and it was for " these that this preface was made to apologize, more " than for the few ceremonies, if they be such, which " are now retained."

In "Stillingfleet on Separation," the edition of 1591, at page 393, there is this passage: "As to " the ceremonies in the Roman Church and ours, " there are these considerable differences, that,—(1) " they have a mighty number, as appears by their " rituals and ceremonies, and the great volumes " written in explication of them; we very few, and " those so very easy and plain; that it requires as " great skill not to understand ours as it doth to " understand theirs."

" (2.) They place great holiness in theirs, as " appears by the forms of consecration of their water, " oil, salt, wax, vestments, &c., but we allow none of " these, but only the use of certain ceremonies, with- " out any preceding act of the Church, imparting " any peculiar holiness attributed to them.

" (3.) They suppose great virtue and efficacy to be " in them for the purging away some sorts of sins. " We utterly deny any such thing belonging to our " ceremonies, but declare that they are appointed " only for order and decency.

" (4.) They make their ceremonies being appointed " by the church to become necessary parts of divine " worship, but our church looks upon them, even " when determined as things in their own nature " indifferent, but only required by virtue of that " general obedience, which we owe to lawful authority; " so that as to ceremonies themselves there is a vast " disparity between the Roman Catholic Church and " ours, and no man can pretend otherwise that is not " grossly ignorant, or doth not wilfully misunder- " stand the state of the controversy between them " and us."

I will now refer to an address of one bishop, who I am sorry to say is no more, and to the charge of another bishop in his visitation court, and I quote from their learned labours in order to maintain the general proposition which I ventured to state to your Lordship, that no ceremonies can be used in our church except such as are expressly mentioned in the Acts of Uniformity. One is by the late Bishop of Chester.

(*The Dean of the Arches.*) Is it a charge?

(*Mr. Stephens.*) No, my Lord, an ordination address. I have done everything I could to procure a copy of the address, but have not been able to get one, either at Chester or elsewhere, but it is quoted in the fourth edition of a pamphlet upon "Priestly Eucharistic Vestments," by the Reverend John Deck, published in London, 1866.

(*The Dean of the Arches.*) He gives the address, you say?

(*Mr. Stephens.*) Yes, and I have no doubt about his giving the address correctly.

(*The Dean of the Arches.*) I want to hear what the bishop says.

(*Mr. Stephens.*) These are the solemn and earnest words of the late Bishop of Chester in his last ordination address: "Our church hath its liturgy and ritual, " simple, yet solemn, framed in accordance with the " language of scripture and after the model of primi- " tive practice; a reasonable service; consistent in " its substance; devotional in its accompaniments; " adapted alike to direct the understanding and " impress the heart. But there are persons who are " not content with its simplicity, who wish to super- " add to it a variety of unauthorized forms and " fantastical ceremonies and theatrical pageantries, " such as, since the time of the Reformation, have " been unknown in our public services. It would be " a sufficient condemnation of such vain additions, " that they are destitute of authority, and unsuitable " to the simple character of our spiritual worship. " But what is more, being in many instances imita- " tions of the ceremonial of the Church of Rome, they " create in many minds a painful misgiving, that " more is meant than even meets the eye, and that " there is a secret desire or aim to depart not only " from the simplicity of our ritual but from the purity " of our doctrine. Thus suspicions are engendered, " men's minds are disquieted and alienated; the " peace of the church is broken. Is the minister " who is the cause of this, faithful to his duty? " Even if he have no ulterior design, even if he " meditates no secret treachery (far be it from me " to speak otherwise than with that charity which " thinketh no evil), yet even so, how can he justify " himself for giving occasion for such scandal and " such discord, merely for the sake of introducing " presumptuous innovations, and overlaying our " simple ritual with a tissue of incongruous excres- " cences?" It is evident, therefore, my Lord, so far as regards the late Bishop of Chester, that he in spirit supported the view which I have attempted to urge before your Lordship, namely, that a clergyman cannot under any circumstances go beyond the Book of Common Prayer for "ceremonies."

Thatis the opinion of an English bishop. I will now give you the opinion of an Irish prelate. It is a charge to the clergy of the united dioceses of Cork, Cloyne, and Ross.

(*The Dean of the Arches.*) By the present Bishop of Cork?

(*Mr. Stephens.*) Yes. I am quoting from the 5th edition, 1866. This charge was delivered by an ecclesiastical judge in his Court of Visitation. His Lordship when discussing the innovations and strange performances that have recently been introduced into

our churches, says: "We see men in these degenerate "days, ministers and pastors of our church, so they "are called, perverting, not preaching the Gospel; "subverting, not building up souls; making very little "of Christ and his work, and very much of themselves "and their own. They turn away the minds of men "immortal, so far as they can, from the fulness and all "sufficiency of Christ and the gracious work of the "Spirit, to beggarly elements of human device un-"known to pure and early times, and endeavour to "fix them on sights and shows, on dresses of clergy, "on colours, on forms and figures; on turning now "to this side and this thing, and again bending and "bowing to that side and that thing, one time gabbling "in one part of the service and again muttering in "another, as if clergymen were showmen or necro-"mancers, and the laity were only babies to be "amused, or fools to trifle with and not teach."

I now intend to refer to another subject. It is to the use of the word "mass." Your Lordship will find at page 76 of the Liturgies of Edward VI., "The "Supper of the Lord, or holy communion, commonly "called the mass," and I wish to make one or two observations in reference to that title.

(*The Dean of the Arches.*) The first Prayer Book?

(*Mr. Stephens.*) Yes, my Lord.

The word "mass" is used as a title, a mere title. It is not in the service, nor is it in the rubrics. And the letter of the council to Bishop Bonner, dated 24th June 1549, shows that it was not intended that the new service should be a continuation of the old in all matters not expressly forbidden.

In support of that proposition I refer your Lordship to 1 Cardwell's Documentary Annals, page 76. This is a letter of the council (it is in the third year of Edward VI., 1549), to Bishop Bonner for the reformation of certain masses at St. Paul's. "After "hearty commendations, having very credible notice "that within that your cathedral church there be as "yet the Apostles' mass and Our Lady's mass, and "other masses of such peculiar name under the defence "and nomination of Our Lady's communion, and the "Apostles' communion, used in private chapels, and "other remote places of the same, and not in the "chancel, contrary to the King's Majesty's proceed-"ings, the same being for the misuse displeasing to "God, for the place, Paul's, in example not tolerable, "for the fondness of the name, a scorn to the reve-"rence of the communion of the Lord's body and "blood; we for the augmentation of God's honour "and glory, and for the consonance of His Majesty's "laws, and the avoiding of murmur, have thought "good to will and command you, that from henceforth "no such masses in this manner be in your church "any longer used; but that the holy blessed com-"munion according to the Act of Parliament, be "ministered at the high altar of the church, and in no "other places of the same, but only at such time, as "your high masses were wont to be used; except "some number of people desire (for their necessary "business) to have a communion in the morning, and "yet the same to be executed in the chancel at the "high altar, as it is appointed in the book of the "public service, without cautele or digression from "the common order. . . ." What does this letter show? It shows that the Book of Common Prayer was dealt with, as the *only* source for directions respecting the Service of the Church, and especially at the Holy Communion.

Now, my Lord, in Walgrave's case, Dyer, 203 A and 203 B——

(*The Dean of the Arches.*) Unless my memory fails me the cases are all numbered.

(*Mr. Stephens.*) Yes, my Lord. But the paging is only on one side of the leaf, and, therefore, would be cited either as 203 or 203 A. It was a discussion on the statute of 1 Elizabeth, chapter 2, and it was there laid down that the meaning of Parliament appears to be, that the superstitious service in the church should be abolished and the *new service planted in lieu thereof.*

(*The Dean of the Arches.*) What was the case itself? Perhaps there is a marginal note.

(*Mr. Stephens.*) It was an indictment.

(*The Dean of the Arches.*) For not obeying the Common Prayer Book?

(*Mr. Stephens.*) For celebrating the private mass against the former statute in the 1st of the Queen. I have only cited it for the purpose of showing that whatever mode was prescribed for the performance of divine service anterior to the passing of the Acts of Uniformity was abolished, and a new and another and a different service was substituted instead thereof.

May I ask your Lordship to look at 1 Cardwell, page 77. It is the council's letter to Bishop Bonner. I wish to direct attention to the words, "Without "cautele or digression from the same." They are towards the end of the 77th page.

The Sarum missal and other pre-Reformation service books had appended to them, a number of directions for the performance of the service called "Cauteles." A translation of the Cauteles of the mass will be found in the Directorium Anglicanum, page 83; the Directorium also designates some directions in it, and gives at page 189 some additional cauteles. Consequently "without cauteles" means that nothing is to be added to the prescribed service from the former cauteles or from any other directions.

(*The Dean of the Arches.*) Then "cautele" would be used rather in the sense of rubrical direction, or something of that kind?

(*Mr. Stephens.*) It would be used in the sense of a rubrical direction. Therefore, if any additional ceremonies were wanted it would require a cautele to be issued from some authority, otherwise it would be in the power of every parish priest to introduce any rites and ceremonies he thought proper, and instead of having one uniform order in every Roman Catholic church, there would be different modes of performing the services of the church.

It has been urged, or it may be urged, that the lights remained as part of the mass ritual, because the first book of Edward VI. retained the very name itself of "Mass." It does no such thing, any more than the XXVth article asserts "those five commonly called sacraments" to be such, or than the VIIIth article affirms the authorship of "that which is "commonly called the Apostles' Creed." The double titles of the Athanasian Creed, the Feasts of the Nativity, Presentation, &c., show, that the Reformers sought to make themselves understood,—and as the idea of "communion" was not then familiar to the people, the old term "mass" was added to explain it. Therefore any argument upon that point appears to me not worth very much.

In 6 Foxe's Actes and Monuments (page 83), there are "the articles which the King's council required "Gardiner, Bishop of Winchester, to subscribe, July "15, 1550." Article 10 is as follows, "That upon good "and godly considerations it is ordered in the said book "and order, that the sacrament should not be lifted "up and showed to the people to be adored, but to be "with godly devotion received as it was first insti-"tuted." And it was provided by the 12th article, "that for like godly and good considerations by the "same authority of Parliament, all mass books, cow-"chers, grails, and other books of the service in "Latin heretofore used, should be abolished and "defaced, as well for certain superstitions in them "contained as also to avoid dissension, and that the "said service in the church should be through the "whole realm in one uniform conformity, and no "occasion through these old books to the contrary."

(*The Dean of the Arches.*) What is the date of that?

(*Mr. Stephens.*) 1550, my Lord.

What can more strongly illustrate the proposition that the first Act of Uniformity was then considered as the only place to which parish ministers could have recourse for carrying out the performance of divine worship, than the foregoing extract?

Ridley's Works (page 121, Parker Society's edition), contain the opinions of Ridley and Latimer upon the subject of the mass. Ridley says: "But forasmuch

" as things done in the mass tend openly to the over-
" throw of Christ's institution, I judge that by no
" means, either in word or deed, I ought to consent
" unto it."

Latimer states, " The very marrow bones of the
" mass are altogether detestable, and therefore by no
" means to be borne withal, so that of necessity the
" mending of it is to abolish it for ever. For if you
" take away oblation and adoration, which do hang
" upon consecration and transubstantiation, the most
" papists of them all will not set a button by the mass,
" as a thing which they esteem not, but for the gain
" that followeth thereon."

I submit, therefore, to your Lordship I have satisfactorily explained the use of the word " mass " in the 1st book of Edward VI., in the communion service, and that it does not in the slightest degree affect the spirit or the language of that Book, or in any degree control it. That word has no operation—can have no operation.

It appears from the official acts of the King's visitors (archbishops and bishops) that they considered all ceremonies not prescribed by the Book of Common Prayer were unlawful.

(*The Dean of the Arches.*) I thought you mentioned the injunctions.

(*Mr. Stephens.*) No, not the injunctions. Perhaps I may state to your Lordship one fact, that if you take all the visitation articles, to which I shall have to refer presently, of the different bishops from the period of the Reformation down to the last visitation article which I shall quote——

(*The Dean of the Arches.*) Down to where?

(*Mr. Stephens.*) Down to or about the time of the Act of Uniformity.

(*The Dean of the Arches.*) Charles II.'s Act?

(*Mr. Stephens.*) The Act of Uniformity of Charles II.

Your Lordship will not find in their inquiries, minute as they are, whether the parochial authorities have candles or candlesticks, or whether they have incense, or whether they have a cruet for water to mix with the Sacramental wine. No inquiries can be found in reference to such matters.

(*The Dean of the Arches.*) Nor as to vestments, as far as I recollect.

(*Mr. Stephens.*) My Lord, I am not discussing that question.

(*The Dean of the Arches.*) It is so as a matter of fact. There is no inquiry as to vestments, is there?

(*Mr. Stephens.*) There is no inquiry as to vestments. No doubt that is so.

(*The Dean of the Arches.*) Your argument of course is, that they could not have been in use or they would have been inquired about.

(*Mr. Stephens.*) Precisely so. I shall direct your Lordship's attention to all these articles of visitation at some future stage in the argument, for the purpose of showing the contemporaneous usage.

(*The Dean of the Arches.*) I see the force of your argument.

(*Mr. Stephens.*) Because if they were required, is it likely, is it probable, that in such important matters we should find no trace of them?

I will now refer your Lordship to 1 Cardwell's Documentary Annals, page 74.

(*The Dean of the Arches.*) Upon this particular point?

(*Mr. Stephens.*) It is upon the question generally. These articles were issued under the royal injunctions of 1549.

(*The Dean of the Arches.*) That would be when?

(*Mr. Stephens.*) The 3rd of Edward the 6th. They were issued under the royal injunctions of 1549, and immediately after the publication of the first Book of Common Prayer: " That all parsons, vicars, and
" curates omit in the reading of the injunctions all
" such as make mention of the popish mass of chan-
" tries, of candles upon the altar, or any other such
" like thing."

(*The Dean of the Arches.*) Where is that about " candles upon the altar, or any such like thing?"

(*Mr. Stephens.*) In the first article. It is right that I should in the first instance read a note of Dr. Cardwell's. He is dealing with the issuing of these injunctions: " But though issued after the publication of
" the Prayer Book these articles are of the same year
" and afford evidence of the contemporary practice in
" matters of rites and ceremonies. They prove accord-
" ingly, that candles upon the Lord's table, being
" especially mentioned (see article 2), as not in-
" cluded among those ceremonies, which were
" appointed in the Book of Common Prayer, are not
" among those ornaments 'which were in this Church
" of England by authority of Parliament in the 2nd
" year of King Edward VI.'"

(*The Dean of the Arches.*) Dr. Cardwell fixes the date of these as the 21st of January 1549.

(*Mr. James.*) I do not know whether they are any authority.

(*The Dean of the Arches.*) Go on with your argument, Mr. Stephens; Mr. James will show us, by-and-by, that they are of no authority if they are not.

(*Mr. Stephens.*) The second article is, " For an
" uniformity, that no minister do counterfeit the
" popish mass as to kiss the Lord's table; washing
" his fingers at every time in the communion; blessing
" his eyes with the paten or sudary; or crossing his
" head with the paten; shifting of the book from
" one place to another. Laying down and licking
" the chalice of the communion; holding up his
" fingers, hands, or thumbs joined towards his tem-
" ples; breathing upon the bread or chalice; showing
" the sacrament openly before the distribution of the
" communion; ringing of the sacrying bells, or set-
" ting any light upon the Lord's board at any time;
" and finally to use no other ceremonies than are
" appointed in the King's Book of Common Prayers,
" or kneeling, otherwise than is in the said book."

(*The Dean of the Arches.*) Now, as I understand your argument, those injunctions have for their object to execute the provisions of the Common Prayer Book.

(*Mr. Stephens.*) That is what I cite them for. They show that no ceremony was to be used in our church except it was mentioned in the first Prayer Book of Edward VI., and that they excluded every other Book of Ritual. From this Second Article we likewise find what sort of things were considered to be Ceremonies not appointed by the King's Book.

I will now refer your Lordship to the Remains of Archbishop Cranmer, the Parker Society's edition, entitled "Remains and Letters," page 159. It is entitled, "Articles of Enquiry at the Visitation of the Cathedral Church of Canterbury, 1550." The second article is, " Whether any of this church do keep or
" observe diligently and inviolably, without colour
" or fraud, the book called the Common Prayer,
" according to the rules of the same, and the statute
" of Parliament authorizing the same book; and
" whether you use any other ceremonies at the
" communion or other divine service than is men-
" tioned or allowed in the same book."

(*The Dean of the Arches.*) " Mentioned or allowed," is it?

(*Mr. Stephens.*) Yes, my Lord, " mentioned or allowed in the same book."

Bishop Ridley in his Visitation Articles inquires, " Whether any minister useth wilfully and obsti-
" nately any other rite, ceremony, order, form or
" manner of communion, mattens, or evensong, minis-
" tration of sacraments, or open prayers, than is set
" forth in the Book of Common Prayer." (1 Cardwell's Doc. Ann. p. 92.)

I shall again have occasion to refer your Lordship to these visitation articles, and it is very requisite at this stage of the argument to direct your Lordship's attention to their great authority. The prelates were with others especially intrusted with the duty of interpreting and enforcing the Acts of Uniformity. I need only give your Lordship a reference to the statutes. The statutes of 2 & 3 Edward VI., chapter 1, section 4, and 1 Elizabeth, chapter 2, section 18, empower the bishop of the diocese to join himself to any justice of oyer or of assize for trying

offences against the Act of Uniformity. And, 2 & 3 Edward VI., chapter 1, section 12, and 1 Elizabeth, chapter 2, section 23, give all archbishops, bishops, and other ordinaries power to inquire in their visitations, synods, or elsewhere within their jurisdiction, and to punish by ecclesiastical censures all offenders against the Act. Thus under 2 & 3 Edward VI., chapter 1, the Bishops were authorised both to superintend the enforcement of the Act by the lay Tribunals and to enforce it themselves, and one of the specified modes of enforcing the Act, was by inquiries in their visitations.

Consequently Visitation Articles or injunctions interpreting the Acts of Uniformity, when issued by a Bishop, are entitled to the deepest respect, being publicly set forth by persons specially authorised to interpret them, and should be received as authorities for showing and irrefragably establishing the contemporaneous usage.

There has been, from the reign of Mary, a contemporaneous usage direct in opposition to the rites and ceremonies which are now the subject of discussion. It is however, desirable at this stage of the argument, that I should refer to three cases in order to show the effect of *usage*, because this is a very important point.

(*The Dean of the Arches.*) Yes, it is. There is no legal form of visitation articles. It was left to the direction of each bishop to frame his visitation articles as he liked, and he might omit or he might add according to his mood.

(*Mr. Stephens.*) Yes.

(*The Dean of the Arches.*) My experience is that even in these days the visitation articles in different dioceses are very different. Some are minuter than others, and we must bear that in mind when we are considering and weighing the value of these articles.

(*Mr. Stephens.*) I am much obliged to your Lordship for mentioning it. If the Visitation Articles were in one form it would not be of very great importance ; but when different forms were issued by different bishops, and whatever the forms were no allusion is made as to the rites and ceremonies which are now attempted to be set up—it very much fortifies my argument.

(*The Dean of the Arches.*) As I understand, your argument is a negative and a positive argument.

(*Mr. Stephens.*) A negative and a positive argument.

(*The Dean of the Arches.*) You say that what they ordered is a proof of complying with the requisitions of the statute, and what they did not order is a proof that they thought it was not proper they should order it.

(*Mr. Stephens.*) Precisely so. And it should also be borne in mind, that visitation articles differ, and many visitation articles go into the minutest particulars.

(*The Dean of the Arches.*) Some of them.

(*Mr. Stephens.*) Take every one of these visitation articles, take the visitation articles that go into the minutest particulars, and no inquiries are made whether candles had been furnished, or whether candles had been lighted during the performance of the communion service ? or whether incense had been used during the communion service ? or whether water had been mixed with the wine at the communion service ?

If the ceremonies in question were legal, is it likely that on such important matters, symbolical of Roman Catholic doctrine, we should not have found some trace of them ? But we find none.

(*The Dean of the Arches.*) You do not push your argument on the visitation articles quite so far as this, as to say that no ornament could be allowable that was not mentioned in these visitation articles.

(*Mr. Stephens.*) I do not; but I show the omission of the ornaments that are now under consideration, from the Acts of Uniformity and from the visitation articles, which I submit, is strong evidence to prove, that it was not the intention of the Acts of Uniformity to allow, nor was it the practice to have, such ornaments.

This point of contemporaneous usage is very important, and I trust your Lordship will not consider me irksome for pressing it in my argument.

(*The Dean of the Arches.*) Certainly not, "*Fortissima est in lege.*"

(*Mr. Stephens.*) I will now refer your Lordship to 3 Clark and Finnelly, page 354. The case is The Magistrates of Dunbar *v.* The Duchess of Roxburgh. Lord Brougham in giving judgment says, "Where a statute uses language of doubtful import, "the acting under it for a long course of years may "well give an interpretation to that obscure meaning, and reduce that uncertainty to a fixed rule : "*Optimus legis interpres consuetudo,* which is sometimes termed '*contemporanea expositio ;*' and where "you can carry back the usage for a century, and "have no proof of a contrary usage before that time, "you fairly reach the period of '*contemporanea expositio.*'"

(*The Dean of the Arches.*) What was the subject of that suit ? Let me have the marginal note. I suppose it was connected with property.

(*Mr. Stephens.*) The marginal note is, "Maintenance of the poor, construction of statutes, force of usage."

There is a case well known to your Lordship of Gorham *v.* The Bishop of Exeter, 15 Queen's Bench, page 73. Lord Campbell in giving judgment in that case——

(*The Dean of the Arches.*) This case went through all the courts ?

(*Mr. Stephens.*) Yes, my Lord.

(*The Dean of the Arches.*) Sir Fitzroy Kelly argued it?

(*Mr. Stephens.*) Yes, my Lord. Lord Campbell says, "Were the language of statute 25 Henry VIII., "chapter 19, obscure, instead of being clear, we should "not be justified in differing from the construction put "upon it by contemporaneous and long-continued "usage. There would be no safety for property or "liberty, if it could be successfully contended that all "lawyers and statesmen have been mistaken for centuries as to the true meaning of an old Act of Parliament." See also Pochin *v.* Duncombe, 1 Hurl. and Norm. 856 ; Fermoy Peerage Case, 5 House of Lords Cases, 176.

I likewise refer your Lordship to Moore's Report of the Westerton *v.* Liddell case, page 65. When Dr. Lushington says :—"Now I do not say these visitation articles can have the effect of repealing the "statute just before passed, for clearly they could not ; "but it is evident, that immediately after the statute "of Edward passed, the public lights on the Lord's "board were deemed by the highest authorities in "this realm not to be sanctioned by that statute or "the Book of Common Prayer, but that such custom "was prohibited. It appears to me that a stronger "contemporaneous exposition could not possibly be "found—and it is most important, because, if it be "accepted as the true exposition of the 2nd and 3rd "of Edward VI. and the first Book of Common "Prayer, it clearly operates as a repeal of the injunctions of 1547."

(*The Dean of the Arches.*) How did the Privy Council deal with the question of the visitation articles ? Do you recollect that ?

(*Mr. Stephens.*) The visitation articles were only slightly alluded to.

(*The Dean of the Arches.*) I do not think much was said about that. As a matter of fact I mean there was no great weight laid upon them by the Privy Council.

(*Mr. Stephens.*) No, there was not ; because they were not brought prominently before the Privy Council. I do not believe the visitation articles have been ever so much discussed as in this case.

I now propose to go into another branch of the subject, which will occupy some little time. It is the destruction of the service books in use previously to the enactment of the first Prayer Book.

(*The Dean of the Arches.*) Then this will be a convenient time to adjourn.

Adjourned to to-morrow, 11 o'clock.

SECOND DAY.

Thursday, December 5, 1867.

(*The Dean of the Arches.*) Before you resume your argument, Mr. Stephens, I want to call your attention to this. On looking through the notes of the argument which you addressed to the Court yesterday I find there is one point on which I wish to be quite certain that I have not misunderstood you. It is with regard to the effect of the injunctions. If I did not misunderstand you, your argument was that the injunctions of the bishops before and after the statute of the first Prayer Book had no legal authority or force *per se*, but that they derived whatever authority they had from the statutes.

(*Mr. Stephens.*) Yes, they can do nothing *ultra* the statute law.

(*The Dean of the Arches.*) It is so, is it?

(*Mr. Stephens.*) It is a principle of the English constitution that everyone, from the Sovereign to the most humble of her subjects, is bound to obey the spirit and the letter of the statute law. We recognise no authority beyond that.

(*The Dean of the Arches.*) It was only with respect to the injunctions of that particular time that my remark went; I gather from what you say, that I correctly understood you, that those injunctions issued by the bishops could have no legal force except in so far as they executed the provisions of the statute?

(*Mr. Stephens.*) Yes, and I should respectfully contend that even the canons and the constitutions fall under that principle.

(*The Dean of the Arches.*) Do not let me anticipate your argument.

(*Mr. Stephens.*) Perhaps it is requisite for me to state that the bishops assembled in convocation have no power *ultra* the statute law.

(*The Dean of the Arches.*) There is no question about that. I wanted to know what authority you ascribe to the injunctions issued at the time of the first Prayer Book, and I think I quite understand you.

(*Mr. Stephens.*) I only intend to deal with the injunctions and visitation articles as *contemporanea expositio*.

With your Lordship's permission I will now proceed to discuss the destruction of the service books in use previously to the enactments of the first Prayer Book.

(*The Dean of the Arches.*) You left off with the visitation articles. You now take up this point?

(*Mr. Stephens.*) The object of destroying the ancient service books was, that the clergy should be confined exclusively to the rites and ceremonies prescribed by the Prayer Books, and if all the service books were destroyed, there was no source of authoritative information from whence the clergy could acquire any knowledge respecting the ceremonies of the church, anterior to the reign of Edward VI.

I am now going to quote from 1 Cardwell's Documentary Annals, page 85, in which there is an order of the Privy Council of December 25th, 1549. The Privy Council issued an order to Archbishop Cranmer, directing him to "Command the dean and prebendaries of the cathedral churches, the parson, vicar, or curate and churchwardens of every parish within your diocese, to bring and deliver unto you or your deputy, any of them, for their church and parish at such convenient place as you shall appoint, all antiphoners, missals, grailes, processionals, manuals, legends, pies, portasses, jornals, and ordinals, after the use of Sarum, Lincoln, York, or any other private use, and all other books of service, the keeping whereof should be a let to the usage of the said Book of Common Prayers, and that you take the same books into your hands, or into the hands of your deputy, and them so deface and abolish that they never after may serve either to any such use, as they were provided for, or be at any time a let to that godly and uniform order, which by a common consent is now set forth."

Cranmer's Mandate communicating this order to his archdeacon is only dated the 4th February 1549–50, and therefore it would seem, that the acting upon the order of the Privy Council was postponed until after the passing of the statute 3 and 4 Edward VI., cap. 10, to which your Lordship's attention shall be immediately directed.

That statute is intituled "An Act for the abolishing and putting away of divers books and images," and your Lordship will find it at page 329 of my collection of Ecclesiastical Statutes; it recites that there had been set forth a book entitled "The Book of Common Prayer and Administration of the Sacraments," &c., to be used and observed in the Church of England agreeable to the order of the primitive church, much more comfortable unto his loving subjects than other diversity of service, as heretofore of long time hath been used, being in the said book ordained, nothing to be read but the very pure word of God, or which is evidently grounded upon the same; and in the other things corrupt, untrue, vain, and superstitious, and, as it were, a preparation to superstition; which, for that they be not called in, but permitted to remain undefaced, do not only give occasion to such perverse persons as do impugn the order and godly meaning of the King's said Book of Common Prayer, to continue in their old accustomed superstitious service, but also minister great occasion to diversity of opinions, rites, ceremonies, and services." [It seems as if this recital had been prepared to meet the state of things at the present moment in our church.] It is then enacted "That all books called antiphoners, missals, grailes, processionals, manuals, legends, pies, portasses, ordinals, or other books, or writings whatsoever, heretofore used for service of the church, written or printed in the English or Latin tongue, other than such as are or shall be set forth by the King's Majesty, shall be by authority of this present Act clearly and utterly abolished, extinguished, and forbidden for ever to be used or kept in this realm, or elsewhere within the King's dominions." Not only were they forbidden to use these books, but they were forbidden to keep them.

(*The Dean of the Arches.*) That was the statute referred to by Sir John Dodson, when he was Dean of Arches, in the Westerton and Liddell case?

(*Mr. Stephens.*) Yes, it was. I shall have to comment on the judgment of Sir John Dodson, and I shall respectfully contend before your Lordship that his Judgment is not one that ought to be acquiesced in.

(*The Dean of the Arches.*) I think that seemed to be the view of the Privy Council.

(*Mr. Stephens.*) Precisely so.

I will now refer your Lordship to the third and fourth Edward VI., cap. 10, section 5, at page 330 of my Edition of the Ecclesiastical Statutes: "Any person or persons may use, keep, have, and retain any primers in the English or Latin tongue, set forth by the late king of famous memory, King Henry the Eighth, so that the sentences of invocation, or prayer to saints, in the same primers be blotted or clearly put out of the same." This shows that all books prescribed and used for the service of the church were to be abolished, and that no book was to be used at this time except the first Prayer Book of Edward VI.

I now refer your Lordship to 6 Foxe, Actes and Monuments, page 83. The date is July 15th, 1550. It gives the articles which the King's council required Gardiner to subscribe at that date. The 12th article is as follows: "That all mass-books, cowchers,

" grails, and other books of the service in Latin, " heretofore used, should be abolished, and defaced, " as well for certain superstitions in them contained " as also to avoid dissension ; and that the said service " in the church should be through the whole realm " in one uniform conformity and no occasion through " those old books to the contrary."

In the reign of Elizabeth the old service books that had been in use before the first Prayer Book of Edward VI. were strictly prohibited. The reason is obvious, that if any reference had been made to them, it would have interfered with the spirit and letter of Elizabeth Act of Uniformity. If they had been allowed to remain in existence precisely the same mischiefs would have been let in which both the first and second Prayer Books of Edward VI. had attempted to correct, viz., the diversities of practices.

In 1 Cardwell's Documentary Annals, page 299, your Lordship will find the articles that were agreed upon by the bishops in 1561, and one of their resolutions was, " service books, grails, antiphoners, and " others be defaced and abolished by order in visi- " tations."

I will now direct your Lordship's attention to a series of important documents in 1566, in Peacock's English Church Furniture—London, 1866, is the edition from which I am about to read. It is stated in the introduction that, " The series of documents " here printed exist in a mutilated manuscript pre- " served among the miscellaneous papers in the " Episcopal Registry at Lincoln."

(*The Dean of the Arches.*) Who is Mr. Peacock? What is he?

(*Mr. Stephens.*) He describes himself as " F.S.A., &c.," whatever &c. may mean. There is no interpretation clause.

(*The Dean of the Arches.*) What is the page?

(*Mr. Stephens.*) I am now going to read from page 9. The MS. " has no title other than the " inscription, 'Inventarium Monumentorum Super- " 'stitionis' on the outside of its parchment cover. " The volume consists of returns made in the 8th " year of Elizabeth to certain royal commissioners by " the churchwardens of 150 parishes in the county " of Lincoln, of such articles of church furniture " as had been used in the previous reign, but were " in 1566 considered by the authorities to be super- " stitious or unnecessary."

In reference to this book it is but fair to state (for I have studied it with a considerable amount of attention) that it is a valuable book, and entitled to every possible consideration. Almost all the returns published by Mr. Peacock, record the destruction of the mass books and other service books belonging to the parishes at the end of Mary's reign. There are only four instances of books remaining undefaced, which is rather a remarkable fact. The first instance is Ffulletbie, at page 81, where there is a direction to deface them by the 1st of May. They are spoken of as follows :—" Item, a mass book " torn in pieces. Three other books of papistry " they have, and the same books they must make " awaie, a (*sic*) this side the 1st of May, and certify." The next is Gunbie, at page 92, where a processioner remained with many other illegal things ; viz., " a sepulker a pix and a pax." Then at Corringham, at page 61, there is a " graile and a manuell, which remained in the custody of the vicar." And at Scotter, (p. 132.) there is a " mass book and a manuel, and a processioner remaining, much of it defaced." It is a very important fact, that in only four cases is all mention of the service books omitted :—Barkeston, (page 39) ; Market Deepinge, (page 67) ; Deeping James, (page 69) ; and Tedforth, (page 151).

(*The Dean of the Arches.*) What are the authorities that he refers to? You said these were removed by authority. What does Mr. Peacock say was the authority? Was it an order in council?

(*Mr. Stephens.*) All that Mr. Peacock professes to do is to print these records accurately, but the reason for which I cite from Mr. Peacock is, to show how effectually the directions of the Act of Parliament and also the directions of the bishops were carried out, because we see in this case (and I shall have to quote from this book very often in the course of my argument) every book was destroyed, with the few exceptions have mentioned ; and what we do find is this, that the books mentioned in these four places were left with other things, about which there could be no question as to their illegality.

All that Mr. Peacock says is, it was mentioned that they were destroyed by " public authority," but he refers to something else which I think I shall be able to explain.

(*The Dean of the Arches.*) It was after Queen Elizabeth's advertisements?

(*Mr. Stephens.*) Yes, I am coming to that. Your Lordship's question, I thought, was as to whether he went into the nature of the authority.

(*The Dean of the Arches.*) Oh, no.

(*Mr. Stephens.*) I beg your Lordship's pardon.

At Tallington, it is stated, (p. 150,) " mass books " and cowchers were burnt, spoiled and defaced " at the Queen's Majesty's Visitation." At Welbie, (page 158,) " A mass book torn in pieces and painted to make hangings thereof ;" and it goes on—" Item a " manual, a processioner, [*i.e.*, a Procession Book,] " legends, and such like Popish peltrie was burnt in " the first of Elizabeth at Grantham, according to the " commandment of the Queen's Highness' Visitors, " that now is, George Weston and William Kyrton " then churchwardens." Market Reason (p. 124) they were taken away by one South, the Queen's Majesty's Pursuevant. I am going through those cases respecting which your Lordship asked me for information.

(*The Dean of the Arches.*) I do not want to give you that trouble. All I wanted to know was to whom the author was referring when he said " authority," whether it was an order in council, an order from the Queen, or an order in visitation.

(*Mr. Stephens.*) Or whether it was his own construction.

(*The Dean of the Arches.*) Yes.

(*Mr. Stephens.*) Then I must refer your Lordship to page 57, Braunceton—" A mass book, a grail, a " portess, and a manuel cut in pieces before my Lord " of Lincoln four years since, when he was there and " preaching." That is most important, because the bishop seems to have directed it.

By the statute of 3 James I. cap. 5, s. 25, " No " person shall bring from beyond the seas, nor shall " print, sell, or buy any popish primers, lady's " psalters, manuals, rosaries, popish catechisms, mis- " sals, breviaries, legends, and lives of saints, " containing superstitious matter printed or written " in any language whatsoever, nor any other super- " stitious books printed or written in the English " tongue."

I will now direct your Lordship's attention to Grindal's Remains, to show that the provisions in the statutes quoted to-day, have been carried out by prelates. My first quotation is from Grindal's Remains (Parker Society's edition, page 135.) That would be in the year 1571. " The churchwardens, " and minister shall see that antiphoners, mass-books, " grailes, portesses, processionals, manuals, legend- " aries, and all other books of late belonging to " their church or chapel, which served for the " superstitious Latin service, be utterly defaced, rent, " and abolished." Then at page 159 (that was in 1576) we find the like directions. " And if they be not " (abolished) " through whose fault that is, and in " whose keeping they remain."

I will now go to the 18th of Elizabeth, 1586 ; and direct attention to the Archbishop of Canterbury's (Whitgift) licence to bring in Popish books, (2 Cardwell's Documentary Annals, p. 30.) " Whereas sundry " books are from time to time set forth in the parts " beyond seas by such as are addicted to the errors " of Popery ; yet, in many respects, convenient to " be had by some of the learned of this realm ; con-

" taining also oftentimes matter in them against the " state of this land, and slanderous unto it, and " therefore no fit books to pass through every man's " hand freely; in consideration whereof, I have " tolerated Ascanius de Renialme, merchant book- " seller, to bring into this realm from the parts " beyond seas some few copies of every such sort of " books, upon this condition only, that any of them " be not shewed or dispersed abroad, but first brought " to me, or some other of Her Majesty's Privy " Council, that so they may be delivered, or directed " to be delivered forth unto such persons only as by " us, or some of us, shall be thought most meet men, " upon good considerations and purposes to have " the reading and perusal of them." Thus we find, how strict the regulations were as to the slightest knowledge being disseminated among the people, or even among the clergy, in reference to the old service books, although they were published abroad.

I will now come to the time of Charles I., 1628–1637, and direct the attention of the Court to 5 Laud's Works, p. 414, the Anglo-Catholic Library edition. In Laud's visitation articles for the diocese of London in 1628, at which time he was Bishop of London, the 27th article of inquiry is, " Whether there be any in " your parish who are known or suspected to conceal " or keep hid in their houses any mass books, por- " tesses, breviaries, or other books of Popery or " superstition; or any chalices, copes, vestments, " albes, or other ornaments of superstition uncancelled " or undefaced, which is conjectured they keep for a " day as they call it." Your Lordship asked me a question yesterday about vestments, whether there was any inquiry in any visitation articles about the vestments, and I ventured to state to your Lordship that I was not aware of any.

(*The Dean of the Arches.*) I should be glad to have any authority on that point.

(*Mr. Stephens.*) Here it amounts to a prohibition on the part of Laud that he considered they were illegal, because he classes vestments with other illegal things.

(*Mr. Prideaux.*) Chalices, for instance.

(*The Dean of the Arches.*) " Copes and albs;" anything else specially?

(*Mr. Stephens.*) Yes, chalices.

(*The Dean of the Arches.*) No other vestments?

(*Mr. Stephens.*) No other vestments. I only cited this passage to elucidate the question respecting the mass books and breviaries and other books of superstition. I read the entire of it in consequence of a question which your Lordship did me the favour to put to me yesterday.

At page 448 of the same volume, in Archbishop Laud's articles of 1637, for the Peculiars of Canterbury, the 33rd article corresponds with the 29th article of 1628.

The question naturally arises whether the policy of the provisions of these statutes was right or wrong.

We have seen that from the days of Cranmer to those of Laud, the possession of Roman Catholic service books by clergymen or by laymen of the Church of England was strictly prohibited, not only by the express words of repeated Acts of Parliament, but likewise by visitation articles, and by the Resolutions of all the bishops, because such books would encourage ceremonies and ornaments not prescribed by the Prayer Book.

The necessity and the wisdom of that prohibition cannot be better illustrated than by referring to a book which seems intended to furnish the so-called " Catholic " clergy of the present day, with that knowledge, which Cranmer and Laud thought proper to withhold, not only from the laity but from the clergy. I allude to the " Directorium Anglicanum," edited by Dr. Lee; and however much I may differ from the theological opinions of that gentleman, I regard him with sentiments of respect for his undoubted learning and laborious research. But, my Lord, I quote this work as a very high authority upon this point, as speaking the opinion of an influential class in this country. This book has gone through several editions, and at the time that the second edition from which I am about to quote was published, Dr. Lee was associated with Dr. Pusey, as clerical members of the Council of the Church Union, and they were the two most distinguished members of it. Moreover, after several editions of this book were published, and only a few months since, Dr. Lee was instituted to the living of All Saints, Lambeth.

I will now direct your Lordship's attention to the preface, page VI. " It has been sometimes alleged that " the rubrics of the Book of Common Prayer are in " themselves a full and complete guide for the priest " in performing divine service, and also (with the " canons of 1603) for the ornaments of the church " and of the ministers thereof. The canons of 1603 " and their bearing upon the rubrics will be disposed " of subsequently. In regard to the 'ornaments' it " is patent to every one that we are remanded back " to a stated period in which the aforesaid 'orna- " ments' were in use in this Church of England by " authority of Parliament, viz., the second year of the " reign of Edward VI."

" As to the rubrics being a complete code of ritual " directions, the experience of every parish priest " attests that they are insufficient. Nor is any slight " thrown upon our Service Book or upon its revisers " by this admission. The rubrics *are* perfectly " sufficient for the guidance of any clergyman mo- " derately acquainted with the traditions of Catholic " ritual and the real and ancient use of the English " Church."

At page VII. we find this paragraph: " Such a " manual as the clergy had for the better under- " standing and interpretation of the rubrics of the " Missal and other office books, and such a guide as " Catholic tradition and knowledge of the old English " service books afforded to the first revisers of those " books, and to the officiating priests of that day, is " now attempted to be given in the present volume. " That such a work is necessary is only too well known " to every clergyman. The recently ordained deacon " and priest have had generally no official training or " example. The college chapel, and only too often the " cathedral of the diocese, have, with some favoured " exceptions, worthy of all honour, been rather " beacons to warn them off the rocks of irreverent " slovenliness and ritual irregularity, than stars to " guide them how to offer, or to assist in offering " acceptable sacrifices in the Church of God. They " have thus been forced to follow the mode of 'con- " forming to the liturgy' as practised in some church " which most approves itself to their partially in- " formed instincts, the selection probably being made " from circumstances of proximity or from something " else equally accidental.

" The argument for a ritual is not within the scope " of these remarks. We *have* a ritual, and must use " it, whether we like it or not. It behoves us to use " it aright, and not curtail and mar its fair proportion. " Every part of the church must have a ritual, and " as there is but one Catholic church, so the ritual " of every portion thereof will have a family likeness, " and be one in spirit, though diverse in details. " Ritual and ceremonial are the hieroglyphics of the " Catholic religion, a language understanded of the " faithful, a kind of parable in action, for as of old, " when He walked upon the earth, our blessed Lord, " still present in His divine and *human nature in the* " *Holy Eucharist on the altars of His Church*, still " spiritually present at the common prayers, does not " speak unto us 'without a parable'; but as our " Lord's 'visage was marred more than any man, " and his form more than the sons of men,' so has it " fared, at least in his church in this land, with the " aspect of his worship on earth. For the last three " hundred years, brief but brilliant periods excepted, " our ritual has lost all unity or significance of " expression."

Then at page XIX. of the preface where he is discussing the first Prayer Book of 1549, he says,

"The statutable authority of the ancient canon law "seems perfectly clear, and Edward's first book has "been pronounced by the Court of Final Appeal to "be the statutable authority for ornaments, and is to "be regarded, as referred to in the rubric 'by the "authority of Parliament in the second year of Edward "VI.,' as the reformed exponent of the old canons and "provincial constitutions."

"To sum up, firstly, the rubric remands us back to "the old canons and constitutions passed before the "Reformation, to such of which it gives statutable "authority, as are not 'contrariant or repugnant' to "subsequent enactments on the subject; and secondly, "to Edward's first book, as has been shown at pages "XVI., XVII., and determined by the Privy Council; "and thirdly, to the injunctions of 1547, which were "in force by authority of Parliament in the second "year."

At page 36 of the book, and not of the preface, there is a note upon "the position of the hands and feet." I am only going to show your Lordship what folly would be propagated if books of this kind were allowed to go forth by authority, and it is quite clear that to put down and suppress books of this character was the object of the Legislature. "The hands of all "the ministers should be joined before the breast "with the fingers extended. The chief exceptions "are in collects and similar prayers, the intonations "of the creed, the prefaces, and the consecration "prayer to the words 'body and blood,' and of the "Gloria in excelsis; in these cases the celebrant "(only) holds his hands open and extended, the palms "facing each other." And then there is a very rich "and ludicrous passage, "The feet are put close "together. In sitting, the same rule is observed; the "legs should not be crossed, and the hands should be "placed in the lap."

Now, my Lord, coupled with all this deference to the minute directions respecting (1) the position of the hands, the feet, and especially the hands in the lap, (2) the provisions of the rubric and (3) the canons of the pre-Reformation Church,—we find a very strange disregard for what Protestants regard, as of infinitely higher importance, and in respect of which they have the strongest and the purest feelings of reverence. I will direct your Lordship's attention to two passages on that point, and I shall then end my quotations from this "Catholic" work. At page 38 in a note, there is this language: "It must be "admitted that the introduction of the Ten Com- "mandments was a singular and grievous innovation "for which no ancient precedent whatever can be "found;" and at page 272, after citing the 82nd canon of the canons of 1603-4, he refers to the Ecclesiologist, "which" (he says) "rightly states "that there is no authority for placing them east of "the chancel. If, however, the table of command- "ments is set up at the east of the chancel, it should "be distempered in scrolls upon the wall, thus making "no construction necessary for them, and allowing "them to bear a part in the decorative colouring of the "building." [And how is this to be done?] "They "should be as small as possible in size and quite "undemonstrative."

Now, my Lord, I should like to know why are not the Ten Commandments to be placed in such a manner as the people may read them in our parish churches?

(*The Dean of the Arches.*) I do not want to interrupt you, I am sure, but there is no question about the Ten Commandments before me to-day.

(*Mr. Stephens.*) No, there is not. I am quoting this publication to illustrate the policy of the Act.

Why, I ask, are the Ten Commandments only to be placed in our parish churches "as small as possible in size, and quite undemonstrative?" I have carefully considered that question, and the only objection I can find, looking at the spirit of this book is, because *the Second Commandment forbids the bowing down to or worshipping before graven images.* I will now leave that book and its author and proceed to 1552, the fifth year of Edward VI.

(*The Dean of the Arches.*) Are you going to pass away altogether from the consideration of the first Prayer Book now?

(*Mr. Stephens.*) I have gone through the first Act of Uniformity of Edward VI., and I now propose to go through the second Act, then the Act of Elizabeth, and subsequently that of Charles II.

(*The Dean of the Arches.*) You have not finished your argument on the first Act of Uniformity. You will return to that, because there is that question remaining of mixing water with the wine.

(*Mr. Stephens.*) I am going to deal with all the articles and the responsive allegations separately. The reason I allude to the statutes in the first instance is, because the provisions in the statutes apply to the pleadings generally; but I intend to deal in detail with the question of lights and every other ceremony mentioned in the articles.

(*The Dean of the Arches.*) Quite so, I understand.

(*Mr. Stephens.*) I refer your Lordship to the 5th and 6th of Edward VI., c. 1, section 5, which you will find at p. 332 of my edition of the Ecclesiastical Statutes. It enacts that the Prayer Book, which was then annexed to the statute of 5 & 6 Edward VI., should be "of like force, authority, and value as the "same like foresaid book entitled 'The Book of "Common Prayer' was before, and to be accepted, "received, used, and esteemed in like sort and manner, "and with the same clauses, provisions and exceptions, "to all intents, constructions, and purposes, as by "the Act of Parliament made in the second year of "the King's Majesty's reign was ordained, limited, "expressed and appointed for the uniformity of service "and administration of the sacraments throughout "the realm, upon such several pains as in the said "Act of Parliament is expressed." Then, my Lord, the 6th section provides that if any person shall "willingly and wittingly hear and be present at any "other manner or form of common prayer of admini- "stration of the sacraments, of making of ministers "in the churches, or of any other rites contained in "the book annexed to this Act, than is mentioned "and set forth in the said book, or that is contrary "to the form of sundry provisions and exceptions "contained in the aforesaid former statute," he shall be punished.

The effect of this section is, that any person who attended a service according to the first Book of Edward VI. was to be punished,—thus showing that no ceremony or prayer was to be adopted other than that prescribed in the second book of Edward VI., and excluding all the old ceremonies and prayers not expressly sanctioned.

It should be borne in remembrance, that the like law was in force when our present Prayer Book was enacted; and that such book, like the second book of Edward VI., contains no directions for mixing water with the sacramental wine; nor for the use of incense as a ceremony; nor for lighted candles on the Communion Table when not required for light; nor for the elevation of the elements above the head of the celebrant. The second Prayer Book of Edward VI. and the Prayer Books of Elizabeth and Charles II. were substantially the same, although the Prayer Book in 1662 varied in many respects from Elizabeth's Prayer Book. And I will venture to read to your Lordship an extract from the preface of 1 Stephens's "Book of Common Prayer" upon that point, (page 169,) "The Sentences, the Epistle and "Gospels, and other extracts from the Bible (except "the Psalter, the Ten Commandments, and other "portions of the Communion Service) were taken "generally from the version of 1611. The absolution "was ordered to be pronounced by the 'priest' alone, "instead of the 'minister.' The book of Bel and the "Dragon was re-inserted in the calendar of lessons. "The prayers for the King, the Royal Family, "the clergy, and people, together with the Prayer "of St. Chrysostom, and the Benediction were

" printed in the order both of morning and evening " service, instead of being left as formerly at the " end of the Litany. The evening service which " previously began with the Lord's Prayer, was now " opened with the Sentences, the Exhortation, the " Confession, and Absolution, printed as in the " morning service. In the Litany, the words 'rebel- " lion' and 'schism' were added to the petition " respecting 'sedition, privy conspiracy,' &c. In a " subsequent petition, the words 'bishops, priests, " and deacons' were employed instead of 'bishops, " pastours, and ministers of the church.'

" Among the occasional prayers and thanksgivings " were now introduced a second prayer, 'In the time " of dearth and famine,' the two prayers for the " Ember Weeks, the prayers for the Parliament and " for all conditions of men, a thanksgiving for restoring " public peace at home, and the general thanksgiving. " New collects were appointed for the third Sunday " in Advent and for St. Stephen's day. The genealogy " which previously made part of the gospel for the " Sunday after Christmas, was now omitted. A " distinct collect, epistle, and gospel were provided " for a sixth Sunday after the Epiphany. The gospels " for the Sunday next before Easter, and for Good " Friday were shortened, having formerly contained " within them respectively the second lesson for the " morning. In several places, as in one of the collects " for Good Friday, in those for the fifth and six- " teenth Sundays after Trinity, for St. Simon and " St. Jude, and in other places, the word 'Church' " was used for 'congregation.' A distinct collect " was supplied for Easter-even. The first of the " anthems used on Easter day was added. A distinct " epistle was provided for the day of the Purification. " The last clause respecting Saints departed was " added to the prayer for the church militant. The " rubric was added as to 'covering what remaineth " of the consecrated elements with a fair linen cloth.'

" The Order in Council respecting kneeling at the " Lord's supper, which had been introduced in 1552, " and removed by Queen Elizabeth, was shortened " and restored with this alteration instead of 'any " real and essential presence there being of Christ's " natural flesh and blood,' it is now read, 'any cor- " poral presence of Christ's natural flesh and blood.' " An office was appointed for the baptism of such as " are of riper years, and some alterations made in the " other offices of baptism. The preface to confirmation " was curtailed and the clause respecting the un- " doubted salvation of baptized infants dying before " the commission of actual sin was placed after the " office for infant baptism. Some changes were " made in the offices for confirmation and matrimony ; " and in the rubric at the end of the latter, the " receiving the communion on the day of the mar- " riage was no longer made imperative. In the " visitation of the sick, the words 'if he humbly " and heartily desire it' were added, and the prayers " that follow appeared now for the first time. In " the order for burial, the first rubric respecting " persons dying unbaptized or excommunicate was " added. Forms of prayer were supplied to be used at " sea."

There are many other minor alterations amounting, as Dr. Tenison computed, to about 600 in number.

These important and minute amendments are illustrative of the fact, that at all periods of our Church history the greatest attention and care seems to have been bestowed in making the Prayer Book for the time being as perfect as possible, in order that it should be the exclusive guide for the clergy in the performance of divine service.

I will now proceed, my Lord, to another point, viz. : " the inventories of the church goods." In the case that is called " the English Church Union case " there are some passages to which I am desirous of directing the attention of the Court. It has become a public and official, nay a parliamentary document, inasmuch as the Ritual Commissioners have thought proper to publish it in the appendix to their first report. I therefore deal with it as a public document.

(*The Dean of the Arches.*) What is it, if it is not the opinion of counsel ? In what class do you place it ?

(*Mr. Stephens.*) It is not an unpublished opinion as between private individuals, but it has now become a public document, the property of the country, if I may so say. In the ordinary course of business, an opinion given to a litigant party is dealt with as a private document.

(*The Dean of the Arches.*) It has no more authority than it had before the Ritual Commissioners printed it.

(*Mr. Stephens.*) I do not say it has more authority, but there is a degree of publicity given to it, which a private opinion does not possess.

(*The Dean of the Arches.*) It is simply the opinion of counsel.

(*Mr. Stephens.*) Simply the opinion of counsel, and published by the Ritual Commissioners. If it had been an unpublished opinion of counsel I should not have referred to it.

(*The Dean of the Arches.*) I do not wish to restrain you. I only say it can have no authority except as an opinion of counsel.

(*Mr. Stephens.*) It can have no authority except as an opinion of counsel.

(*Mr. James.*) It is the opinion of counsel upon the facts laid before them.

(*Mr. Stephens.*) Precisely so.

(*Mr James.*) I do not wish to interrupt, but I never did hear a reference made in the course of an argument to the opinion of living counsel.

(*The Dean of the Arches.*) I shall not prevent Mr. Stephens referring to it, if in the exercise of his discretion he wishes to do so. It is entirely in his discretion. I only say that I shall deal with those opinions simply as the opinions of counsel on the facts then laid before them, and not as binding me in any way whatever.

(*Mr. James.*) Or binding the counsel ?

(*Mr. Stephens.*) It is said that it is not usual to refer to the private opinions of counsel. It may be so ; but when the opinions of counsel are published by a Royal Commission printed and published at the public expense as a parliamentary document they cease to have a private character.

(*The Dean of the Arches.*) Both opinions were published ?

(*Mr. Stephens.*) Yes, both. My friend can refer to the opinions of the opposite side.

(*Mr. James.*) I shall certainly do no such thing.

(*The Dean of the Arches.*) Let there be no altercation between counsel. If you think it useful in your case by all means refer to it.

(*Mr. Stephens.*) I am much obliged to your Lordship I wish to show that the statement of this case is inaccurate. I am citing from the Edition published by Rivingtons, page 47. It says, " The inventories of " church goods made in pursuance of the commissions " issued in the last years of Edward VI., *i.e.*, after " the second Prayer Book had been published, which " required only the use of the surplice. These com- " missions show, that in very numerous cases the " commissioners, in pursuance of the 'discretion' " reposed in them, left *for use* in the church"— [the words *for use* are in italics]—"Altar crosses, altar candlesticks, copes, tunicles, albes, and occa- " sionally censers, &c.—ornaments, these, which " certainly were not *obligatory*, but, on the con- " trary, are usually (though it is believed, incorrectly) " supposed to have been unlawful at that time."

It is requisite, in order to explain this passage satisfactorily, to go into an explanation of the inventories of church goods in the sixth year of Edward VI., and likewise to explain the assignments. The distinction is between the "inventories" and the "assignments," because it is only those ornaments that were mentioned in the assignments that were left for the *use* of the church.

(*The Dean of the Arches.*) Do you say those only ?

(*Mr. Stephens.*) Those only, my Lord. In 1552 commissioners were appointed in every county.

(*The Dean of the Arches.*) These inventories were first of all in a place called Carlton Ride, and then removed?

(*Mr. Stephens.*) Yes, my Lord.

(*The Dean of the Arches.*) Are they published in a volume by themselves?

(*Mr. Stephens.*) No, my Lord. At least I do not believe they are. The best information upon the subject that I am aware of, is in a series of Papers to which I shall refer you presently in the Church Review of 1865 and 1866, volumes 5 and 6.

(*The Dean of the Arches.*) I thought there might be a volume containing them altogether. I remember having occasion to look into them a long time ago, but they were in manuscript then. I see they are now at the Record Office, in Fetter Lane.

(*Mr. Stephens.*) Yes. The commission for the county of Bedford has been published in the first volume of Stephens' edition of the Book of Common Prayer, page 351; and the commission to the town of Northampton, dated May 16th, 1552, will be found in the same book at page 359. At page 356 there is a commission dated 16th January 1552–3, granted to certain general commissioners who were to take action upon the certificates of the county commissioners.

In 1 Cardwell's Documentary Annals, p. 110, there is a copy of the "Instructions given by the King's "Majesty to the Marquis of Northampton, and to the "rest of his Highness' Commissioners appointed for "the survey of church goods within His Majesty's "county of Northampton." And at page 112 will be found the instructions issued to those Commissioners. "The Commissioners are to cause due *in-*"*ventories* to be made, by bills or books indented of "all manner of goods, plate, jewels, bells and orna-"ments as yet remaining or anywise forthcoming or "belonging to any churches, chapels, fraternities, or "guilds;" . . . . "They shall also *give good* "*charge and order*, that the same goods, and every "part thereof, be at all times forthcoming to be "answered, leaving nevertheless in every parish "church or chapel of common resort, one, two, or "more chalices or cups, according to the multitude of "the people in every church or chapel, and also "such other ornaments as by their discretion shall "seem requisite for the divine service in every such "place for the time." The inventories are mentioned first, and then the assignments, and the distinction between them is clearly shown in these instructions.

(*The Dean of the Arches.*) What they did not assign to the parish they sold or took to themselves.

(*Mr. Stephens.*) They first made an inventory of every thing that was in the church; then they selected what they thought ought to be used, namely, ornaments that were legal and proper for use in the church, and assigned them to the churchwardens for the use of the parish. The other goods in the inventories were either taken away, or were left with the churchwardens for safe custody.

(*The Dean of the Arches.*) I quite understand. The Commission issued between the two statutes, or was it after the statute of the second Prayer Book?

(*Mr. Stephens.*) Between the two. That is exactly the point.

(*The Dean of the Arches.*) According to that date it would be so.

(*Mr. James.*) What year of Edward was that? I see that some of the assignments were in the 6th and 7th of Edward.

(*The Dean of the Arches.*) The second Prayer Book is in the 5th and 6th of Edward VI.

(*Mr. James.*) There is a date that caught my eye that the assignments were in the 6th and 7th of Edward VI.

(*The Dean of the Arches.*) The Commission issued between the two Prayer Books, and was carried into execution after the second Prayer Book.

(*Mr. Stephens.*) I will deal with that presently.

(*Mr. Prideaux.*) Can you give us the date of the Commission?

(*The Dean of the Arches.*) It will come out in due time; but do not interrupt your argument, Mr. Stephens, but give it us when convenient.

(*Mr. Stephens.*) The date of the first Commission, my Lord?

(*The Dean of the Arches.*) Yes, I think you are right, I think it was issued between the two Prayer Books.

(*Mr. Stephens.*) I will supply the date to your Lordship in a few minutes. Mr. Droop will find it for me, in order to save the time of the Court.

In the English Church Union case we find at pages 48–52 the inventories of the parish of Strode, Rochester, dated the 24th July 1552, the sixth year of Edward VI. This document affords an illustration of the ordinary form of these documents. The inventory speaks of the Church goods as committed to the custody of the churchwardens, safely to be kept and be forthcoming at all times when it shall be required; and after enumerating the articles, it is stated towards the end of page 49, "Out of the particulars within written the "said Commissioners have appointed and delivered "unto the said Churchwardens to the *use* and behoof "of the said church, and common prayers to be min-"istred and used *in the same church* these particulars "following," and they are then set forth. These concluding statements are the *assignments*, and, as I have said before, are of considerable importance as showing what at that date were considered legal ornaments for the *use of the church*.

(*Mr. Droop.*) My Lord, the first commission Dr. Stephens cited is at page 354 of the first volume of Stephens on the Book of Common Prayer. There is no date to that. It is addressed to the Marquis of Northampton and some other people, and it is for the county of Bedford. The next one is at page 359, and it is for the town of Northampton. It is dated the 16th of May, the sixth year of Edward VI., which, as your Lordship is aware, would be 1552.

(*The Dean of the Arches.*) Those are separate commissions.

(*Mr. Droop.*) They are separate commissions, to remove ornaments.

(*The Dean of the Arches.*) In all these cases there was not one commission, but a variety of commissions.

(*Mr. Droop.*) Commissions issued to different towns and counties.

(*The Dean of the Arches.*) A separate commission to each diocese, not one commission with a set of commissioners who went round to the different dioceses, but a separate commission to each diocese.

(*Mr. Droop.*) Then, my Lord, there is the commission which is to be found at p. 356 of Stephens, which is dated the 16th of January, in the sixth year of Edward VI. Edward VI. began his reign on the 28th January 1546–7. Therefore this subsequent commission was in 1552–3, and it recites the former ones. I am now going to show how the instructions in 1 Cardwell's Documentary Annals, p. 110, were connected with the Commission. It recites that there were Commissions issued to the different counties, and also that certain instructions were sent separately to the different Commissioners; and as we have got those instructions in Cardwell, I submit that they must have been the instructions referred to in this Commission as sent to the former Commissioners.

(*Mr. Stephens.*) I was at page 49 of the Church Union case. The inventory mentions, as your Lordship will find, at page 49, about the middle of the page two old latten candlesticks. I think there is likewise a censer.

(*The Dean of the Arches.*) There are a great many vestments mentioned, one of white damask, one of black velvet, a vestment of blue, and so on.

(*Mr. Stephens.*) I will take the two latten candlesticks.

(*The Dean of the Arches.*) What do you understand by "latten candlesticks"?

(*Mr. Stephens.*) They are a species of metal; iron plate, covered with tin.

(*Mr. James.*) Worth 6*d.*, I see.

(*Mr. Stephens.*) No matter what they are worth. The candlesticks were not assigned for the use of the church, on the face of that document.

(*The Dean of the Arches.*) At the top of page 50 it appears what was assigned: "A cope of white "damask; a vestment of white damask; a cope of red "velvet; a vestment of red velvet; a hearse cloth; 3 "surplices; 2 chalices; 2 altar cloths; a cloth to hang "before the table of yellow and blue silk;" and it is said "In the inventory this is called a cloth for the "high altar."

(*Mr. Stephens.*) But no candlesticks, no censers, no cruets.

(*Mr. James.*) There do not seem to have been censers in the inventory.

(*Mr. Stephens.*) There are "candlesticks." They are in the inventory, but they are not assigned, that is the distinction. Now, my Lord, at pages 47 and 59 of the Church Union case, considerable stress is laid upon the fact, that in a very large number of instances vestments and copes were assigned for use in the church in 1552, after the passing of Edward the Sixth's second Act of Uniformity. But although this is the case as regard the assignments in July, August, September, and October 1552, yet the only subsequent assignments with dates are three sets of assignments in 1553. I will now refer your Lordship to the 5th volume of the Church Review of 1865, at page 1077. It relates to St. Paul's Cathedral. And at page 941, to 28 churches in Buckinghamshire.

(*The Dean of the Arches.*) Are those inventories or assignments that you are referring to?

(*Mr. Stephens.*) They are assignments.

(*The Dean of the Arches.*) The passages you are referring me to are assignments only?

(*Mr. Stephens.*) Assignments only. I will read the passage: "Inventories of the 4th, 5th, 6th of May, "7 Edward VI. (1553), for 28 churches in the hundred "of Bucks." Each church seems (then) only to have been allowed a chalice, paten, surplice, altar-cloths and bells, but no mention of vestments.

(*The Dean of the Arches.*) That is the seventh year of King Edward VI.?

(*Mr. Stephens.*) Yes.

(*The Dean of the Arches.*) That would be after the second Prayer Book?

(*Mr. Stephens.*) Yes, the date is 1553. Then at page 1244 we find the phrase used in assignments to churches, "Left in the parish church of" so-and-so, and then follow the items. It then goes on "It should be stated in none of the city assign-"ments (May anno 7, and therefore some seven "or eight months later than the rural assignments) do "any copes or vestments appear as having been ceded."

There is also one undated set of assignments relating to nine churches in Exeter containing merely surplices. The latest assignment that I can find of copes is on the 4th of October 1552, Church Review, vol. 6, p. 266.

(*The Dean of the Arches.*) 1552 is the latest?

(*Mr. Stephens.*) The latest; but the second Prayer Book was only to be used after All Saints' Day, the 1st of November 1552. Edward the 6th's second book was not circulated, until shortly before the 1st of November 1552, an order having been given on the 27th of September to stop its being issued.

(*The Dean of the Arches.*) How does that appear?

(*Mr. Stephens.*) In Lathbury's History of Convocation, second edition, p. 142, there is this passage: "The Act of Parliament by which the book was "ratified passed in April 1552, but in September "an order came to Grafton in anywise to stay from "uttering any of the books.' If any were distributed "to the Company of Stationers, they were not to be "circulated. The order for inserting the rubric is in "the Har: Coll: and is dated Oct. 27, 1552. It "was a letter to the Lord Chancellor. The book "was printed two months before the order was issued "so that the sheet must have been cancelled in the "copies which were not in circulation. It occurs "in three copies in my possession."

The best evidence that the assignment of copes and vestments for use in divine service, had regard to the first book of Edward VI., and not to the second book, is to be found in the commission to Sir Richard Cotton, and others, of 16th January 1552–3. That would be in the 6th of Edward (1 Stephens on the Prayer Book, p. 356). I am only referring to this matter for the purpose of showing, that these assignments applied to acts done under the first book. This commission was directed to sundry persons to collect all the ready money and jewels appearing in the inventories for the King's use, and to leave out one or more chalices "for use in the churches," and they are further authorized (page 357) "after the "honest and comely furniture of coverings for the "communion-table, and surples or surplesses for the "minister or ministers in the said churches or "chapels by your discretion to distribute or cause "to be distributed and given freely to the poor "people in every parish where the same churches "and chapels stand, and be, the residue of the linen, "ornaments, and implements of the said churches and "chapels in such order and sort as may be most to "God's glory and our honour. And we give unto "seven, six, five, or four of you full power and au-"thority to sell or cause to be sold to our use, all "and singular copes, vestments, altar-cloths, and "other ornaments whatsoever remaining or being "within any of the said churches or chapels, not "appointed by this our commission to be left in the "said churches or chapels, or to be distributed to the "poor as afore is declared, and also to sell or cause "to be sold to our use by weight all pieces or parcels "of metal, except the metal of great bell saunse "bell in every of the said churches or chapels."

What is the effect of this commission? Why that the King's Council in January 1552–3 considered chalices, surplices, and linen cloths for the communion-table, the only necessary or desirable ornaments of the church.

(*The Dean of the Arches.*) Some copes were appointed to be left?

(*Mr. Stephens.*) Some were.

(*The Dean of the Arches.*) Do I understand what you have read rightly, that according to that authority some copes were appointed to be left, and some to be sold?

(*Mr. Stephens.*) I will read the whole paragraph again. It will explain this difficulty. "They have "full power and authority after the honest and "comely furniture," this is what is to be left, "of "coverings for the communion-table, and surplice "or surplices for the minister or ministers in the "said churches or chapels, by your discretions to "distribute or cause to be distributed, or given freely "to the poor people in every parish where the same "churches and chapels stand, and be, the residue of "the linen ornaments and implements of the said "churches and chapels in such order and sort as may "be most to God's glory and our honour. And we "give unto you full power and authority to sell or "cause to be sold to our use all and singular copes, "vestments, altarcloths, and other ornaments what-"soever remaining." So that every ornament not mentioned in the previous part which I have read was to be sold.

(*The Dean of the Arches.*) How does it go on?

(*Mr. Stephens.*) "Whatsoever remaining or being "within any other of the said churches or chapels "not appointed by this our Commission to be left in "the said churches or chapels or to be distributed to "the poor as afore is declared, and also to sell or "cause to be sold to our use by weight, all parcels "or pieces of metal except the metal of the great "bell, saunse bell in every of the said churches or "chapels."

I now propose to call your Lordship's attention to the statute of 1 Mary, session 2, cap. 2, ss. 1 and 2. I am quoting from the "Statutes of the Realm," the folio edition published by the Record Commission. It is "an Act for the repeal of certain statutes made in "the reign of King Edward VI." I may shortly state to your Lordship the effect of the statute. It repealed the two Prayer Books of Edward VI., and all the other statutes of his reign relating to the church, and enacted by the 2nd section, that "All such divine "service and administration of sacraments as were "most commonly used in England, in the last year "of Henry VIII. shall be used through the realm "after the 20th day of December 1553, and no other "kind of service nor administration of sacraments." Therefore every single thing was repealed under this statute so far as regarded the Prayer Books that had been previously in use and everything was thrown back to the last year of Henry VIII.

I will now make a few remarks on Elizabeth's Statute of Uniformity, 1 Elizabeth, cap. 2, and very shortly state to your Lordship the effect of that statute. The 1st section recites, that the statute of the 5th and 6th Edward VI. c. 1. for one uniform order of Common Prayer and of common service and prayer, had been repealed. The 2nd section repeals the statute of 1 Mary, session 2. cap. 2. so far only as it concerned the Second Book of Common Prayer of Edward VI.; and enacts that that book with certain alterations and additions shall be in full force. The 3rd section mentions the alterations that were made between the second book of Edward VI. and the Book of Common Prayer allowed by this statute, and also compels the clergy to use such Prayer Book with the like obligations as they had been bound to use the second Prayer Book of Edward VI. The 4th section prohibits the use of any other rite or ceremony than those prescribed; and the 9th section prohibits any person from procuring any minister to use any other rite or ceremony.

These negative sections are not in express words repeated in the Act of Uniformity of Charles II. But the 24th section of that Act makes them applicable to and in force with reference to the existing Book of Common Prayer.

In the 25th section of Elizabeth's Act of Uniformity there is a proviso "That such ornaments of the "church and of the ministers thereof shall be retained "and be in use as was in this Church of England by "authority of Parliament in the second year of the "reign of King Edward VI. until *other order* shall "be therein taken by the authority of the Queen's "Majesty, with the advice of her Commissioners "appointed and authorized under the great seal of "England, for causes ecclesiastical, or of the metro-"politan of this realm."

The object of Mary was to bring back the Roman Catholic Use, and therefore she fixed upon the last year of Henry VIII. and referred to the divine service which was "most commonly used" in that year. If Queen Elizabeth had wished to retain all Roman Catholic practices, or even all the Roman Catholic ornaments in the performance of divine worship, the last year of Henry VIII. would have been selected instead of the second of Edward VI., and the phrase "most commonly used" would have been substituted for the words "by authority of Parliament."

As to the expression "by authority of Parliament," I beg to refer your Lordship to Mr. Moore's report of the case of Westerton and Liddell, page 160. The Privy Council decided that the words "by authority "of Parliament in the second year of the reign of "King Edward VI." refer exclusively to Edward's first book. It will be more convenient to defer the detailed discussion as to the effect of this proviso until I discuss the rubric immediately preceding the Morning Prayer in our present Prayer Book relating to the ornament of the church and of the ministers thereof. It is needless to discuss the question whether Elizabeth made that "other order" or not. It does not appear to me that it affects the questions that are under the consideration of your Lordship.

(*The Dean of the Arches.*) At present you give no construction to these words: "until further order," in that section?

(*Mr. Stephens.*) I have given no construction of those words, because I believe the words do not affect any of the questions in issue in this case.

(*Mr. James.*) I believe there is no dispute that that statute of Elizabeth is still in force?

(*Mr. Stephens.*) You admit that?

(*Mr. James.*) If anything can be taken as admitted, I should think it might be taken that the statute of Elizabeth is in full force.

(*Mr. Stephens.*) Oh, certainly it is *in full force.*

(*The Dean of the Arches.*) I should have thought that was quite clear.

(*Mr. Stephens.*) No doubt it is.

(*The Dean of the Arches.*) Mr. James agrees with you.

(*Mr. James.*) I merely say, if there is one piece of common ground between us, it is that the statute of Elizabeth is in full force.

(*Mr. Stephens.*) Then upon that we are agreed, for the first time since I commenced.

I will now read the 27th section of Elizabeth's Act of Uniformity: "All laws, statutes, and ordinances "wherein or whereby any other service, administra-"tion of sacraments, or Common Prayer is limited, "established, or set forth to be used within this realm, "or any other the Queen's dominions or countries, "shall from henceforth be utterly void and of none "effect."

My learned friend has admitted that this repealing clause has not been in any degree modified by "the Act of Uniformity" of Charles II., that is common ground; or by any other statute; that is agreed.

(*The Dean of the Arches.*) I did not understand Mr. James to say that.

(*Mr. James.*) No, I did not.

(*Mr. Stephens.*) Then what did you say?

(*The Dean of the Arches.*) You had better proceed with your argument.

(*Mr. Stephens.*) This statute is in full force. In Walgrave's case in Dyer, to which I referred yesterday (page 203 A), it said of this statute of Elizabeth, that the meaning of the Parliament "appears [to be] "that the superstitious service in the church"——

(*The Dean of the Arches.*) I think you read it yesterday.

(*Mr. Stephens.*) I did; but it is equally applicable here, "should be abolished, and the new service "planted in lieu thereof."

It is quite clear that at this period of our history all laws, statutes, and ordinances, except the Prayer Book mentioned in the statute of Elizabeth, and the reference to the First Prayer Book of Edward VI., respecting the ornaments of the minister and of the church were repealed. Therefore, whatever authority the canon law may have had down to this time, this statute would operate to repeal and deprive of all authority such part of it as related to the performance of divine service.

The *contemporanea expositio*, receives illustration from a very curious document entitled, "An admo-"nition to all such as shall intend hereafter to enter "the state of matrimony, godly and agreeable to "laws." Dr. Cardwell in a note states, (1 Cardwell's Documentary Annals, page 316.) "This table "appears to have been set forth in the first instance "in the year 1560, but was now (1563) published "by authority and has ever since declared the law "as to prohibited degrees." This table is quoted in the advertisements of the year 1564, and in the 99th canon of the canons of 1603, and it has likewise been printed in Sparrow's articles. At section X. it says, "It is further ordained that no parson, vicar, or curate "do preach, treat, or expound of his own voluntary "invention, any matter of controversy in the Scrip-"tures, if he be under the degree of a master of arts, "except he be licensed by his ordinary thereunto;

" but only for instruction of the people read the " homilies already set forth, and such other form of " doctrine, as shall be hereafter by authority pub- " lished, and shall not innovate or alter anything in the " church, or *use any old rite or ceremony which is not " set forth by public authority.*"

I will now proceed to 1564, and quote very shortly from the correspondence of Archbishop Parker (pages 224, 225, and 226 Parker's Society's Edition.) The Queen, complains, that there has crept into the church open and manifest disorder by diversities of opinion, and especially in rites and ceremonies, and that she has " determined to have all such diversities, varie- " ties, and novelties amongst them of the clergy and " our people, as breed nothing but contention" . . . " reformed and repressed and brought to one manner of uniformity ;" . . . " And as the several cases " shall appear to require reformation so to proceed by " order, injunction, or censure, according to the order " and appointment of such laws and ordinances as " are provided by Act of Parliament, and the true " meaning thereof, so as uniformity of order may be " kept in every church, and without variety and con- " tention."

(*The Dean of the Arches.*) You cite these authorities to show that one uniform order was to be kept ?

(*Mr. Stephens.*) Yes, in order to prove the *contemporanea expositio.* In 1 Cardwell's Documentary Annals, (page 355,) there are Archbishop Parker's Visitation Articles, in 1569, the 12th year of Elizabeth. At page 355 it is asked, " Whether Divine service be " said or sung by your minister or ministers in your " several churches duly and reverently, as it is set forth " by the laws of this Realm without any kind of " variation." . . . . . " Whether your " priests, curates, or ministers do use in the time of " the celebration of divine service to wear a surplice, " prescribed by the Queen's Majesty's injunctions and " the Book of Common Prayer. And whether they do " celebrate the same divine service in the chancel or " in the church, and do use all rites and orders pre- " scribed in the Book of Common Prayer, &c., and " none other." (Page 356.)

In Grindal's Injunctions (" The Remains of Archbishop Grindal," Parker, Society's edition, p. 123,) there is the following article : " Upon every Sunday " and holiday ye shall in your church or chapel, at " convenient hours, reverently and distinctly say or " sing the Common Prayer, appointed by the laws of " this realm, both in the forenoon and afternoon, " standing in a pulpit or seat appointed for that " purpose, and so turning your face towards the " people, as they may best hear the same." " And " upon every Wednesday and Friday in the forenoon " (not being holy-day) ye shall in like manner say " the Litany and other prayers appointed for the day, " and likewise the Evening Prayer every Saturday " and holy-even, and shall also at all times requisite " and convenient, duly and reverently minister the " two holy Sacraments, that is to say, Baptism and " the Lord's Supper, commonly called the Holy Com- " munion, according to such order as is set forth in " the Book of Common Prayer and administration of " the Sacraments." In the 4th article " Ye shall not " deliver the communion bread unto the people into " their mouths but into their hands ; nor shall use at " the ministration of the Communion any gestures, " rites or ceremonies not appointed by the Book of " Common Prayer, as crossing or breathing over the " sacramental bread and wine, nor any shewing or " lifting up of the same to the people, to be by them " worshipped and adored, nor any such like."

I now come to the reign of James I. and propose to quote from the 14th Canon of the canons of 1603. " The Common Prayer shall be said or sung distinctly " and reverently upon such days as are appointed to " be kept holy by the Book of Common Prayer, and " their eves, and at convenient and usual times of " those days, and in such place of every church as the " bishop of the diocese or ecclesiastical ordinary of " the place shall think meet for the lagreness or " straitness of the same, so as the people may be most " edified. All ministers likewiseshall observe the " orders, rites, and ceremonies prescribed in the Book " of Common Prayer, as well in reading the Holy " Scriptures and saying of prayers as in adminis- " tration of the sacraments without either diminishing " in regard of preaching or in any other respect, or " adding anything in the matter or form thereof." It will be observed that rites and ceremonies are here spoken of as things to be done *in* the saying the Public Prayers and *in* the Administration of the Sacrament.

To the same effect are Archbishop Bancroft's Articles in 1605, which will be found in 2 Cardwell's Documentary Annals, p. 104, that the clergy are to follow the Book of Common Prayer. The like in Archbishop Abbott's Visitation Articles in 1616, (2 Cardwell's Documentary Annals, p. 171,) the minister is there enjoined to follow the Book of Common Prayer without any omission or addition.

In 1619 we have the like Injunctions in Andrewes' Minor Works, (page 130) and the churchwardens are directed to inquire : " Whether doth your minister " observe the orders, rites, and ceremonies prescribed " in the Book of Common Prayer, in reading public " prayers and the Litany, in administering the Sacra- " ments of Baptism and the Lord's Supper, in solem- " nizing matrimony, in visiting the sick, burying the " dead, churching of women, in such manner and " form as in the said book is enjoined, without omission " or addition."

(*The Dean of the Arches.*) You cite Andrewes as an authority ?

(*Mr. Stephens.*) I do. And I cite likewise the Visitation Articles of Laud (5 Laud's Works, page 423) in the year 1635 : " And doth he duly observe " the orders, rites, and ceremonies prescribed in the " Book of Common Prayer, without omission or " addition " ?

I now propose to quote from the Constitutions and Canons of the Church, of 1640, merely for the purpose of showing what were the opinions of Archbishop Laud and the two convocations respecting the objects of the Reformation.

(*The Dean of the Arches.*) Ratified by the crown ?

(*Mr. Stephens.*) Yes. I am reading from 5 Laud's Works, page 625 : " At the time of the reforming of " this church from that gross superstition of Popery, " it was carefully provided that all means should be " used to root out of the minds of the people both " the inclination thereunto, and memory thereof ; " especially of the idolatry committed in the mass, " for which cause all Popish altars were demolished."

Adjourned for a short time.

I will now proceed to direct your Lordship's attention to the Act of Uniformity of Charles II. The second section is substantially the same phraseology as the two preceding Acts of Uniformity namely " To the intent that every person within this " realm may certainly know the rule to which he is " to conform in public worship and administration of " Sacraments and other rites and ceremonies of the " Church of England." It is the language of the two preceding statutes, and therefore all the observations I have made in reference to the two preceding statutes and all that I have cited from the injunctions and visitation articles apply to these words.

The 24th section enacts " That the several good " laws and statutes of this realm, which have been " formerly made and are now in force for the unifor- " mity of prayer and administration of the Sacraments " within this realm of England, and places aforesaid, " shall stand in full force and strength, to all intents " and purposes whatsoever for the establishing and " confirming of the said book," that is the Prayer Book now in use ; which brings in the 27th section of the Act of Uniformity of Elizabeth, which my learned friend, Mr. James, (I am very sorry he is not here,) admitted was common ground between us.

(*Mr. Prideaux.*) What Mr. James admitted was that the statute was in force.

(*Mr. Stephens.*) Then if the statute is in force the 27th section is in force.

The concluding words of this section are, "And "shall be applied, practised, and put in ure for the "punishing of all offences contrary to the said laws, "with relation to the book aforesaid, and no other." The effect of this section is to apply to the last Act of Uniformity the provisions of 1 Elizabeth c. 2. sections 4 & 9, prohibiting the use of any other rite or ceremony, and also prohibiting any person from procuring any minister to use any rites other than those prescribed in our present Prayer Book.

The alterations made in 1662, are thus referred to in the preface to our present Prayer Book. "And "as to the several variations from the former book, "whether by alteration, addition, or otherwise, it "shall suffice to give this general account: that "most of the alterations were made, either first for "the better direction of them that are to officiate "in any part of divine service, which is chiefly done "in the calendars and rubrics; or, secondly, for the "more proper expressing of some words or phrases of "ancient usage in terms more suitable to the language "of the present times, and the clearer explanation "of some other words and phrases, that were either "of doubtful signification, or otherwise liable to mis-"construction; or, thirdly, for a more perfect "rendering of such portions of Holy Scriptures, as "are inserted into the Liturgy; which, in the Epistles "and Gospels especially, and in sundry other places, "are now ordered to be read according to the last "translation; and that it was thought convenient "that some Prayers and Thanksgivings, fitted to "special occasions, should be added in their due "places; particularly for those at sea, together with "an office for the Baptism of such as are of riper "years; which, although not so necessary when the "former book was compiled, yet by the growth of "Anabaptism, through the licentiousness of the late "times, crept in among us, is now become necessary, "and may be always useful for the baptizing of "natives in our plantations, and others converted to "the faith. If any man, who shall desire a more "particular account of the several alterations in any "part of the Liturgy shall take the pains to compare "the present book with the former, we doubt not but "the reason of the change may easily appear." The alterations and additions are to be found in my edition of the Book of Common Prayer, page 169 of the introduction, and to which I have directed the attention of the Court.

In 1662 the statute of 3 & 4 Edward VI. c. 10 was in force, having been revived by the statute 1 James I. c. 25, s. 48. Is it reasonable to suppose that the Legislature intended to restore "the ornaments of the "church, and the ministers thereof," and at the same time to destroy all the books containing the information how such ornaments were to be used, and respecting the use of which, there are no directions in the Statute of Uniformity? The mere fact of an ornament having existed, or the mere fact of an ornament being mentioned in the first book of Edward VI., does not warrant the ceremony, because that would be arguing from the accident to the substance, instead of from the substance to the accident. I care not what ornaments may be in the first book of Edward VI.: because unless there is an authority to use those ornaments, they are perfectly useless.

(*The Dean of the Arches.*) Let me understand you. "I care not what ornaments are mentioned in "the first book of Edward VI." Is that so?

(*Mr. Stephens.*) Yes. The mention of ornaments cannot justify ceremonies for using such ornaments.

(*The Dean of the Arches.*) That is another proposition. Which am I to take down? You say, "I care "not what ornaments are mentioned in the first book "of Edward VI., unless"—something existed?

(*Mr. Stephens.*) Unless there be an express direction to use ceremonies for the use of such ornaments.

(*The Dean of the Arches.*) Let me take down those words: "I care not what ornaments are mentioned "in the first Prayer Book of Edward VI., unless "there be express directions to use ceremonies for "the use of such ornaments." Have I got that down correctly?

(*Mr. Stephens.*) Yes. There is one point, my Lord, upon which I wish to be clear. You will bear in mind that in my opening I did not put this case before the Court as one of ornaments, but as one of rites and ceremonies. I am dealing with rites and ceremonies, and I am not dealing with ornaments. I wish that that distinction should be borne in mind through the whole course of my argument.

(*The Dean of the Arches.*) Do you extend that to all the subjects of the Articles here?

(*Mr. Stephens.*) Yes, they apply only to rites and ceremonies.

(*The Dean of the Arches.*) Including candlesticks?

(*Mr. Stephens.*) I am not here to contend whether candlesticks are legal ornaments or not. I will for the purposes of this argument, and only for the purposes of this argument, admit that candlesticks may be legal ornaments, and that candles may be put into those candlesticks.

(*The Dean of the Arches.*) That is a little variation from what you said yesterday, is it not?

(*Mr. Stephens.*) But the very moment the candles are lighted they cease to be ornaments and become ceremonies.

(*The Dean of the Arches.*) That is your proposition?

(*Mr. Stephens.*) That is my proposition.

(*The Dean of the Arches.*) It a little varies from yesterday, because I think you contended that candlesticks were illegal.

(*Mr. Stephens.*) Probably so, but I have no recollection of it.

(*The Dean of the Arches.*) I have taken it down so.

(*Mr. Stephens.*) It is very probable your Lordship is right and that I am wrong. What I want to urge is that the Court could not compel churchwardens——

(*The Dean of the Arches.*) My note was this, "Lights were abolished by this book of Edward VI. "and candlesticks."

(*Mr. Stephens.*) What I intended to say was this that candlesticks are not mentioned throughout the first book of Edward VI.

(*The Dean of the Arches.*) I will take down your present proposition, whatever it is. Are you now about to contend that candlesticks are legal or illegal?

(*Mr. Stephens.*) I do not care whether they are legal or illegal. The point I now put with reference to candlesticks is, that churchwardens cannot be compelled to supply candlesticks. It is an abstract proposition. If they supplied gas that would dispense with candlesticks.

(*The Dean of the Arches.*) I thought you made it a reversible argument, and said whatever the churchwardens could not be compelled to supply was not a legal ornament.

(*Mr. Stephens.*) The point now in issue is not a question of ornaments.

(*The Dean of the Arches.*) That I quite understand.

(*Mr. Stephens.*) It is a question of ceremony.

(*The Dean of the Arches.*) You will set me right if I am wrong, but I thought you contended yesterday for a proposition to this effect, whatever the churchwardens are not compellable to place in the church cannot be a legal ornament.

(*Mr. Stephens.*) That is what I said.

(*The Dean of the Arches.*) And you made the test of the lawfulness of the ornament the power of compelling the churchwardens to put it there.

(*Mr. Stephens.*) Exactly so.

(*The Dean of the Arches.*) That is what I understood. I only want to understand you.

(*Mr. Stephens.*) Exactly; because I affirm that a clergyman has no right to put a single ornament upon the holy table. It is the duty of the churchwardens to do so, and if the churchwardens do not provide the proper ornaments for the use of the service they would be punishable in an ecclesiastical court. What the clergyman has a right to, is the use of the proper ornaments of the Church for carrying out the provisions of the Act of Uniformity.

(*The Dean of the Arches.*) I think I have got your argument, according to your own statement.

(*Mr. Stephens.*) I hope it is clear that the questions raised in this case are not questions of ornaments, but of ceremonies.

(*The Dean of the Arches.*) I have got that down.

(*Mr. Stephens.*) That will be quite sufficient.

(*The Dean of the Arches.*) Perhaps it is premature. You will by-and-by discuss each of the individual subjects by itself.

(*Mr. Stephens.*) Yes.

(*The Dean of the Arches.*) Perhaps then it is premature to put anything down about candles.

(*Mr. Stephens.*) After I have gone through the Acts of Uniformity I intend to discuss each of the subjects *per se*, and I think that I shall be able to establish, that the rites and ceremonies in question are nothing more than so many remnants of Popery.

(*The Dean of the Arches.*) Then will be the proper time to take down the argument. I have taken down this, "This is a case of rites and ceremonies, and "we are not dealing with ornaments," and I have also taken down this, "I care not what ornaments are "mentioned in the first Prayer Book of Edward VI. "unless there be express directions to use cere-"monies, for the use of such ornaments."

(*Mr. Stephens.*) Precisely. I am desirous to refer your Lordship to 4 Cosin's Works, p. 510 (1662). The reason I do so, is to show the construction that was placed upon the last Act of Uniformity, immediately after it was passed, by a prelate entitled to the highest authority and respect. In Cosin's Visitation Articles in 1662, it is enquired of the churchwardens, "Doth [the clergyman] use any other words "or form than what is prescribed in the Book of "Common Prayer in the public reading of the daily "Morning and Evening Service, and in the Litany, "which is to be added to the Morning Service upon "Sundays, Wednesdays, and Fridays, weekly, and at "all other times when it is appointed by the bishop: "as likewise at the reading of the Communion Service "and the administration of the two sacraments "(Baptism and the Lord's Supper); at the cele-"bration of matrimony, churching of women after "child-birth, burying the dead, and pronouncing "God's commination against impenitent sinners? "And doth he all these without omission, addition, "or alteration of any of them, using all the rites and "ceremonies appointed in that book?"

I will now, without referring to a number of other authorities, proceed to 1670. That was in the 22nd of Charles the Second. I am going to read an extract from Archbishop Sheldon's "Letter concerning the "King's directions to the Clergy." Your Lordship will find the passage I am about to read at page 328 of 2 Cardwell's Documentary Annals, beginning at the second line from the bottom: "And, next, that you "require of them, as they will answer the contrary, "that in their own persons in their churches, they "do decently and solemnly perform the divine ser-"vice by reading the prayers of the Church as they "are appointed and ordered in and by the Book of "Common Prayer, without addition to or diminishing "from the same, or varying either in substance or "ceremony from the order and method which by the "said book is set down, wherein I hear and am "afraid too many do offend, and that in the time of "such their officiating they ever make use of and "wear their priestly habit, the surplice and hood, "that so by their due and reverent performance of "so holy a worship they may give honour and "worship to God, and by their own example instruct "the people of their parishes what they ought to "teach them in their doctrine."

I will not fatigue your Lordship by any more authorities in reference to the Injunctions and Visitation Articles, because I think those that have been cited have clearly established that no clergyman of the Church in England has a right to add any rite or ceremony to the Book of Common Prayer, except it has been expressly allowed or enjoined by the Acts of Uniformity.

The bishops had a power to sit with the Judges of Assize for the purpose of determining offences against the Acts of Uniformity and punishing unfaithful clergy. When I use the term "unfaithful" clergy, I mean those clergy who disregarded both the language and spirit of the Acts of Uniformity with reference to the rites and ceremonies therein prescribed, and illegally added other rites and ceremonies. Such men were unfaithful clergy, and were unworthy to hold their benefices.

I will now direct your Lordship's attention to Newberry and Goodwin (1 Phillimore, p. 282); this was a proceeding against a clergyman for not complying with the Acts of Uniformity.

(*Mr. Prideaux.*) I may as well say at once that it was for making additions and alterations.

(*Mr. Stephens.*) The very same thing that you are doing. That is your very offence.

(*Mr. Prideaux.*) I mean omissions and alterations.

(*The Dean of the Arches.*) You (*Mr. Prideaux*) need not interrupt Mr. Stephens, I shall look atevey case cited with the greatest possible attention.

(*Mr. Prideaux.*) I merely wish to make a correction, I should have said "omissions and alterations."

(*Mr. Stephens.*) The Judgment of Sir John Nicholl will speak for itself. "The law directs that a clergy-"man is not to diminish in any respect or to add to "the prescribed form of worship." [That is our very complaint.] "Uniformity in this respect is "one of the leading and distinguishing principles of "the Church of England. Nothing is left to the discre-"tion and fancy of the individual. If every minister "were to omit, alter or add, according to his own "taste, this uniformity would soon be destroyed, and "though the alteration might begin with little things, "yet it would extend itself to more important things "in the public worship of the Established Church, and "even in the Scriptures themselves the most import-"ant passages might be materially altered under the "notion of giving a more correct version, or omitted "altogether as an unauthorized interpolation."

I will likewise read a passage from Westerton and Liddell (Moore's Report, p. 187), confirmatory of the judgment of Sir John Nicholl. "Their Lordships "entirely agree with the opinions expressed by the "learned judges in Faulkner and Lichfield, that in "the performance of the services, rites, and cere-"monies ordered by the Prayer Book, the directions "contained in it must be strictly observed, and that "no omission, and no addition, can be permitted."

(*The Dean of the Arches.*) They go on to say, which may be material or not to read for your argument, "But they are not prepared to hold that the "use of all articles not expressly mentioned in the "rubric although quite consistent with and subsidiary "to the service is quite forbidden."

(*Mr. Stephens.*) I shall deal with it in a subsequent part of the case. The language applies to articles that are of intrinsic utility. Take the case of the credence table. Why was the legality of the credence table sanctioned? Because it was subsidiary to the performance of the Church Service: that was the principle. I am sure I need not press upon your Lordship (I mention it with the deepest respect for your Lordship) that whatever has been the judgment of the Judicial Committee is binding upon this Court.

(*The Dean of the Arches.*) Certainly it is binding upon me.

(*Mr. Stephens.*) I believe your Lordship has judicial cognisance of the fact, that my learned friends went

to the Court of Queen's Bench upon a voyage of discovery to ascertain what was the meaning of the Articles,—and what they attempted to establish in the Court of Queen's Bench was this: that the promoter had not stated an ecclesiastical offence on the face of the Articles.

(*Mr. Prideaux.*) And on the citation and letters of request.

(*Mr. Stephens.*) That was treated as so much moonshine.

(*Mr. Prideaux.*) If you state what we did, I have no objection, taking care that you do so correctly.

(*Mr. Stephens.*) The citation was referred to in the judgment.

(*Mr. Prideaux.*) You cannot go out of it.

(*Mr. Stephens.*) It was treated as moonshine. My learned friend feels, of course, very sensitive on this point. I make every allowance for him. My learned friends went to the Court of Queen's Bench for the purpose of restraining this Court from proceeding with this case. I will read to your Lordship what the Lord Chief Justice said. But what a position my learned friends would have been in, supposing that the Queen's Bench had held that the Ecclesiastical Court had no jurisdiction. In that case I should have felt it my bounden and painful duty to have advised my client to indict Mr. Mackonochie at the Old Bailey for a misdemeanor.

They applied for a prohibition, on the ground that there was not any ecclesiastical offence stated in the Articles. But what does the Lord Chief Justice say in reference to the construction of the Acts of Uniformity? I will read from the short-hand writer's notes the Judgment of the Court of Queen's Bench, to which tribunal my learned friends applied as having a superior jurisdiction to this Court, in order to correct its inaccuracies, as if your Lordship did not know what was an ecclesiastical offence. Lord Chief Justice Cockburn said, "The question is, whether when an "Act of Parliament says that in the administration of "the sacrament or in the performance of any other rite "of the Church, the minister shall conform strictly to "the directions of the Prayer Book, if he does some-"thing not contained in those directions, anybody can "say that that is not a matter for spiritual cognisance, "and whether that is not such a departure as to "constitute an offence. You may introduce anything "into the administration of the rites of the Church, "and then say, because it is something more than "is enjoined, and is not in terms prohibited, therefore "it is not an offence. I take it that what the Act "of Parliament mean was, that persons should "not follow their own imaginations or judgments "and wills in these matters, but should conform "to the directions which are given in the Book of "Common Prayer." This was the Judgment of the Court of Queen's Bench, within the last few days, and is in strict conformity with the Judgment of Sir John Nicholl in this Court. I should be guilty of a very unjustifiable intrusion upon your Lordship's time if I were to make a single comment upon the effect of these Judgments, because if correct, this case is practically and substantially undefended. That I assert without any fear of legitimate contradiction.

I will now proceed to the consideration of the rubric immediately preceding the order of Morning Prayer; and I beg to direct your Lordship's attention to its language. "And here is to be noted, that "such ornaments of the church, and of the ministers "thereof, at all times of their ministration, shall be "retained, and be in use, as were in this Church of "England, by the authority of Parliament, in the "second year of the reign of King Edward the "Sixth."

I submit that the true sense of the rubric under consideration, is to define the ornaments to be used in lawful ceremonies,—not *per se* to make a ceremony lawful in opposition to clauses of the Act of which it forms a part. The whole must be read together. The Rubric under consideration is exclusive so far as regards rites and ceremonies.

I directed your Lordship's attention yesterday to the Liturgies of Edward VI. In the preface to the first Prayer Book of Edward VI. it is stated (page 19): "Furthermore by this order, the curates "shall need none other books for their public "service but this book and the Bible." Therefore the Legislature declared that the only two books which could be used in our churches, or from which the clergy could take any directions or orders, were the Book of Common Prayer and the Bible.

To secure that "the order and form" of prayer should not be left to the caprice of any person, but should be absolute upon the clergy, the preface in question after reciting, (and the like language is used in our present Prayer Book,) "that heretofore there "hath been great diversity in saying and singing "in churches within this realm, some following "Salisbury use, some Hereford use, and some the use "of Bangor, some of York, some of Lincoln," enjoins "that now from henceforth all the whole realm "shall have but one use." And perhaps your Lordship would be so kind as to make a note that I have referred you to the 2nd and 3rd Edward VI., c. 1, s. 1, which I brought in detail under your consideration yesterday, and which provides, that no other "rite, "ceremony, order, form, or manner of performing "divine service shall be used except as is prescribed "in the Prayer Book."

I have already directed your Lordship's attention to 1 Elizabeth, c. 2. s. 27, where it is provided that all laws, statutes, and ordinances whereby any other service is set forth to be used are abolished, and that repealing clause has not been in any degree modified by the 13 and 14 Charles II., c. 4, and is now in force.

How could the letter and the spirit of these enactments be carried out, if altar-lights were to be lighted at particular times; if incense was also to be used at specified times; if water was to be mixed with the Sacramental wine at the Holy Communion; and other ceremonies of a like character were to be used; of which there is no trace in the Acts of Uniformity? If it was illegal for a clergyman to have in his possession, or to use any of the old Service Books, I should like to know from what source it is, that the clergy of this country are to receive directions for the use of lighted candles, of incense, or of mixing water with the Sacramental wine. They are ceremonies of which no trace is to be found in the Acts of Uniformity, and their only authority is, and I put it in the most charitable way, the imagination of several, perhaps conscientious, clergymen.

Your Lordship will perhaps take a note that I have referred you (at this stage of the argument), in order to save the time of the Court, to the 3rd and 4th of Edward VI. c. 10. s. 1., and likewise to the statute of 3 James 1. c. 5. s. 25.

The case stands thus: certain ancient ceremonies and ornaments were used in the performance of divine service anterior to the Acts of Uniformity. The elaborate directions as to these ceremonies and ornaments in the previous Service Books were altogether omitted in the Books of Common Prayer that were issued in the reigns of Edward VI., of Elizabeth, and of Charles II., and the preface on ceremonies explained why some ceremonies were *abolished* and some were retained. Every rite and ceremony was abolished except those rites and ceremonies that are expressly *retained* in the Acts of Uniformity. How then can it be for one moment contended that any of the ancient ceremonies and ornaments can now be used so long as it is conceded that the laws of this country are to be exclusively derived from Parliament?

The absence of the rubric on ornaments from the Irish Prayer Book of Charles II. shows its subordinate importance.

If the rubric under consideration was of great importance, is it not surprising that no allusion is

made to it in the manuscript Book of Common Prayer that is now in Dublin?

(*The Dean of the Arches.*) We had a good deal of evidence before us upon that in the Ritual Commission, which seemed to explain how that had taken place.

(*Mr. Stephens.*) I am only speaking of facts. Perhaps your Lordship is not aware that I have published a manuscript copy of the Irish Book of Common Prayer.

(*The Dean of the Arches.*) Yes. There is no doubt it was omitted, but whether it was an accident or not is a very different question. The fact of the omission is unquestionable I believe.

(*Mr. Stephens.*) And that is the very point upon which I wish to make one or two observations. Your Lordship says "by accident."

(*The Dean of the Arches.*) I do not know I am sure how it was. Do not misunderstand me. What I say is, there is no doubt as to its omission, from whatever cause it arose, and if you think the fact of its omission can in any way avail you in your present argument you are quite entitled to use it.

(*Mr. Stephens.*) I am much indebted to your Lordship; and I will only make one observation more. This rubric is now put forward as being one of essential importance, and we find that in the manuscript Book of Common Prayer for Ireland it is omitted.

Now, let us consider, in the first place, how it was that in 1662 any Act of the Legislature passed for Ireland. Perhaps your Lordship has no judicial knowledge of the fact, but in Ireland religious feelings are sometimes rather warm, and of course the Book of Common Prayer would naturally excite a considerable amount of attention. What was the course pursued with reference to the Irish Book of Common Prayer? First it passed the House of Commons and the House of Lords in Ireland, and after that it passed the House of Commons and the House of Lords in England, and yet, my Lord, it passed *sub silentio*.

(*The Dean of the Arches.*) Your argument is that this rubric is not binding in Ireland at all now?

(*Mr. Stephens.*) No, I did not say that. I did not put forward that proposition. I am not bound to do it for the purpose of this case.

(*The Dean of the Arches.*) You are certainly not bound to do anything you do not like.

(*Mr. Stephens.*) The proposition I started with was this—if this rubric possessed the great importance which recent discoverers or experts imagine, is it likely that it would have been omitted, unless by design, from the Irish Book of Common Prayer which had to go through the Irish House of Commons and the Irish House of Lords, and afterwards through the English House of Commons and the English House of Lords, and subsequently required the assent of the Sovereign before it had any binding operation?

(*The Dean of the Arches.*) You give no opinion as to whether it is binding in Ireland or not?

(*Mr. Stephens.*) No.

(*The Dean of the Arches.*) I do not know that it is necessary that you should do so.

(*Mr. Stephens.*) I respectfully submit to your Lordship that it is not.

(*The Dean of the Arches.*) You are aware that it was very gravely doubted whether this rubric was in the English Manuscript Book, but since the Ritual Commission was appointed a search was made and we found it in the custody of the Record Keeper of the House of Lords.

(*Mr. Stephens.*) A very valuable discovery.

Respecting the words "by authority of Parliament," a great deal has been said and written upon them. It is only the old way of citing a statute. The words mean simply a quotation of the 2nd and 3rd Edward VI. cap. 1. That is all that was meant. The rest is all imagination.

I will refer your Lordship very shortly to the statutes supporting that proposition. The 3rd of Charles I. c. 1, s. 7, recites, "And whereas also by "authority of Parliament in the five and twentieth "year of the reign of King Edward III." The 5th and 6th Edward VI. c. 1, s. 5, quotes the Act of 2 & 3 Edward VI. as made in the second year: and the repealing statute of 1 Mary, session 2, c. 2. cites it, in like manner.

The 1 Elizabeth, c. 2, s. 25, says, "As was in this "Church of England by authority of Parliament in "the second year of the reign of King Edward the "Sixth," and the preamble says, "Authorised by Act "of Parliament holden in the fifth and sixth years of "our said late Sovereign Lord King Edward the "Sixth."

I hope we shall hear no more about this "authority of Parliament." The foregoing authorities were not referred to in the case of Westerton and Liddell. But I venture to refer to them, because if Westerton and Liddell required any support, it would be aided by the statutable construction which has been placed upon those words.

In Moore's Report, (page 32,) Dr. Lushington says, "The next question is, am I justified in pro- "secuting this enquiry by endeavouring to ascertain "what was the law as to ornaments prior to the "second year of Edward VI.? It is a very grave "question whether the words, 'by authority of "Parliament in the second year of King Edward VI.,' "do not confine the enquiry to what was done in that "year, and in that year only, or, in other words, to "what is prescribed by the First Prayer Book. The "inclination of my opinion is, that the enquiry is so "circumscribed, and for this reason; the direction "is not confined to the ornaments of the church but "applies to the ornaments 'of the church' and the "ministers thereof at all times of their ministration. "I apprehend it to be clear, that as orders are to be "found in the first book regulating the ornaments of "the ministers, reference, so far as relates to the orna- "ments of ministers, must be looked for in the first "book alone, for it would be productive of the greatest "confusion, and contrary to all sound rules of con- "struction when you have precise directions in the "book specially referred to, to go back to former "times where you might find ornaments utterly "inconsistent with those specially prescribed. Then, "if this be so, as to the ornaments of the minister, "should not the same construction be applied to the "ornaments of the church, which are comprised in the "very same sentence and governed by the very same "words?

"But suppose that I am in error here, and that "I ought to embark on a voyage of discovery to "ascertain what was in use by the authority of "Parliament before the second year of Edward VI., "where am I to stop, and what light have I to guide "me? I have not heard it asserted that there is any "Act of Parliament prior to the second of Edward VI. "which specifically regulated, or attempted to regu- "late, or indeed refers at all to ornaments in churches. "If there be no Act of Parliament applicable to the "case, can I go further still and enquire whether "anything was done by virtue of an Act of Parlia- "ment applicable to this case, though not done "directly by the Act of Parliament itself?"

Therefore, so far as Dr. Lushington is concerned, he says, I take the first book of Edward VI., and beyond that I will not travel, for the very moment I do so, I shall get into inextricable confusion. That opinion is supported by the Judicial Committee. In Westerton and Liddell (Moore, page 160), their Lordships say: "It was urged at the bar that the present rubric, "which refers to the second year of Edward VI., "cannot mean ornaments mentioned in the first "Prayer Book, because, as it is said, that Act was "probably not passed, and the Prayer Book was "certainly not in use till after the expiration of the "second year of Edward VI., and that, therefore, "the words 'by authority of Parliament' must "mean by virtue of canons or royal injunctions, "having the authority of Parliament, made at an "earlier period. There seems no reason to doubt that "the Act in question received the royal assent in the

" second year of Edward VI. It concerned a matter " of great urgency which had been long under con- " sideration, and was the first Act of the Session ; " it passed through one house of Parliament on " January the 15th, 1549, N.S., and the other on the " 21st of the same month ; and the second year of " the reign of Edward the 6th did not expire till " January the 28th. In the Act of the 5th and " 6th Edward VI. cap. 1. sec. 5. it is expressly " referred to as 'the Act made in the second year of " the King's Majesty's reign.' Upon this point, there- " fore, no difficulty can arise. It is very true that " the new Prayer Book could not come into use until " after the expiration of that year, because time must " be allowed for printing and distributing the books ; " but its use, and the injunctions contained in it " were established by authority of Parliament in the " second year of Edward VI., and this is the plain " meaning of the rubric."

The services and ornaments in use previously to the establishment of Edward VI.'s first book are nowhere spoken of as being "by authority of Parliament." If they are not spoken of as being "by authority of Parliament," those statutes to which I have directed the attention of the Court have swept away all customs, canons, and old service books.

The statute 1 Mary, Session 2, c. 2, by which Mary abolished the Reformation services, enacted that "all " such divine service and administration of sacra- " ments as were most commonly used in England in " the last year of Henry the 8th shall be used through " the realm." The Act of 1st Mary, sess. 2, c. 3. s. 3. speaks of the "Mass or other such divine service, " sacraments, or sacramentals, as were most commonly " frequented and used in the last year of the reign of " the late sovereign lord King Henry the 8th, or that " at any time hereafter shall be allowed, set forth, or " authorized by the Queen's Majesty."

It will be perceived from these references to the statutes of Mary that it is not attempted to be said that they were "by authority of Parliament." This statute likewise places upon a like basis the service most commonly used under Henry VIII., and that which should be set forth by Queen Mary.

In 5 Foxe's Actes and Monuments, p. 170, the 15th article directs "That no parson shall from hence- forth alter or change the order and manner of any " fasting-day that is commanded and indited by the " Church, or of divine prayer, or of service otherwise " than is specified in the said injunctions [in the " former injunctions of 1536] until such time as the " same shall be so ordered and transposed by the " King's Highness' authority." In this passage, it is assumed that the service then in use could be altered by the King's authority alone, which proves that they were not in use by any Parliamentary authority. The like appears from a proclamation of King Edward's council, which will be found in 1 Cardwell's Docu- mentary Annals, p. 43, " That no manner of person, " of what estate, order, or degree soever he be, of his " private mind, will, or fantasy do omit, leave done, " change, alter, or innovate any order, rite, or cere- " mony commonly used and frequented in the Church " of England, and not commanded to be left done at " any time in the reign of our late sovereign lord, " His Highness' father, other than such as His " Highness, by the advice aforesaid, by His Majesty's " visitors injunctions, statutes, or proclamations, hath " already, or hereafter shall command to be omitted, " left, innovated, or changed." Not the slightest allusion is here made to statutable authority.

Two meanings have been ascribed to this rubric. It has been contended it means that (1) all the ornaments authorized by the First book of Edward the Sixth shall be now used in the United Church. I respectfully contend, that such only of the ornaments authorized by Edward's First book shall be used, as are requisite for carrying out the service of the Church, as prescribed by the Prayer Book now in use.

In Moore's Report, p. 156, it is stated, " Their " Lordships, after much consideration, are satisfied " that the construction of this rubric which they " suggested at the hearing of the case, is its true " meaning, and that the word 'ornaments' applies, " and in this rubric is confined to those articles the " use of which in the services and ministrations of " the Church is prescribed by the Prayer Book of " Edward VI.

" The term 'ornaments' in ecclesiastical law is " not confined as by modern usage, to articles of " decoration or embellishment, but it is used in the " larger sense of the word 'ornamentum,' which " according to the interpretation of Forcellini's " Dictionary is used '*pro quocumque apparatu seu* " *instrumento.*' All the several articles used in " the performance of the services and rites of the " Church are 'ornaments.' Vestments, books, cloths, " chalices, and patens are amongst church ornaments ; " a long list of them will be found extracted from " Lyndwood in Dr. Phillimore's edition of Burn's " Ecclesiastical Law, vol. 1, pp. 375–7. In modern " times organs and bells are held to fall under this " denomination."

" When reference is had to the first Prayer Book " of Edward the Sixth with this explanation of the " term 'ornaments,' no difficulty will be found in " discovering amongst the articles of which the use " is there enjoined ornaments of the Church as well " as ornaments of the ministers. Besides the vest- " ments differing in the different services the rubric " provides for the use of an English Bible, the new " Prayer Book, a poor man's box, a chalice, a " corporas, a paten, a bell, and some other things."

There are, or may be, several ornaments mentioned or necessarily implied in the first Prayer Book which cannot be used for any of the ceremonies prescribed in our present Prayer Book.

(*The Dean of the Arches.*) That proposition amounts to this, that there may be ornaments pre- scribed in the first Prayer Book of Edward VI. which are not now lawful.

(*Mr. Stephens.*) Certainly. But, my Lord. this rubric, I also submit, cannot mean that the minister is, for the purpose of using any such ornaments, to introduce additional ceremonies beyond those pre- scribed in the Book of Common Prayer. Such a construction would be inconsistent with, and repug- nant to the Acts of Uniformity and to the canons by which the interpretation of statutes is governed.

In reply to your Lordship's question that you so kindly put to me as to the ornaments, I beg to refer your Lordship to the first book of Edward VI., p. 112, Parker Society's edition.

(*The Dean of the Arches.*) Perhaps, before you leave this argument, at any time that is most con- venient to you, you will consider, if it accords with your line of argument, what would have been the consequence, if this rubric had not been there, if this rubric, " And, here, it is to be noted," and so forth, had been omitted in the English Prayer Book as it is in the Irish Prayer Book.

(*Mr. Stephens.*) Your Lordship is now putting the question to me that you did this morning, only in another form.

(*The Dean of the Arches.*) If in the course of your argument, you find it convenient to deal with it, it would be of some assistance to the Court.

(*Mr. Stephens.*) Perhaps your Lordship would put the question quite irrespective of the Irish Prayer Book ?

(*The Dean of the Arches.*) Oh, yes. We have nothing to do with the Irish Prayer Book here, but you mentioned that it was omitted in the Irish Prayer Book. If it is convenient for you to take that course of argument I should be glad to hear what would be the state of the Church of England with regard to ornaments supposing that rubric were not there.

(*Mr. Stephens.*) I will consider it with great care. I shall not conclude to-day, and I will afford your Lordship every possible assistance.

(*The Dean of the Arches.*) If it is convenient to you I mean.

(*Mr. Stephens.*) Whether convenient or not I will endeavour to do so. Any suggestion from your Lordship will be met by me with the deepest respect. I now refer to the first Prayer Book of Edward VI., p. 112. "Then the priest shall anoint the infant upon the head," consequently he must have used some vessel for the oil. At page 139. "If the sick person desire "to be anointed, then shall the priest anoint him "upon the forehead or breast only, making the sign "of the cross, saying thus—'As with this visible oil "thy body outwardly is anointed.'" To perform this rite or ceremony a chrismatory containing the oil would be requisite. Is it to be said that the ornaments are to be kept when the service is gone?

(*The Dean of the Arches.*) Is the ornament of the chrismatory mentioned?

(*Mr. Stephens.*) It would follow as a matter of course.

(*The Dean of the Arches.*) But as a matter of fact it is not mentioned?

(*Mr. Stephens.*) No, it is not. There would be no occasion to mention it. If the Legislature directs anything to be done, it does not require that there should be an express provision specifying certain vessels necessary for carrying out such directions. We find that the service is gone, but the service could not be performed without the ornament.

(*The Dean of the Arches.*) There is no question about performing that service now it is gone.

(*Mr. Stephens.*) While the service existed, there must have been an ornament for the purpose of performing the service,—but inasmuch as the service is gone, the ornament is likewise gone.

(*The Dean of the Arches.*) You would say that whether mentioned or not it is prescribed by implication in the first Prayer Book?

(*Mr. Stephens.*) Undoubtedly, as subsidiary to the service on the same principle as that of the credence table in Westerton and Liddell.

(*The Dean of the Arches.*) It seems to me that their Lordships appear to have used two different expressions. In page 156 of Moore's Report they say this rubric is "confined to those articles the use of "which in the Services and Ministrations of the "Church is prescribed." There it would seem, if you take that alone, as if the article itself must be specified. Then if you look at page 159 there is a little variation in the language. "The rubric to the present Prayer "Book adopts the language of the statute of Elizabeth, "but they obviously mean the same thing, that the "same dresses, and the same utensils or articles which "were used under the first Prayer Book of Edward "may still be used." There is a slight difference. In the one case, it says they are prescribed. In the other case it is put as if it were a question of *de facto* use.

(*Mr. Stephens.*) Your Lordship may remember I argued that case before the Privy Council upon the statute of Edward VI., and the first Prayer Book, and I think, with all due deference, that language at pages 156, 159, may be reconciled with what their Lordships stated at page 157, because they there defined what they thought requisite to carry out the principles of the Book of Common Prayer—an English Bible, the New Prayer Book, a poor man's box, a chalice, a corporas, a paten, and a bell.

(*The Dean of the Arches.*) Those things were actually specified in the book?

(*Mr. Stephens.*) The argument I ventured to press upon their Lordships was this, that those ornaments which were so specifically mentioned were amply sufficient to carry out all the provisions of the Book of Common Prayer, and therefore being amply sufficient, other ornaments could not be introduced.

(*The Dean of the Arches.*) And they admitted the credence table as being subsidiary to the service, the words of the rubric requiring a table of that kind?

(*Mr. Stephens.*) Precisely so.

(*The Dean of the Arches.*) I want clearly to understand your argument, with regard to this chrismatory. The chrismatory is not specified in the catalogue of ornaments or articles to be used, but you say, inasmuch as oil was to be used, there must have been something to contain that oil?

(*Mr. Stephens.*) Yes.

(*The Dean of the Arches.*) That service has gone?

(*Mr. Stephens.*) That service has gone.

(*The Dean of the Arches.*) And you ask whether that ornament could be now in force?

(*Mr. Stephens.*) I submit that the ornament could not be retained if the service was gone. If the service existed, then according to the ordinary construction of statutes, there would be a right to import everything that was necessary to carry out the directions of parliament.

(*The Dean of the Arches.*) That is what I wanted to understand. Supposing the service to remain, and the article to be necessary as subsidiary to the service, although not mentioned specifically, *eo nomine*, in the first Prayer Book, you would hold it to be necessary on the same principle upon which the credence table was allowed.

(*Mr. Stephens.*) Exactly. It is so with the credence table. Now, my Lord, I will proceed to 1 Cardwell's Documentary Annals, p. 263. In the year 1559 there was "A declaration of certain articles of religion set "out by the order of both archbishops, metropolitans, "and the rest of the bishops for the uniformity of "doctrine." In section 8, p. 265, it says, "Although "in the administration of baptism, there is neither "exorcism, oil, salt, spittle or hallowing of the water "now used, and for that they were of late years "abused and esteemed necessary, where they pertain "not to the substance and necessity of the sacrament, "that they be reasonably abolished, and yet the sacra- "ment full and perfectly ministered to all intents and "purposes, agreeable to the institution of our Saviour "Christ."

Andrewes in his Minor Works, page 26, states "that "chrism is very ancient yet never but as a ceremony, "which though we retain not, yet the invocation of "the grace of the Holy Ghost we do." Therefore, as far as regards this ceremony, to which I have directed your Lordship's attention, it undoubtedly is gone.

The rubric under consideration must be construed consistently with the other parts of our present Prayer Book, with the previous Acts of Uniformity, and with the XXXIX. articles.

The Statutes of Uniformity respectively treat the Prayer Book for the time being as a complete code of directions for all rites and ceremonies to be used in divine service. The preamble of the statute 13 and 14 Charles II. c. 4., is "To the intent that every "person in the realm may know the rule to which he "is to conform in public worship." Supposing that some of the prescribed ornaments of the church cannot be used in performing any of the ceremonies enjoined in the Prayer Book,—nevertheless, the rubric cannot mean, that the minister is to introduce additional services for the purpose of using them. The minister would thus have a choice which ceremony he should introduce for the purpose of using any particular ornament, *exempli gratiâ*, anointing in baptism, and extreme unction. But a sufficient effect is given to this Rubric, if it be understood only to mean, that whenever a ceremony enjoined by the Prayer Book can be performed either with one of the prescribed ornaments, or with another ornament—the prescribed ornament is to be used.

The preface to the Book of Common Prayer, indicates the spirit in which the Prayer Book should be construed, "For we are fully persuaded in our "judgments (and we here profess it to the world) "that the book as it stood before established by law, "doth not contain in it anything contrary to the Word "of God, or to sound doctrine, or which a godly man "may not with a good conscience use and submit "unto or which is not fairly defensible against any "that shall oppose the same, if it shall be allowed "such just and favorable construction as in common "equity ought to be allowed to all human writings, "especially such as are set forth by authority, and

" even to the very best translations of the Holy " Scripture itself."

In the case of the King *v.* Hall (1 Barnewall and Cresswell, page 136), it is laid down: " The meaning " of particular words in Acts of Parliament, as well " as in other instruments, is to be found not so much " in a strict etymological propriety of language, nor " even in popular use, as in the subject or occasion " on which they are used, and the object that is " intended to be attained."

If a case be within the literal meaning of the words of a statute, but not within the object which the Legislature had in view, the literal meaning of the words will not be acted upon, but the object of the statute will be carried out. In support of that proposition I refer your Lordship to the case of Simpson *v.* Unwin, (3 Barnewall and Adolphus, p. 135) Lord Tenterden there says: " I think this is not a case " within the Statute of 2 & 3 George III., c. 19, " sections 1 and 4. It clearly is not within the object " which the legislature had in view, and although it " may be within the literal meaning of the words, " taken by themselves, we must not give to them a " construction which will not only be contrary to the " general intention of the legislature, but which will " lead to this absurd consequence that a party who " might at the last moment of the day, on the 1st of " February, lawfully kill a partridge or pheasant, " would be guilty of an offence by having the same " partridge or pheasant in his possession at the earliest " moment of the second. And I am strongly inclined " to think that the first section applies to living birds " only, both on account of the absurdity which would " otherwise follow, and because section 2 contains an " express exception as to living pheasants, and all the " objects of the statute are satisfied if the meaning be " restricted to living birds only." That was a decision in opposition to the literal construction of the words, because the literal construction of the words would have led to an absurdity, and would have been in direct opposition to the spirit and letter of the Act.

Then, my Lord, in the case of Salkeld *v.* Johnson (1 Hare, page 208), it was held, that a clear verbal construction must be rejected in favour of the obvious intention of the legislature.

(*The Dean of the Arches.*) What is the nature of that case? Will you read the marginal note?

(*Mr. Stephens.*) It is as follows: " The statute of " 2 and 3 Will. IV., c. 100, brings down the period " of legal memory from the time of the First Richard " to the time of the commencement of two incum- " bencies (not being together less than 60 years) and " three years of a third incumbency; but does not " create a new ground of exemption or destroy the " right to tithes upon fair proof of a non-payment or " non-render during two such incumbencies, and three " years of a third in cases where proof of non-payment " or non- render from the time of the 1st Richard I. " would, before the statute of 2 & 3 William IV., c. " 100, have established no exemption. The proof " of the title of the vicar to some small tithes and " that the other small tithes had never been paid " to the rector, is not necessarily sufficient to establish " the right of the vicar to such other small tithes, " especially where some of the evidence is opposed to " the vicar's claim." (See also Henderson *v.* Bise, 3 Stark. 158; Wells *v.* Porter, 3 Bing. N.S., 722; Elsworth *v.* Cole, 2 M. & W. 31.)

Now, I submit to your Lordship that the rubric as to ornaments is a general clause, and the rubrics giving detailed directions as to the particular services are special provisions, and if they conflict the latter must prevail.

I also submit that when the general words, which appear to conflict with the particular clause of the same statute, are words of reference to a previous statute, as in the rubric under discussion; and acquire their conflicting force from what is found, not in the statute in which they occur, but in the statute incorporated by reference, it is peculiarly true, that they must be restrained by reason and right, and by the manifest intention of the makers of the later statute.

I will shortly refer to the case of The King *v.* The Poor Law Commissioners in the parish of St. Pancras (6 Adolphus & Ellis, page 7). In the construction of statutes, the Courts give to them such an interpretation as is consistent with the plain policy of their provisions; and the judgment of Mr. Justice Coleridge in this case seems to incorporate all the law upon the subject. " It is in my opinion so important " for the Court in construing modern statutes to act " upon the principle of giving full effect to their " language, and of declining to mould that language " in order to meet either an alleged convenience or " an alleged equity upon doubtful evidence of inten- " tion, that nothing will induce me to withdraw a " case from the operation of a section which is " within its words, but clear and unambiguous evi- " dence that so to do is to fulfil the general intent of " the statute, and also that to adhere to the literal " interpretation is to decide inconsistently with other " and overruling provisions of the same statute. " When the evidence amounts to this the Court may " properly act upon it, for the object of all rules of " construction being to ascertain the meaning of the " language used, and it being unreasonable to impute " to the Legislature inconsistent intents upon the " same general subject matter; what it has clearly " said in one part must be the best evidence of what " it has intended to say in the other; and if the " clear language be in accordance with the plain " policy and purview of the whole statute, there is " the strongest reason for believing that the inter- " pretation of a particular part inconsistently with " that, is a wrong interpretation. The Court must " apply in such a case the same rules which it would " use in construing the limitations of a deed; it must " look to the whole context and endeavour to give " effect to all the provisions, enlarging or restraining " if need be for that purpose, the literal interpretation " of any particular part."

There is another case to which I am anxious to direct your Lordship's attention. It is that of Brett *v.* Brett (3 Adams, p. 216), and I am going to read an extract from the judgment of Sir John Nicholl, " The key to the opening of every law is " the reason and spirit of the law. It is the '*animus* " *imponentis*;' the intention of the lawmaker ex- " pressed in the law itself, taken as a whole. Hence " to arrive at the true meaning of any particular " phrase in a statute, that particular phrase is not " to be viewed, detached from its context in the " statute; it is to be viewed in connexion with its " whole context—meaning by this as well the title, " and preamble, as the purview or enacting part of " the statute. It is to the preamble more especially " that we are to look for the reason or spirit of every " statute; rehearsing, as it ordinarily does, the evils " sought to be remedied, or the doubts purported to " be removed by the statute, and so evidencing, in the " best and most satisfactory manner, the object or " intention of the Legislature, in making and passing " the statute itself."

This rubric is nothing more than a mere section of the Act of Uniformity, and must be overruled, if it be inconsistent with the plain policy and purview of the Act of Uniformity.

Down to this point, I have argued upon the assumption, that the rubric as to ornaments, included all the ornaments either expressly mentioned in Edward the Sixth's first book, or required for performing the services directed by that book. But the sounder and more reasonable construction of this rubric is, that it only refers to the ornaments expressly mentioned in Edward VI.'s first book. This seems to be the construction placed upon the rubric by the Judicial Committee of the Privy Council in Westerton and Liddell (Moore's Report, page 157), as all the ornaments they specify are expressly mentioned in that book.

In construing this Rubric, we should bear in mind the objects that our reformers had in view; which are thus forcibly stated by Dr. Lushington, in Westerton and Liddell: "The great object of our "reformers was to remove, first, those errors in "doctrine which they believed had crept into the "church, and next those usages and practices which "though perhaps in themselves innocuous, they "judged were auxiliary by their abuse, to superstition "and the maintenance of error; in a word, that "our reformers intended, so far as they had the "means or knowledge, to reform the church in "doctrine and practice, according to Scripture and "apostolical example."—(Moore's Report, p. 47.)

Having now, my Lord, concluded my observations upon the Acts of Uniformity, I will proceed to consider the subject of elevation.

I submit to your Lordship that the elevation of the elements is a ceremony not appointed by the Acts of Uniformity, and consequently illegal. It is a matter of perfect unimportance what precise object Mr. Mackonochie had in view when he elevated the elements. The mere fact of elevation, such as that which is the subject of the present charge is a violation of the laws ecclesiastical.

(*The Dean of the Arches.*) There are two kinds of elevation I think charged?

(*Mr. Stephens.*) There is only elevation above the head charged.

(*The Dean of the Arches*) I thought there were two.

(*Mr. Stephens.*) Only elevation above the head.

(*Mr. Prideaux.*) Only one that is in the Articles.

(*The Dean of the Arches.*) There is only one charge that I am trying now as to elevation, which is elevation above the head?

(*Mr. Stephens.*) Yes, my Lord, only one under the Articles.

Your Lordship perhaps will bear in mind that throughout the first Prayer Book of Edward VI. there is only one ceremony expressly prohibited. It is in the Communion Service where a rubrical direction is annexed to the prayer of consecration of the elements. It is as follows: "These words before rehearsed are "to be said, turning still to the altar, without any "elevation, or showing the sacrament to the people." The reason of this exception is obvious. The repudiation of the doctrine of transubstantiation was the cardinal point of the Reformation, so far as doctrine was concerned.

It was the test applied by Romanists under Mary, and that which resulted in the martyrdom of our leading Reformers.

What is the object of the elevation of the elements above the head? It is, in point of fact, for the congregation to adore them. In Lyndwood, (page 231, Notes upon a canon of Archbishop Peckham's, 3rd book, 23rd title,) there is this note upon the word "elevation:" "*Ut populus illud adoret.*"

(*The Dean of the Arches.*) What is the date?

(*Mr. Stephens.*) The date of my edition is 1679.

This statement is corroborated by Dr. Rock's Hierurgia, page 100. "Up to the 11th century, the "elevation did not take place until about the end of "the canon. Towards the year 1047 Berengarius "began to broach his errors concerning the Holy "Eucharist. Not only were the heterodox opinions "of this innovator immediately anathematized by "several councils, but the whole Latin church unanimously adopted a ceremonial at the Celebration of "Mass—the elevation—which should at the same "time furnish a most significant condemnation of "the new doctrine of Berengarius, and be an unequivocal and practical profession of faith concerning the real presence of Christ in the Sacrament, "in which bread and wine are transubstantiated into "the body and blood of Jesus, uplifted by the priest, "and adored by the people at the elevation. In the "Greek and eastern churches, the ceremony of the "elevation, which has always been observed by them, "does not take place until just before the Communion."

I will now solicit your Lordship's attention to a book I cited yesterday, called "The Ritual Reason Why," page 121, No. 284. This is the question, "Why does he genuflect after each consecration"? The answer is, "In lowliest worship of our Lord now present under the forms of bread and wine." Page 126, No. 291. "Why does he elevate the "blessed Sacrament after either consecration?—"*Answer.* For two reasons; first as presenting the "sacrifice to the Father, under the separate forms "which represent his soul and body parted in death; "and as showing the Lord's death before the people "by this act, and again as exhibiting to them Christ "really though invisibly present to receive their "homage. In this, the priest imitates St. John "the Baptist who was not content with worshipping "his Lord, but pointed him out to the people, saying, "'Behold the Lamb of God.'" Then at page 160, "What is the Agnus Dei?—*Answer.* It is an anthem "sung by the choir during the communion of the "priest, and is a prayer to our Lord now present on "the altar—the 'Lamb as it had been slain.' The "choir sing thrice, O Lamb of God, that takest away "the sins of the world, have mercy upon us.'"

I propose to refer your Lordship to a book that I ventured to bring under your attention this morning, Dr. Lee's "Directorium Anglicanum." Dr. Lee, as I have already mentioned, has been recently instituted to a Benefice in our church, and in this book will be found what he contends ought to be done in our Protestant churches in respect of elevation during the consecration prayer (pages 59, 60, and 61). Your Lordship will find that the directions are very analogous to those which were considered essentially requisite to carry out the doctrine of Transubstantiation in Rock's Hierurgia. At page 59 Dr. Lee says, "The "celebrant at the consecration prayer inclines humbly, "*extensis manibus.* Before the recital of the words "of institution the celebrant should remove the pall "from the chalice. At the words 'body' and "'blood' he should make a cross over the elements. "At the words 'Who, in the same night,' he should "rest his elbows on the altar, bowing down. The "paten, and also the chalice, are held in the left hand; "the sign of the cross being made with the right "hand. *After* the words 'this is my body which is "given for you,' the 'hostia' should be placed on the "paten, and the celebrant, with his assistants, should "reverently genuflect. Then rising, the celebrant "should at once elevate It with the first finger and "thumb of both hands, for the worship of the faithful, "while he is saying, 'Do this in remembrance of me.' "*After* the words, 'This is my Blood of the New "Testament' he should place the chalice on the "centre of the corporal, and with his assistants, "genuflect again; after which he should in like "manner elevate the chalice with both hands, while "he is saying 'Do this, as oft as ye shall drink it "in remembrance of me.' After the consecration, "the celebrant will keep the fingers and thumbs of "each hand joined until after the ablutions. The lay "assistants at the altar and members of the choir "should be instructed to bow profoundly at the consecration and elevation. It is quite wrong to turn "to the people at the breaking of the bread, lifting up "of the paten, and showing of the cup."

According to the rubric the bread is to be taken into the hands *before* the words "This is my body" have been pronounced; and therefore an elevation at that time cannot be for the purposes of adoration. Again, the taking of the cup is to be *before* the words "took the cup." The priest is to lay his hands on every vessel after the word "this," and before the words "my blood of the New Testament."

My Lord, I cannot reconcile these directions of Dr. Lee in this book which is to set everybody right, with the directions in the rubric. The former are in

strict accordance with the Roman Catholic Service books, but not with the Protestant Prayer Book.

A Pamphlet upon the "Elevation of the Host, a liturgical essay," by Dr. Littledale, who describes himself as a priest of the Church of England, contains the following passage upon the distinctive peculiarity of the ceremony of elevation:—"The "ceremony of the elevation of the wafer and chalice "which takes place in the canon of the mass is to "all outward appearance the most distinctive "peculiarity which marks off the Roman Catholic "ritual of the Holy Eucharist from that employed "by Protestant bodies. The latter have usually a "special place set apart in their places of worship "for their communion. They employ peculiar vessels "for the purpose. They assign the conduct of the "service to some principal minister; they embody "in it the original words of consecration; they hedge "the ordinance round with some tokens of mystery "and reverence. So far, there is a likeness to the pro-"ceedings enjoined by the missal, but the essential "difference which exists is most clearly exhibited by "the total absence of any ceremony resembling that of "elevation, or even distinctly akin to it. The fact "has by no means escaped the observation of contro-"versialists, and much polemical rhetoric has been "spent on the depreciation of the Roman custom. "The results have not been important, for not only "has it continued in full force everywhere in all "churches of the Latin obedience, but it has made its "appearance in many of those Anglican shrines where "the ritual movement of the last quarter of a century "has made itself prominently felt."

In the Communion Office of 1549, the elevation of the elements was forbidden.—"These words are to be "said without any elevation or shewing to the people." After the first Prayer Book of Edward VI. it was not deemed requisite to insert this particular prohibition in the subsequent Prayer Books. No directions, however, were given to the minister to perform this ceremony, and consequently he could not perform it without the introduction of a ceremony not directed by the Legislature.

The most conclusive evidence that the prohibition of elevation was omitted in Edward VI.'s second book merely because everyone then understood that all ceremonies not mentioned in the Prayer Book were prohibited, and not with any intention of repealing the prohibition as has been alleged, is afforded by the XXVIIIth Article originally drawn up as the XXIXth Article in 1552, about the same time as Edward's second book. It is set out in 1 Cardwell's Synodalia (page 29.) "Transubstantiation, or the "change of the substance of bread and wine into "the substance of Christ's body and blood, cannot "be proved by Holy Writ, but is repugnant to the "plain words of Scripture, and hath given occasion "to many superstitions.

"Forasmuch as the truth of man's nature requireth "that the body of one and the self same man cannot "be at one time in divers places but must needs be "in some one certain place, therefore the body of "Christ cannot be present at one time in many and "divers places. And because (as Holy Scripture doth "teach) Christ was taken up into heaven, and there "shall continue unto the end of the world, a faithful "man ought not either to believe or openly to confess "the real and bodily presence (as they term it) of "Christ's flesh and blood in the sacrament of the "Lord's Supper.

"The sacrament of the Lord's Supper was not "commanded by Christ's ordinance to be kept, "carried about, lifted up, nor worshipped."

(*The Dean of the Arches.*) Is it "real *and* bodily presence," or "real *or* bodily presence"?

(*Mr. Stephens.*) "Real and bodily presence." I will now direct your Lordship's attention to the XXVth Article.

(*The Dean of the Arches.*) I do not know what articles you are referring to. The date of the present "Articles of Religion" is 1571.

(*Mr. Stephens.*) I am now about to refer to the present "Articles of Religion." The XXVth Article declares that "Sacraments ordained of Christ be "not only badges or tokens of Christian men's pro-"fession, but rather they be certain sure witnesses and "effectual signs of grace, and God's good will towards "us, by the which he doth work invisibly in us, and "doth not only quicken but also strengthen and "confirm our faith in him.

"There are two sacraments ordained of Christ our "Lord in the gospel, that is to say, Baptism and the "Supper of the Lord.

"Those five commonly called sacraments, that is to "say, Confirmation, Penance, Orders, Matrimony, and "Extreme Unction, are not to be counted for sacra-"ments of the gospel, being such as have grown partly "of the corrupt following of the apostles, partly are "states of life allowed in the Scriptures, but yet "have not like nature of sacraments with Baptism and "the Lord's Supper, for that they have not any visible "sign or ceremony ordained of God.

"The sacraments were not ordained of Christ to be "gazed upon, or to be carried about; but that we "should duly use them. And in such only as worthily "receive the same they have a wholesome effect or "operation; but they that receive them unworthily "purchase to themselves damnation, as Saint Paul "saith."

I will now refer to the XXVIIIth Article, the 2nd paragraph. "Transubstantiation (or the change of "the substance of bread and wine) in the Supper of "the Lord, cannot be proved by Holy Writ, but is "repugnant to the plain words of Scripture, over-"throweth the nature of a sacrament, and hath given "occasion to many superstitions.

"The body of Christ is given, taken, and eaten, in "the Supper only after an heavenly and spiritual "manner. And the mean whereby the body of "Christ is received and eaten in the Supper is "faith. The Sacrament of the Lord's Supper was "not by Christ's ordinance reserved, carried about, "lifted up, or worshipped."

This, my Lord, is in point of fact treating it as an axiom that the use of a sacrament in any mode not ordained by Christ, was wrong.

Our reformers placed these salutary guards upon Transubstantiation in order to prevent the occurrence in the Protestant Church of those awful abuses that existed and do still exist in the Church of Rome upon the subject.

(*The Dean of the Arches.*) Do you read that last paragraph as a prohibition, "The Sacrament of the "Lord's Supper was not by Christ's ordinance re-"served, carried about, lifted up, or worshipped?"

(*Mr. Stephens.*) Certainly I do. If it be lawful to elevate because not forbidden, is it lawful also to worship? Or if the latter be held to be forbidden by the Article, then the former must be so, for they stand in the same clause.

Elevation is a ceremony; and no clergyman has a right to use any ceremony not appointed by the Book of Common Prayer, or which is not set forth by public authority. In 1 Cardwell's Documentary Annals, "(page 93,) Bishop Ridley ordered "that the minister "do use only the ceremonies and gestures appointed "by the Book of Common Prayer, and none other, so "that there do not appear in them any counterfeiting "of the Popish Mass."

Can any one doubt that the elevating of the elements above the head is anything more or less than the counterfeiting of the Popish Mass?

In the same page of Cardwell there is likewise another very important passage in which Bishop Ridley forbids "shewing the sacrament openly before the "distribution or making any elevation thereof, ringing "of the sacrying bell, or setting any light upon the "Lord's board."

In that admonition to which I have referred your Lordship "no parson . . shall innovate or alter any "thing in the Church, or use any old rite or ceremony

" which is not set forth by public authority" (1 Cardwell, Doc. Ann. 316).

In Grindal's' Injunctions of 1571 ("Grindal's Remains," p. 124), it is directed, "Ye shall not " deliver the Communion bread unto the people into " their mouths, but unto their hands ; nor shall use at " the ministration of the Communion any gestures, " rites or ceremonies not appointed by the Book of " Common Prayer, as crossing or breathing over the " sacramental bread and wine, nor any showing or " lifting up of the same to the people, to be by them " worshipped and adored, nor any such like; nor " shall use any oil or chrism, tapers, spattle, or any " other Popish ceremony in the ministration of the " Sacrament of Baptism."

The writings of Becon and Bishop Jewel in the time of Elizabeth, and of Bishop Cosin, shortly before the Restoration, and of Bishop Bull in the time of Anne —illustrate how utterly inconsistent the "elevation of the elements" is with the views of Protestant divines, and how obnoxious the ceremony of "elevation" has been considered at various periods of our Reformation History.

(*The Dean of the Arches.*) Before you leave this subject, of course, whenever it is convenient, you will consider the answer which is put in to the fact alleged of the elevation. You are now dealing with the charge of elevation. There is an answer put in upon that subject as to the fact, as to the amount of the elevation, and as to the time when it took place, and when it was discontinued. I do not mean to interrupt the citation of your authorities, but before you leave the charge altogether. you will probably think it right to notice that. You can go on with your course now and you will perhaps consider it to-morrow.

(*Mr. Stephens.*) I will deal with that to-morrow. It would equally apply to incense.

(*The Dean of the Arches.*) only suggested it that it should not escape your memory.

(*Mr. Stephens.*) I am obliged to your Lordship, but it has not escaped my memory. The Defendant commits the illegal act of elevation in December 1866, then issues a pamphlet and says, I give it up, not because I think it unlawful. On the contrary, I think it lawful, and I think it is the right of my parishioners to have this elevation. And then, in answer to the Articles, he alleges that the elevation complained of is lawful. Really, my Lord, I do not think it is requisite to trespass upon the attention of your Lordship any further upon that point. There is no legal condonation in this case.

(*The Dean of the Arches.*) Well, deal with it as you like. It is not a question that the Court could leave wholly unnoticed, therefore I mentioned it to you.

(*Mr. Stephens.*) I am very much indebted to your Lordship.

In Becon's Works, ("Prayers and other Pieces of Thomas Becon," page 359: Parker Society's edition,) it is said, "The massmonger doth utterly abuse those " holy mysteries, while he in his most abominable " mass lift them up as the Calf of Aharon, according " to the decree of Pope Honorius III., and sheweth " them to the people both to be gazed upon and to be " worshipped ; which thing, what other is it than to " speak unto them that are present on this wise— " Behold your Maker ; down upon your marrowbones " before this your God ; reverence Him, worship Him, " honour Him, call upon Him, offer sacrifice unto Him, " give thanks unto Him ?" . . . "Thou shalt " worship the Lord thy God and Him alone shalt thou " serve. Verily our Saviour Christ did not institute " those godly mysteries that we should worship them, " but that we should eat and drink them for a " remembrance of his death. 'Take,' saith he, 'eat,' " drink.'"

In the works of Bishop Jewel, [Sermon and Harding, p. 10,] there is a passage illustrative of the present subject. It is from his sermon on the Lord's Supper preached at Paul's Cross in 1560. He says, "The " fourth matter that remaineth to be touched is " the adoration, a great matter full of danger, and " full of jeopardy and so much the more dangerous, " for that it is an honour only belonging unto God, " and yet without any warrant of God's word. Christ " that best knew what ought to be done herein when " he ordained and delivered the Sacrament of His " body and blood, gave no commandment that any man " should fall down to it or worship it. St. Paul that " took the Sacrament at Christ's hand, and, as he had " taken it, delivered it to the Corinthians, never willed " adoration or godly honour to be given unto it. " The old doctors and holy fathers of the Church, " St. Cyprian, St. Chrysostom, St. Ambrose, St. " Hierome, St. Augustine, and others that received " the Sacrament of the apostles hands, and (as it may " be thought) continued the same in such sort as " they had received it, never made mention in any " of all their books of adoring or worshipping the " Sacrament. It is a very new device, and as it is " well known, came but lately into the Church." . . . "Once again I say, for the space of a thousand " and two hundred years after Christ's ascension into " heaven, this worshipping of the sacrament was " never known or practised in any place within the " whole Catholic Church of Christ throughout the " whole world."

I now propose to read a passage from 5 Cosin's Works, "Notes on the Book of Common Prayer," page 340.

(*The Dean of the Arches.*) When do you say those notes were made ?

(*Mr. Stephens.*) I will give your Lordship an explanation.

(*The Dean of the Arches.*) You do not touch upon that now ?

(*Mr. Stephens.*) Not now, I intend to touch upon it when I come to the question of lights. I shall not forget to comment upon those notes.

What I am going to read is a commentary on the words, "Took bread . . . took the cup." "At " these words the priest was appointed by the first li- " turgy set forth in the second year of King Edward VI, " to take the bread and cup into his hands (which is " still observed among us), but he was not appointed " to make any elevation of them, as the new Roman " Catholics do at their mass where the priest saying " *Hoc est Corpus meum* suddenly lifts up the wafer " over his head, and afterwards the chalice ; that the " people may all fall down upon their knees and " worship them, which rite neither we, nor any of " the Reformed or Protestant churches observe, but " (in regard to the peril of idolatry) have wholly " omitted."

I am now about to cite from the 4 volume of Cosin, p. 334. He is treating on "Differences in Religion " between England and Rome." I will read from the 13th paragraph: "That all the ceremonies used by the " Roman church in the administration of the sacra- " ments (such as are spittle and salt at baptism, the " five crosses upon the altar and sacrament of the " Eucharist, the holding of that sacrament over the " priest's head to be adored, the exposing of it in " their churches to be worshipped by the people, the " circumgestation and carrying of it abroad in " procession upon their Corpus Christi Day, and to " their sick for the same, the oil and chrism in con- " firmation, the anointing of the ears, the eyes, and " noses, the hands and reins of those that are ready to " die, the giving of an empty chalice and paten to " them that are to be ordained priests, and many " others of this nature now in use with them) are of " necessity to salvation to be approved and admitted " by all other churches. . . . . " All which, in their several respects, we hold, some " to be pernicious, some unnecessary, many false, and " many fond, and none of them to be imposed upon " any church, or any Christian, as the Roman " Catholics do upon all Christians and all churches " whatsoever, for matters needful to be approved for " eternal salvation." It will be perceived that even Cosin speaks of the holding of the sacrament over the priest's head to be adored, as not one of the doctrines of the Church of England.

(*The Dean of the Arches.*) Elevation is charged but not adoring.

(*Mr. Prideaux.*) There is no charge of adoring, and there is no question of doctrine, as I understand it, at all.

(*The Dean of the Arches.*) The charge is "elevating " to a greater degree than necessary." Those are the words of your Articles.

(*Mr. Prideaux.*) My Lord, we are not come here to defend the great Catholic doctrine of the worship of the Redeemer in the Eucharist. The Article simply charges elevation above the head.

(*The Dean of the Arches.*) It is very important that we should be clear upon this. The amended Articles are here, and to prevent mistake I will just read from the amended Articles what relates to this question of elevation. That Mr. Mackonochie (I need not read the dates)—"During the Prayer of " Consecration in the order of the administration " of the Holy Communion elevated the paten above " his head and permitted and sanctioned such " elevation and took into his hands the cup and " elevated it above his head during the Prayer of " Consecration aforesaid, and permitted and sanc- " tioned the cup to be so taken and elevated and " knelt or prostrated himself before the consecrated " elements during the Prayer of Consecration, and " permitted and sanctioned such kneeling or pros- " trating by other clerks in Holy Orders. That " such elevation of the paten and such taking and " elevation of the cup, and such kneeling and pros- " trating are severally unlawful additions to, and " variations from the form and order prescribed," and so forth.

(*Mr. Stephens.*) My Lord, I shall first prove the elevation, and I shall then contend, that adoration is a consequence of that elevation.

(*The Dean of the Arches.*) Of course it is competent for you to argue the one must necessarily follow the other. But it is not the charge against Mr. Mackonochie as I read it. Just look at the Letters of Request ; " By the elevation of the paten " during or after the prayer of consecration in the " order for the administration of the Holy Com- " munion in his said parish church, in a greater " degree and otherwise than by merely taking the " same into his hands, as prescribed by the Book of " Common Prayer, and in a greater degree than is " necessary in order to conform with the require- " ments of such book, and by permitting and sanc- " tioning such elevation, and by the taking into " his hands and elevating the cup during or after the " prayer of consecration aforesaid, contrary to the " said Book of Common Prayer, and by permitting " and sanctioning such taking and elevating and " by bowing, kneeling, or prostrating himself before " the consecrated elements." Those are the charges and you cannot go beyond them.

(*Mr. Stephens.*) The Defendant has had recourse to elevation. Having done that act, I as a matter of comment have a right to put my own construction in reference to the object of such elevation.

(*The Dean of the Arches.*) You have a right to say that elevation could only be for one purpose ; only he is not charged with that.

(*Mr. Stephens.*) My Lord, I commenced my argument on this point with the quotation from Lyndwood, "Ut populus illud adoret," and that is the object of elevation and no other.

(*The Dean of the Arches.*) At the same time, remember that he is not charged with adoration.

(*Mr. Stephens.*) I shall be perfectly satisfied if I establish the elevation above the head.

Now, my Lord, in a work entitled " The Corruptions " of the Church of Rome," by Dr. Bull, late bishop of St. David's,—I am reading from the edition of 1851, published by the Society for the Promotion of Christian Knowledge.

(*The Dean of the Arches.*) Is that an essay or is it a bit of a sermon, or anything of that sort ?

(*Mr. Stephens.*) It appears in the preface that this compilation was first published in 1705, by Dr. Hicks, in Bishop Bull's own lifetime, and there is no trace of Bishop Bull ever having disowned it, that I am aware of.

(*The Dean of the Arches.*) I believe Dr. Hicks was a non-juror ?

(*Mr. Stephens.*) He was, my Lord.

(*The Dean of the Arches.*) What you are going to read will be found in his works, no doubt. If you will make use of it as part of your argument, I will find it by-and-by.

(*Mr. Stephens.*) I am reading from page 89 of the pamphlet : " But the worst ceremony of all is the " elevation of the Host to be adored by the people, as " very Christ Himself, under the appearance of bread, " whole Christ, God, and man, while they neglect " the old ' Sursum Corda,' the lifting up their hearts " to Heaven where whole Christ indeed is. A practice " this is, which nothing can excuse from the grossest " idolatry, but their gross stupidity, or rather infatua- " tion, in thinking that a piece of bread can by any " means whatsoever, or however consecrated and " blessed, become their very God and Saviour, a " very sad excuse indeed."

(*Mr. Droop.*) I believe, my Lord, that this quotation is not in the Anglo-Catholic edition of Bull's works. It may save your Lordship's time if I mention that.

(*The Dean of the Arches.*) There are several editions of Bull's works.

(*Mr. Droop.*) I only say the passage is not, I think, in the Anglo-Catholic edition. I have searched for it there.

(*The Dean of the Arches.*) You mean to say it is doubtful whether Bull wrote it ?

(*Mr. Droop.*) Oh no.

(*The Dean of the Arches.*) At all events I can look at the pamphlet, *Valeat quantum.* It will go with the other authorities.

(*Mr. Stephens.*) I will now again refer to Bishop Ridley's works, page 401, "In the stead of the " Lord's holy table they give the people with much " solemn disguising, a thing which they call their " mass, but in deed and in truth it is a very " masking and mockery of the true supper of the " Lord, or rather I may call it a crafty juggling, " whereby these false thieves and jugglers have " bewitched the minds of the simple people, that " they have brought them from the true worship of " God unto pernicious idolatry ; and make them to " believe that to be Christ our Lord and Saviour, " which indeed is neither God nor man, nor hath " any life in itself, but in substance is the creature " of bread and wine, and in use of the Lord's table, " is the Sacrament of Christ's body and blood." And at page 409 commencing with the paragraph "O thou now wicked and bloody see," [London] there are these words, ". . . . . Thy God, which is ' the work of Thy hands, and whom thou sayest " thou hast power to make, that thy deaf and dumb " God (I say) will not indeed nor cannot (although " thou art not ashamed to call Him thy maker) make " thee to escape the revenging hand of the high and " Almighty God."

In 6 Foxe's Actes and Monuments, p. 553, there is a Declaration set forth, dated 8th of May 1554.

(*The Dean of the Arches.*) What is that you are going to cite ? Foxe is not very accurate, you know.

(*Mr. Stephens.*) It is entitled " A copy of a certain " declaration drawn and sent abroad, out of prison, " by Master Bradford, Master Saunders, and divers " other godly preachers," etc. ; and I am going to read the eighth paragraph of this Declaration. " We " confess and believe the Sacraments of Christ, which " be Baptism and the Lord's Supper, that they ought " to be ministered according to the Institution of " Christ, concerning the substantial parts of them : " and that they be no longer sacraments than they " be had in use and used to the end for which they " were instituted. And here we plainly confess that " the mutilation of the Lord's Supper, and the sub- " traction of the one kind from the lay people is anti- " Christian. And so is the doctrine of transubstantia-

" tion of the sacramental bread and wine after the " words of consecration as they be called. Item the " reservation and carrying about of the same. Item " the mass to be a propitiary sacrifice for the quick " and dead, or a work that pleaseth God."

In the first book of Edward VI., a whole series of prayers are interspersed between the consecration and the receiving of the elements. In Shipley's Liturgies, p. XII. and pp. 53 and 65, we find that these prayers were interposed, first, " Oblation of Sacrifice," " Lord's Prayer," " Pax Domini," " Christ our Paschal Lamb," " Invitation," " Confession," " Absolution," " Comfortable Words," and " Prayer of humble Access."

In the second book of Edward VI. and in the book of 1662, the receiving of the elements immediately follows the consecration prayer, all the intermediate prayers being placed before the consecration or after the receiving. As this alteration was simultaneous with the condemnation of worshipping the sacraments in the Articles of 1552, it is highly probable that it was intended to prevent the possibility of any prayers being supposed to be addressed to the Sacrament. In Shipley's Liturgies (p. 66) it is said, " For the same " reason probably, the " 'Agnus Dei,' directed by the " first book to be sung during the Communion was " omitted in the second book."

Bishop Ridley, in his Injunctions which he issued in 1550 (Works, p. 319), prohibits the " saying the " Agnus Dei before the communion, shewing the " sacrament openly before the distribution, or making " any elevation thereof," that is while the consecrated elements were on the communion table.

In the Sarum Missal the Agnus Dei is said by the priest with part of the consecrated wafer in his hand, so that it might easily be regarded as addressed to the presence *in* the Wafer (Walker, 74).

In " The Ritual Reason Why " (page 160), it is " asked, What is the ' Agnus Dei ?' *Answer*: It is an anthem sung " by the choir during the communion of " the priest and is a prayer to our Lord *now* present " on the altar."

In Becon's Prayers (page 278) there is this passage: " Then do ye say the ' Agnus ' which Pope Sergius " also commanded that it should be said at mass, a " little before the receiving of the Host. And here " again ye play the abominable idolaters. For looking " upon the bread, ye look yourselves and worship it, " saying in Latin, ' Agnus Dei qui tollis,' &c. ' O " ' Lamb of God, that taketh away the sins of the " ' world, have mercy upon us.' Thrice do ye call " ' that bread which ye hold in your hands ' the Lamb " ' of God that taketh away the sins of the world.' Oh, " intolerable blasphemy! Was there ever idolater " that worshipped a piece of broken bread for God? " What marvel is it that the Jews, the Turks, and all " other infidels be so loth to come unto the Christian " religion when they see so manifest idolatry com- " mitted. When they behold a piece of a thin wafer " cake honoured for God? Certainly, this abominable " idolatry which ye mass-mongers maintain and " commit at your mass hath been and is the occasion " that innumerable thousands of souls have been and " are daily damned."

In Grindal's Remains, in the " Fruitful Dialogue " between Custom and Verity " (pages 72 and 73), it " stated: " For this word ' Transubstantiation,' " whereby they signify turning of the bread into the " body of Christ, was never neither spoken, neither " heard, neither thought of, among the ancient fathers, " or in the old Church. But about 500 years past, " Pope Nicholas II. in a Council holden at Lateranum, " in Rome, confirmed that opinion of the changing of " bread, and would have made it an article of faith " and placed it in the ' Credo.' After which time " ensued Corpus Christi Day, Masses of Corpus " Christi. Reservation of the Sacrament with honour, " with canopies, with censing, with kneeling, with " worshipping, and adoration, and with so much as " any man could devise. For they thought they could " not do too much to him after that the Bishop of " Rome had allowed him for a God."

" of Popery.

I wish now to refer to Bishop Stillingfleet's Opinion

(*Mr. Prideaux.*) We are not here to defend the popish doctrines.

(*Mr. Stephens.*) This, my Lord, is Bishop Stillingfleet's opinion of popery. It is an edition edited by Dr. Goode, Dean of Ripon.

(*Dean of the Arches.*) Does it really bear upon this case what Bishop Stillingfleet's opinion of popery was ?

(*Mr. Prideaux.*) My Lord, we are not here to defend popery.

(*Mr. Stephens.*) I did not say that you were.

(*Dean of the Arches.*) If Mr. Stephens thinks it will further his argument to quote this, I certainly will not stop him.

(*Mr. Stephens.*) I opened the case by saying, and I say it again for my learned friend's edification, that the rites and ceremonies of which we complain, if they symbolize anything, symbolize popery, nothing more, nothing less.

There is only one reference to which I shall now direct your attention on this part of the case. It respects adoration, and it is to shew, that adoration was repudiated even by the innovators among the nonjurors. I refer your Lordship to the fifth volume of Hall's Fragmenta Liturgica (London, 1718), and to the concluding words of the preface, pp. 5, 6 : " Upon the " whole, here is nothing introduced without unex- " ceptionable warrant, nothing of late beginning. Here " is no application to saints or angels, no of images, no " praying the dead out of purgatory, no adoration " worship of the consecrated elements ; nothing that " supposes a corporal presence, either by trans- or con- " substantiation, in short nothing but what is primitive " and agreeable to scripture and practised by the best " recommended and enlightened ages." The reason I have referred to these authorities in reference to adoration, is to establish that the elevation of the elements can be for no other purpose than that of adoration.

There is one observation that I wish to make upon the Directorium Anglicanum. At pages 90, 91, and 89, Dr. Lee has published the Cautels of the Sarum Missal containing various minute directions upon the same subject. These cautels which of course presupposed transubstantiation are found equally suited for carrying out practically the doctrines of the ultraritualists whatever those doctrines may be.

I will now come to a publication called the " Hymnal Noted with an appendix, revised, and greatly enlarged" —the second edition. My Lord, this Hymnal Noted is used in the church of St. Albans.

(*Mr. Prideaux.*) There is no charge against us for using that Hymn Book.

(*Mr. Stephens.*) I am going to quote from it as part of my observations.

(*Dean of the Arches.*) I daresay it is used at St. Alban's, but there is no proof of it.

(*Mr. Prideaux.*) I do not object to my friend reading from the Hymnal Noted, but I do object to his statement that it is used at St. Albans.

(*Dean of the Arches.*) If any specific charge is to be founded upon the book called " The Hymnal Noted," undoubtedly it is not in the Articles before me.

(*Mr. Stephens.*) We accuse Mr. Mackonochie of elevating the elements ; and that the elevation of the elements is for the purpose of adoration.

(*Dean of the Arches.*) I must remind you that he is not charged with adoration ; I shall not try that question.

(*Mr Stephens.*) Still I have a right to show the object of the elevation.

(*Dean of the Arches.*) You have a right to say, if you think it expedient, not only that there was elevation, but that that elevation must have been for certain purposes. I cannot restrict you in any argument you like to use of that kind, but what I say distinctly and positively is that I am not sitting here under these Articles to try any question of adoration of the Holy Communion.

(*Mr. Stephens.*) What I understand your Lordship has to try is the question of elevation ?

(*The Dean of the Arches.*) Certainly.

(*Mr. Stephens.*) Then I adduce arguments to show that it is for the purpose of adoration.

(*The Dean of the Arches.*) You charge Mr. Mackonochie with elevating and adoring. That charge should have found its way into the Letters of Request and the Articles.

(*Mr. Stephens.*) I want to show what is meant by the word "elevation." It is a Roman Catholic practice.

(*The Dean of the Arches.*) I can say no more. Any evidence to show that elevation is contrary to the statutes and do ctrines and teaching of the Chnrch of England I will listen to as long as you like. Any argument to show that elevation was rejected by the Church of England because it necessarily led to Roman error is of course quite legitimate, but if the argument is to be that Mr. Mackonochie must have adored because he elevated, then I do not see why you do not charge him with adoration as well as with elevation.

(*Mr. Stephens.*) I want to refer to the "Hymnal Noted," for the purpose of showing the practical meaning of the word "elevation."

(*Mr. Prideaux.*) I do not object to my friend referring to the "Hymnal Noted," but I object to his statement that this is used at St. Albans.

(*The Dean of the Arches.*) There is no evidence of it.

(*Mr. Stephens.*) This is the "Hymnal Noted," published by Mr. Palmer.

(*The Dean of the Arches.*) You are perfectly aware that it is not proved that it is used at St. Albans. You can prove it if you like. There is plenty of time to prove it, if you like to do so?

(*Mr. Stephens.*) I need not take the trouble of proving it. I only use the book to illustrate what is meant by the word "elevation." That is the way in which I propose to use it.

(*The Dean of the Arches.*) I am quite willing to hear you at any length to which you like to go?

(*Mr. Stephens.*) I am much indebted to your Lordship.

In this "Hymnal Noted," there are 12 Hymns on the Eucharist Nos. 211–222, and all except No. 220 are to be found either verbatim or in a different translation from the same Latin Original, in the "Crown of Jesus," a Roman Catholic book of devotions with which I have no doubt your Lordship is familiar.

(*The Dean of the Arches.*) I never saw it in my life.

(*Mr. Stephens.*) I beg your Lordship's pardon. This is a Roman Catholic Book of Devotions recommended by Cardinal Wiseman and other Roman Catholic archbishops and bishops.

(*The Dean of the Arches.*) I have no connexion with Cardinal Wiseman or the other bishops.

(*Mr. Stephens.*) I will then give your Lordship a short abstract of this valuable publication. In the "Hymnal Noted," which I hold in my hand, Nos. 211, 212, 213, and 216 are to be found in the "Crown of Jesus," at pages 662, 663, 652, and 664. They are all in the "Crown of Jesus," appropriated to the Exposition of and Benediction with the Reserved Sacrament. Nos. 218 and 219, in *The Hymnal Noted*, will be found in the "Crown of Jesus," at pages 649 and 651, and are appropriated to a procession of the Sacrament. In the St. Albans Hymnal, No. 214, will be found at page 2 of the "Crown of Jesus," and is part of an act of spiritual communion addressed to "the "Saviour present within the tabernacle on the altar," and to which an indulgence of 100 days is promised. Nos. 215 and 217 in the St. Alban's Hymnal correspond with the hymns in the "Crown of Jesus," pages 587 and 586. Those are hymns to the Sacrament. Nos. 221 and 222 in the St. Alban's Hymnal will be found at pages 181 and 182 in the "Crown of Jesus" at Hearing Mass.

Now, my Lord, I will read the first verse of No. 215, at page 223 of the Hymnal Noted:

"Hail, Thou living Bread from Heaven,
Sacrament of awful might!
I adore Thee—I adore Thee
Every moment, day and night."

I submit, my Lord, that that language wherever it is to be found, is in direct violation of the 28th Article, not only in spirit but in the letter.

In No. 216 of the "Hymnal Noted," page 223,—

"Prostrate I adore Thee, Deity unseen,
Who Thy glory hidest, 'neath these shadows mean."

(*Mr. Prideaux.*) I do not like to interrupt, but I cannot see the connexion between this and the charge of elevation.

(*Dean of the Arches.*) I see none, but if Mr. Stephens likes to make it part of his argument he can do so.

(*Mr. Stephens.*) What is the reason of "elevation" as laid down in Lyndwood? "Ut populus illud adoret," and I make these hymns part of my observations to show the meaning that is attached to "elevation" by the congregation at St. Albans! It is impossible to deny that these hymns in their primary and literal meaning involve: first, the doctrine of transubstantiation; secondly, the adoration of the elements; doctrines contrary to the formularies of the Church of England. This is not surprising, because these hymns, as I have mentioned to your Lordship, were for the use of the Church of Rome which holds those doctrines.

Adjourned to to-morrow at 10 o'clock.

THIRD DAY.

Friday, December 6, 1867.

(*Mr. Stephens.*) Your Lordship did me the favour yesterday of directing my attention to the statement that Mr. Mackonochie had discontinued the practice of elevation since 1866. That is the elevation above the head.

(*The Dean of the Arches.*) Yes.

(*Mr. Stephens.*) I will now direct your Lordship's attention to the third article.

(*The Dean of the Arches.*) Read the article.

(*Mr. Stephens.*) I will do so. I had prepared an abstract to save the time of the Court. The 3rd Article is, "That the said Alexander Heriot "Mackonochie has in his said church, and within "two years last past (to wit, on Sunday the 23rd "day of December, on Christmas Day last past, "and on Sunday the 30th day of December, all in "the year of our Lord 1866), during the Prayer of "Consecration, in the order of the administration of "the Holy Communion, elevated the paten above "his head, and permitted and sanctioned such ele-"vation; and taken into his hands the cup, and "elevated it above his head during the Prayer of "Consecration aforesaid; and permitted and sanc-"tioned the cup to be so taken and elevated; and "knelt or prostrated himself before the consecrated "elements during the Prayer of Consecration, and "permitted and sanctioned such kneeling or prostrat-"ing by other clerks in Holy Orders."

(*The Dean of the Arches.*) That is the recital; and it goes on in the 4th paragraph, "That such "elevation of the paten, and such taking and eleva-"tion of the cup, and such kneeling and prostrating,

" are severally unlawful additions to and variations " from the form and order prescribed and appointed " by the said statutes and by the said Book of Com- " mon Prayer and administration of the sacraments " and other rites and ceremonies of the Church and " are contrary to the said statutes, and to the said " 14th, 36th and 38th of the said constitutions and " canons, and also to an Act of Parliament passed in " a session of Parliament holden in the 13th year of " Queen Elizabeth, Chapter 12, and to the 25th and " 28th of the Articles of Religion herein referred to." Now read the 3rd Article of the Plea. You need not read the earlier part of it reciting your charge.

(*Mr. Stephens.*) That is in the 3rd paragraph of the Responsive Allegations.

(*The Dean of the Arches.*) Go to the words "Now " the same is in part untruly pleaded."

(*Mr. Stephens.*) "For the party proponent alleges " that whilst he admits that the said Alexander " Heriot Mackonochie did on the said two Sundays " and on Christmas Day during the Prayer of Con- " secration kneel, and sanction kneeling by other " clerks before the Lord's table, he denies that his " said party did, on the said two Sundays and on " the said Christmas Day, kneel or prostrate him- " self before the consecrated elements, or permit and " sanction such kneeling or prostration by other " clerks in holy orders, as in the 3rd article " pleaded: And he further alleges that whilst he " admits that he did, on the said two Sundays and " Christmas Day in the said 3rd article mentioned, " elevate and sanction the elevation by other clerks " of the paten and cup above his head, as in the said " 3rd article pleaded, yet that such elevation of the " paten and cup has been wholly discontinued by the " said Alexander Heriot Mackonochie during the " administration of the Holy Communion ever since " the said 30th day of December 1866, and long " prior to the institution of this suit. That such " practice was discontinued in consequence of legal " advice, and in compliance with the expressed wish " of the Lord Bishop of the diocese of London and " with a resolution of Convocation, as was well " known to the promoter of this suit before he insti- " tuted the same." Does your Lordship wish me to read any more?

(*The Dean of the Arches.*) No. That is the answer. We have got the charge and the answer now.

(*Mr. Stephens.*) Yes.

(*Mr. Prideaux.*) I ask whether my learned friend admits the allegation that the practice has been discontinued as stated in the answer.

(*Mr. Stephens.*) What I have stated is, that the elevation of the paten and the cup above the head of the minister was discontinued at the end of 1866.

(*Mr. Prideaux.*) That is to say, the 30th of December.

(*Mr. Stephens.*) Yes, immediately anterior to the 1st of January 1867.

(*Mr. Prideaux.*) Very well.

(*The Dean of the Arches.*) It is admitted by the counsel for the promoter of the office of the Judge on this occasion that this peculiar kind of elevation, namely, the elevation above the head, was discontinued after the 30th of December 1866, and no more is admitted.

(*Mr. Stephens.*) I was about to state that Mr. Mackonochie, at the time of discontinuing the elevation of the paten and cup, and the censing of persons and things, issued an address to his parishioners, explaining why he discontinued such practices. There can be no doubt as to that address, because it is annexed to the articles.

(*The Dean of the Arches.*) I suppose it is not disputed that that is the address of Mr. Mackonochie.

(*Mr. Prideaux.*) No, my Lord, certainly not.

(*Mr. Stephens.*) In this address Mr. Mackonochie states that he discontinued these practices under protest; that he believes them to be legal, and the right of the congregation, and that he cannot regard their relinquishment as more than temporary.

(*The Dean of the Arches.*) Have you got a loose copy of the address there? (*A copy was handed to the Court.*)

(*Mr. Stephens.*) If your Lordship will turn to page 2, seven lines from the end of the page, commencing with the word "Moreover," after referring to the Report of the Committee of the Lower House of Convocation, and to the legal opinion obtained by the English Church Union, Mr. Mackonochie states: —"Moreover, just before the appearance of the legal " opinion, our bishop in his charge appealed to us to " consider what appears to him the error of our " course, referring especially to the then expected " legal opinion. All these considerations (but espe- " cially the wish of the bishop and the opinion of " Convocation) have moved me, after consultation " with other parish priests, to make such alterations " as will bring our service into harmony with the " expressed wishes of the Lower House of Convoca- " tion. These will consist in discontinuing the use " of incense for 'censing persons and things,' and " in discontinuing the elevation of the blessed sacra- " ment as at present practised. I must tell you, for " your own satisfaction, that the less obtrusive ele- " vation indicated in the words of the Prayer Book, " 'Here the priest is to take the paten into his hand,' " and 'Here he is to take the cup into his hand,' " is quite sufficient for the ritual purpose, that, " namely, of making the oblation of the holy " sacrifice to God. The use of incense will now " be discontinued at the introit, gospel, and offer- " tory. Before the consecration prayer the censer " will be brought in. At the consecration incense " will be put into it by the thurifer, but it will " not be used, as at present, for 'censing persons " and things.' This is a mode of using incense " allowed by the ecclesiastical opinion, and not dis- " allowed by the legal one. I give them up under " protest,"—[your Lordship will find that the words " under protest" are in a different type from the rest of the page]—"in deference to the remonstrance of " the bishop, and the expressed wish of the Lower " House of Convocation; but personally, I believe, " as I believed then, that they are legal, and your " right. I must add, that I cannot regard their re- " linquishment as more than temporary."

If Mr. Mackonochie had admitted that the practices he discontinued were illegal, and had promised that they would be permanently discontinued, there might have been some hardship in taking proceedings against him; but Mr. Mackonochie asserts that those practices of which we complain are legal, that they are the right of his congregation, and he has taken issue with us upon their legality.

I have no doubt my learned friends will comment upon this in their reply, in order to prove the hardship of the present proceedings against Mr. Mackonochie; but your Lordship will bear in mind that we ask for no punishment of Mr. Mackonochie beyond that of admonition.

It would be an idle waste of your Lordship's time if I were to enter into a discussion as to whether Mr. Mackonochie, by the publication of the address to his parishioners, has condoned his offence. If a clergyman for a series of years has been guilty of illegal practices, and the very moment he hears that proceedings are about to be instituted against him for such illegalities, writes an address such as the defendant in this case has done, it would be absurd to contend that that would be a condonation of his offence. Such a defence would be exactly worth the price of this address, namely, *one* penny.

With your permission, my Lord, I will now resume my argument in reference to the question of Elevation, which will, I trust, be concluded in the course of a very short period of time. May I respectfully solicit your Lordship to read the notes of the evidence of the Reverend Mr. Malin? Your Lordship is aware, that in making this application the notes of Counsel are

of no authority, and that the highest authority are the notes of the Judge.

(*The Dean of the Arches.*) The Rev. Henry Malin said "he lived at Blackheath, and he attended St. " Alban's Church. He was there on the 30th of " December and the 13th of January last. Mackono- " chie did not consecrate on the 13th of January; " he was present assisting at the altar. Immediately " after the consecration of the bread, there was a " pause; the paten was elevated above the head of " the consecrating clerk" (I think he said "clergy- man" and I took it down as "clerk" for a shorter word). " Some of the clergy were already kneeling, " and they threw their bodies forward. This was " in the middle of the pause. The consecrating clerk " afterwards knelt. This was in the middle of the " prayer. Mackonochie afterwards administered the " cup. I am speaking of a year ago. After kneeling " he went on with the rest of the prayer. It was a " very appreciable or perceptible time, a decidedly " marked pause. He did the same with respect to " the chalice, elevated it above his head, with the " same prostration afterwards. The elevation was " after the act of consecration."

(*Mr. Stephens.*) That is sufficient, my Lord.

(*The Dean of the Arches.*) " The chalice was " placed on the table." I must read the cross-examination by Mr. Prideaux. " I feel sure it was almost " contemporaneously, not precisely immediately after- " wards; and so with the cup, it was a similar act. " I believe I was kneeling, I am not certain; it is " my practice when not assisting to kneel during the " prayer of consecration. Of course I kneel when I " communicate. I kneel when I celebrate myself, " receiving the sacred elements. There was a some- " what excessive bend forward—a very excessive " bending forward." Then he says, in answer to a question that I put to him, whether the face was prostrated so as to touch the ground, "I cannot say; " I was some way behind them all the time."

(*Mr. Stephens.*) I am much indebted to your Lordship.

In the Responsive Allegation, paragraph 3, Mr. Mackonochie admits kneeling before the Lord's table during the prayer of consecration; he denies kneeling or prostrating himself before the consecrated elements; but from the evidence taken on Wednesday it appears, that kneeling took place after the elements had been consecrated.

Whatever may be the object of that kneeling, it was an additional ceremony not prescribed by the Book of Common Prayer. I care not for the object as regards the purposes of this immediate argument. Throughout the Prayer Book, and especially throughout the Communion service, there are express provisions as to the minister's attitude, directing when he is to stand, when he is to kneel, when he is to turn to the people, and when he is to turn to the Communion table. Therefore, if the Legislature had intended that the minister should kneel or prostrate himself, or stand up again, at other parts of the communion service, it would have been expressly directed.

(*The Dean of the Arches.*) You are arguing upon this part as to these directions (it is necessary that I should understand it), as to the position of the clergyman kneeling, standing, and so on. Are you arguing that they are obligatory or directory, because there is a distinction between the two?

(*Mr. Stephens.*) What I am arguing is this, that they are not discretionary, but obligatory.

(*The Dean of the Arches.*) Not merely directions, but obligatory.

(*Mr. Stephens.*) When an Act of Parliament says anything shall be done, it is obligatory, and it is not left to the discretion of any man, be he whom he may, to deviate from the strict language of the statute law.

I will respectfully direct your Lordship's attention to the rubric belonging to the prayer immediately before the consecration prayer in the office of the communion: " Then shall the priest, *kneeling* down " at the Lord's table, say in the name of all them " that shall receive the communion this prayer " following." The rubric before the consecration prayer is, " When the priest *standing* before the table " hath so ordered the bread and wine." Here the Priest is to stand before the table, and there is no subsequent direction in the consecration prayer for him to kneel.

(*The Dean of the Arches.*) Of course your argument is that, as there is no subsequent direction, he has no option.

(*Mr. Stephens.*) Of course, my Lord, no option; that is to say, with regard to kneeling during the consecration prayer.

(*The Dean of the Arches.*) You say that would be contrary to the rubric.

(*Mr. Stephens.*) Clearly, my Lord. Whatever Mr. Mackonochie's motive for this ceremony of kneeling during the consecration prayer may be, it is undoubtedly susceptible of the interpretation that it is done for the purpose of adoration. How strictly the leading Reformers of the Protestant Church were opposed to kneeling, or otherwise directing any adoration towards the consecrated elements, appears from the passage which I am going to read from Archbishop Cranmer's Works on the Lord's Supper. It is from the Parker Society's edition, and is entitled " The " Works of Archbishop Cranmer on the Lord's " Supper." I am now proposing to read an extract from page 38: " Thus our Saviour Christ, like a most " loving pastor and saviour of our salvation, hath " given us warning beforehand of the perils and " dangers that were to come, and to be wise and ware " that we should not give credit unto such teachers " as would persuade us to worship a piece of bread, " to kneel to it, to nod to it, to creep to it, to follow " it in procession, to lift up our hands to it, to offer " lighted candles to it, to shut it up in a chest or " box, to do all other honour to it that we do unto " God; having always this pretence or excuse for " our idolatry, 'Behold, here is Christ.'"

I will now, my Lord, proceed to the second charge, namely, the use of lighted candles during daylight.

(*The Dean of the Arches.*) Then the discussion upon elevation may be considered to be closed.

(*Mr. Stephens.*) Certainly, my Lord.

I submit to your Lordship, as my first proposition, that lighted candles on the holy table during divine service, when not required for the purpose of giving light, are illegal, and that they have not been authorized by the Acts of Uniformity.

For a considerable period of time lighted candles during daylight have been intimately connected with the rites of the Roman Catholic Church; and before the Reformation, when mass was performed, the use of lighted candles and of tapers universally prevailed.

In Rock's Hierurgia, page 41, will be found a mystic signification given of the lights of the mass: " In " the holy sacrifice of the mass the Christian has the " most abundant cause imaginable for joy. The altar " then becomes the throne of God made man, and " angels and cherubims surround it in prostrate " adoration. The Church, in her primitive days, " to manifest her lively glowing faith and joyfulness, " produced this emblem of lights. She still con- " tinues to retain their use. While these wax tapers, " therefore, proclaim our exultation for the actual " presence of our blessed Redeemer, they typify the " light and glory of the Gospel diffused throughout " the world by that Orient from on high, Christ " Jesus."

I intend, in reference to the use of lights immediately before the Reformation, to state to your Lordship several propositions. I do not refer to all the authorities and to the various canons in support of those propositions, for this reason,—that it would occupy a considerable portion of time; and I merely do so, as introductory of the Injunctions of 1547.

It is necessary to distinguish between the different modes in which lights were used.

The lights required at the mass, and the lights burnt before the reserved sacrament and before relics and images, were altogether distinct. The lights required at mass were enjoined in the Sarum missal, like the lights at baptism; and when the Sarum missal was superseded by the Prayer Book omitting any directions as to tapers, and taper bearers, these ceremonies became illegal.

But the lights referred to in King Edward's Injunctions were lights burnt before the reserved sacrament. The object of King Edward's Injunctions was to prohibit all other lights before the sacrament except the two lights before the reserved sacrament. If the Injunctions of 1547 referred to the lights at mass, it would have been a complete alteration of the existing practice of having lights held by acolytes,—a practice which was enjoined by the Sarum missal,—what would have been the result? It would have been a prohibition of the use of lights.

(*The Dean of the Arches.*) Are you now on the first set of the Injunctions?

(*Mr. Stephens.*) No, I have not come to them. I am only making some prefatory observations respecting lighted candles before the Reformation.

(*The Dean of the Arches.*) I understand.

(*Mr. Stephens.*) If your Lordship at any subsequent period wishes me to argue the question *in extenso* of the different kinds of lights, I am perfectly ready to do so.

(*The Dean of the Arches.*) I quite understand your argument. It appears there were two sets of lights, one burnt before the images, and the other before the holy elements.

(*Mr. Stephens.*) I will now discuss the effect of the Injunctions of 1547. Edward VI. came to the throne on the 28th of January 1547, and the first Book of Common Prayer was not agreed upon until January 1549. In the first year of his reign, certain Ecclesiastical Ordinances or Injunctions were issued, by which, *inter alia*, it was directed "that all deans, archdeacons, parsons, vicars, and other ecclesiastical persons shall faithfully keep and observe" the Injunctions, &c., and the 3rd article of these Injunctions directs that they "shall suffer from henceforth no "torches or candles, tapers or images of wax, to be "set afore any image or picture, but only two lights "upon the high altar before the Sacrament" (1 Cardwell's Doc. Ann., pages 5, 7).

Your Lordship will, perhaps, bear in mind the words, "two lights upon the high altar before the sacrament." There are two conditions for these lights: first, they must be upon the high altar; and, secondly, they must be before the sacrament, that is, before the reserved sacrament, "which, for the signification that Christ is the very true light of the "world, they shall suffer to remain still."

In order to carry out the language of this Injunction the lights depended upon the existence of the altar and the presence of the sacrament. When altars were abolished, and when reservation was abolished, and the Sacrament consequently was not present, what was the result? Why that the lights were *ipso facto* abolished. That "before the sacrament" in these Injunctions of 1547 means the reserved sacrament, appears from comparing their language with that of the Injunctions issued in the reign of Henry VIII. And I may say parenthetically that this language corresponds substantially with the 7th article of the Injunctions of 1538.

In 1 Cardwell's Documentary Annals, page 5, the King says, "That part of them were given unto them "heretofore by authority of his most dearly beloved "father King Henry VIII. of famous memory." What does that paragraph allude to? it alludes to Cromwell's Injunctions of 1536 and 1538; and it may not be unimportant cursorily to consider their general object and effect.

The directions in the Injunctions of 1547, respecting the two lights, were taken from the Injunctions of Cromwell; in fact the greatest part of the Injunctions of 1547 were only a repetition of the Injunctions that had been issued in the reign of Henry VIII., when Cromwell was vicegerent of his ecclesiastical jurisdiction.

At the time when Cromwell's Injunctions were issued, namely, in 1536–38, the doctrine of the Church was defined by the Articles set out by Convocation, and published by the King's authority in 1536. The Formularies of Faith, at page 11 (I am quoting from the Oxford edition of 1825), enunciated the doctrine of the corporal presence. The two sets of Injunctions issued by Cromwell in 1536 and 1538 are to be found in the 5 Foxe's Actes and Monuments (pages 165, 168, edition 1838). The Injunctions of 1538 are likewise to be found in 4 Burnet's History of the Reformation (p. 101, Nares' edition).

With regard to the Injunctions of 1547, the first 19 of them are substantially repetitions of the Injunctions of 1536 and 1538. The 3rd Injunction of 1547 substantially corresponds with the 7th Injunction of 1538 respecting lights. In the 5th vol. of Foxe's Actes and Monuments, page 169, and at the 4th paragraph, your Lordship will find this language: "shall "suffer from henceforth no candles, tapers, or images "of wax to be set before any images or pictures, but "only the light that commonly goeth about the cross "of the church by the rood-loft, and the light before "the sacrament of the altar, and the light about "the sepulchre." Your Lordship will perhaps notice the words, "the light before the sacrament of the altar." Can anything be more clear than that language?

(*The Dean of the Arches.*) It goes on, "which, for "the adorning of the church and divine service, ye "shall suffer to remain."

(*Mr. Stephens.*) I only stopped where I did because I was merely discussing what was the meaning of the "altar," and the meaning of the two lights.

The language in the Injunctions of 1547 respecting the lights is to be found in the Injunctions in the reign of Henry VIII., and at the time when the corporal presence was held.

(*The Dean of the Arches.*) You say these lights were connected with the doctrine of the corporal presence.

(*Mr. Stephens.*) Yes, and I prove it by reference to these Injunctions.

(*The Dean of the Arches.*) I quite understand.

(*Mr. Stephens.*) I submit that the lights before the sacrament in the Injunctions of 1547 correspond with the lights "before the sacrament of the altar" in the Injunctions of Cromwell. It has been denied by a gentleman whose work I have not got here, but I may mention his name, Mr. Chambers.

(*Mr. Prideaux.*) I have his book here,—"Chambers' Lights before the Altar."

(*The Dean of the Arches.*) You are very rash, Mr. Prideaux.

(*Mr. Stephens.*) The Injunctions of Cromwell only allowed one light before the sacrament, but "the light" does not necessarily mean a single candle or lamp; in fact the "light across the rood-loft," the "light of the cross or rood-loft," and "the light about the sepulchre," which are mentioned in these Injunctions, did not consist each of a single candle or lamp.

The Injunctions of Edward VI., it is thought, must necessarily be anti-Roman; that is the hypothesis. But what is the real state of the case? Why, that in 1547 the Act of the Six Articles; and the unreformed mass, including elevation and adoration of the host, were in force. Hence in ordering the removal of candles from before images and shrines in aisles and side chapels, it was only sought to concentrate candle worship "upon the high altar before the sacrament," "where for a time longer they were to be suffered to remain still."

In Moore, page 166, the Judicial Committee in Liddell and Westerton say, "The object of these In-"junctions appears to have been to abolish the worship

" or superstitious veneration of images and relics ; " but they left entirely untouched the service of high " mass, and made no declaration as to the nature of " the Sacrament then administered."

It was not competent in 1547, at the time these Injunctions were issued, for the Crown to have abolished the lights before the Sacrament. The Injunctions of 1547 were in some respects, strange as it may appear, more Popish in their character than the Injunctions of 1538.

I will now refer to the 5th volume of Foxe's Actes and Monuments, page 168. The 3rd Injunction of " 1538 directs, " That ye shall discourage no man " privily or apertly from the reading or hearing of " the said Bible, but shall expressly provoke, stir, and " exhort every person to read the same, as that which " is the very lively Word of God, that every Christian person is bound to embrace, believe, and follow " if he look to be saved ; admonishing them, nevertheless, to avoid all contention and altercation " therein, and to use an honest sobriety in the inquisition of the true sense of the same, and to refer " the explication of the obscure places to men of " higher judgment in Scripture."

The 7th Injunction of 1547, (1 Cardwell's Documentary Annals, page 9,) directs, that the clergy " shall discourage no man authorised and licensed " thereunto from the reading of any part of the Bible, " either in Latin or English." The words in the Injunctions of 1547, " authorised and licensed thereunto," were introduced in obedience to the directions of the 34th and 35th of Henry VIII., chapter 1, section 2, which prohibited women and the lower classes of men from reading the Bible. In fact, wherever we find priest-rule and priest-craft, every possible obstacle is raised against the laity reading the Bible.

I will now refer your Lordship to the 31st of Henry VIII., chapter 14. It will be found in the folio edition of the Statutes of the Realm, page 740. When the Injunctions of 1547 were issued, the " Six Articles Act " was in force, and under that Act the denial of transubstantiation was punishable by death. When the Injunctions of 1547 were issued, " The necessary Doctrine and Erudition of a Christian man " was in force by authority of Parliament. In the " Formularies of Faith," under the title of " Sacrament of the Altar "—(I am citing from the Oxford edition of 1825, at page 262)—this passage will be found, " But in this most high sacrament of the altar, the " creatures which be taken to the use thereof, as " bread and wine, do not remain still in their own " substance, but by the virtue of Christ's word in the " consecration be changed and turned to the very sub- " stance of the body and blood of our Saviour Jesu " Christ."

This passage proves that transubstantiation was then the doctrine of the Church ; consequently Edward VI. could not by virtue of his prerogative have prohibited the placing of lights before the sacrament.

What was the object of these two lights upon the high altar before the sacrament ? It was a mode of showing adoration to the sacrament which had been previously adopted in showing adoration to images. That the reserved sacrament was at this time usually hung over the altar, appears from the demands made by the Devonshire rebels in 1549, and from the answer to them by Cranmer.

(*The Dean of the Arches.*) You will find it in Robertson's book.

(*Mr. Stephens.*) Yes ; I have a reference to Robertson.

(*The Dean of the Arches.*) It is in Cranmer's works, vol. 1, page 18, in an edition of Jenkins. That was in the year 1549.

(*Mr. Stephens.*) Yes, my Lord.

I propose to read some of the answers to the 15 articles of the Devonshire rebels in 1549. I refer for that purpose to Cranmer's Remains and Letters (page 172, Parker Society's edition). The 4th article is : " We will have the sacrament hang over the " high altar, and there to be worshipped, as it was " wont to be ; and they which will not thereto con- " sent, we will have them die like heretics against " the holy Catholic Faith." [Such, my Lord, was their religious toleration and Christian charity.]

" What say you, oh ignorant in things pertaining " to God ? Is this the holy Catholic faith, that the " sacrament should be hanged over the altar and " worshipped. And be they heretics that will not " consent thereto ? I pray you, who made this faith ? " Any other but the Bishops of Rome ? And that " more than a thousand years after the faith of Christ " was full and perfect ! Innocent III., about 1215 " years after Christ, did ordain that the sacrament " and chrism should be kept under lock and key ; " but yet no mention is made of hanging the sacra- " ment over the high altar, nor of the worshipping of " it. After him came Honorius III., and he added " further, commanding that the Sacrament shall be " devoutly kept in a clean place sealed, and that the " priest should often teach the people reverendly " to bow down to the host when it was lifted up in " the mass time "—[that is according to the use of S. Alban, my Lord,]—" and when the priest should " carry it to the sick folks. And although this " Honorius added the worshipping of the sacrament, " yet he made no mention of the hanging thereof " over the high altar, as your article proputeth. Nor " how long after or by what means that came first " up into this realm, I think no man can tell. And " in Italy it is not yet used until this day. And in " the beginning of the Church it was not only not " used to be hanged up, but it was also utterly forbid " to be kept up."

It is only by looking at the language of these Injunctions, and the Injunctions passed in the reign of Henry VIII., coupled with the Act of the Six Articles,—that we accurately ascertain the signification assigned to the lights with the sacrament upon the altar and in front of the sacrament there. The signification depends upon the connexion ; and if the connexion be wanting, the signification fails. In Stephens' Ecclesiastical Statutes (page 348), the meaning of the words " before the sacrament " may be further illustrated by referring to the statute of the 1st of Mary, session 2. c. 3.

(*The Dean of the Arches.*) What are you citing from ? Is it a note, or text, or what ?

(*Mr. Stephens.*) From the first volume of Stephens' Ecclesiastical Statutes, page 348.

(*The Dean of the Arches.*) That is the statute of Mary.

(*Mr. Stephens.*) Yes. I am referring your Lordship to chapter 3. section 4. " Or if any person or per- " sons at any time or times after the said 20th day " of December shall contemptuously, unlawfully, or " maliciously, of their own power or authority, pull " down, deface, spoil, abuse, break, or otherwise " irreverently handle or order, the most blessed, com- " fortable, and holy sacrament of the body and blood " of our Saviour Jesus Christ, commonly called the " *sacrament of the altar*, being or that shall be in " any church or chapel, or in any other decent place, " or the *pix or canopy wherein the same sacrament* " *is or shall be.*"

The sacrament here spoken of must be the reserved wafer, as it is spoken of as in a pix under a canopy. In Cranmer's Remains, (Parker Society's Edition, p. 154,) your Lordship will find that his Grace issued Visitation Articles some time after Easter, in 1548.

These Visitation Articles are, for the most part, founded on the King's Injunction of 1547. But Cranmer likewise acts upon the proclamation as to fasting ; the proclamation and letter as to lights on Candlemas day, ashes and palms ; the letter directing all images to be removed ; and the new order of communion.

I will now refer your Lordship to 1 Cardwell's Documentary Annals, page 51.

(*The Dean of the Arches.*) Do not those Injunctions begin at page 43 ?

(*Mr. Stephens.*) They do. But I am proposing to quote from page 49. Your Lordship told me it would be convenient if I cited the page of the work from which I made the quotation.

(*The Dean of the Arches.*) It is a great convenience, no doubt.

(*Mr. Stephens.*) I now intend to cite from Archbishop Cranmer's Enquiries, at page 51: "Whether "ye suffer any torches, candles, tapers, or any other "lights to be in your churches, but only two lights "upon the high altar?" It may seem strange that the words "before the sacrament" should be omitted; but lights were never placed except before images or relics, or before the sacrament; and, as all images were now taken out of the churches, the King's Injunctions could only be disobeyed either by having lights before the sacrament in other parts of the church, or by having more than two lights upon the high altar before the sacrament. The words, "before the sacrament," therefore, became unnecessary.

The Visitation Articles that were issued immediately after the first Act of Uniformity are very important in their character respecting the use of lighted candles; and it will be found, that not the slightest pretence exists for saying that the prelates, when exercising their judicial and episcopal functions, recognised the legality of such lights after the enactment of the first Book of Common Prayer.

(*The Dean of the Arches.*) You say not after the first Book of Common Prayer of Edward the Sixth?

(*Mr. Stephens.*) I assert that the prelates, when exercising their judicial or purely episcopal functions, did not, during the reign of Edward VI., recognise the legality of "lighted candles" after the enactment of the first Book of Common Prayer. And the like observation applies to all the Visitation Articles that have been issued since the reign of Mary, down to the present time.

In 1549, Injunctions were issued by the King's visitors, which was after the first Prayer Book of Edward VI. I now propose to read the first section of those Injunctions, "That all parsons, vicars, and "curates omit in the reading of the Injunctions all "such as make mention of the Popish mass, of "chantries, of candles upon the altar, or any other "such like thing." 1 Cardwell's Documentary Annals, page 74.

(*The Dean of the Arches.*) What Injunctions are referred to there?

(*Mr. Stephens.*) The Injunctions that were issued in the third of Edward VI. The title says, "That "all parsons," &c., "omit in the reading of the "Injunctions."

(*The Dean of the Arches.*) "Omit in the reading of the Injunctions;"—were those words in the Injunction?

(*Mr. Stephens.*) Yes. "Articles to be followed and observed." The Articles are from Johnson's Manuscripts, cited in Burnet's History of the Reformation.

(*The Dean of the Arches.*) My reference is that those words be omitted. I suppose, therefore, that those words were in the Injunctions?

(*Mr. Stephens.*) Of course. Those Injunctions were issued by the Crown or by the Council, they were then communicated to the Archbishop, who afterwards issued Articles in accordance with the Injunctions.

(*The Dean of the Arches.*) Those are the same Injunctions of 1547?

(*Mr. Prideaux.*) Not those requiring candles; the subsequent ones.

(*The Dean of the Arches.*) I had a little difficulty in reconciling the two. As I understood, those Articles you are now reading were issued in 1549; and the words are, "That all persons omit in the reading of the Injunctions" such and such things. I want to know what Injunctions those were. You say the Injunctions of 1547?

(*Mr. Stephens.*) Those were the Injunctions of 1547.

(*The Dean of the Arches.*) Were they?

(*Mr. Stephens.*) That is what I believe.

(*Mr. Prideaux.*) I think there can be no doubt, my Lord, that the Injunctions referred to in the paragraph that my friend has just read mean the Injunctions of 1547. I think there can be no doubt about that.

(*Mr. Stephens.*) Very well. Then you admit that?

(*Mr. Prideaux.*) Yes. There can be no doubt about it.

(*The Dean of the Arches.*) I follow the argument now.

(*Mr. Stephens.*) I will read the note of Cardwell upon this article. "Articles to be followed. Instruc- "tions given in charge to the visitors on a new royal "visitation, and differing in some respects from the "former Injunctions. For instance, in the Injunctions "(No. 2), and in Cranmer's Articles founded upon "them (No. X.), two lights were allowed upon the "high altar. In these Articles it is forbidden that "there should be any 'candles upon the altar,' or "'any light upon the Lord's table at any time.' (See "also Bishop Ridley's Injunctions (No. XXI.) and "Burnet's History of the Reformation, vol. 2, page "209.) It is clear that these Articles were drawn up "after the Act of Uniformity had passed (January 21, "1549), which enjoined that the new (the first) Book "of Common Prayer should be used from the follow- "ing Whit-Sunday; as may be shown, not only from "the second, but also from the eighth Article, which "was taken from the following rubric of that Book." Then it states the rubric, "The curate of every parish, "once in six weeks at the least, upon warning by him "given upon some Sunday or holy day, half an hour "before evensong, openly in the church, instruct and "examine so many children of his parish sent unto "him as the time will serve, and as he shall think "convenient, in some part of this Catechism."

(*The Dean of the Arches.*) You need not trouble yourself further. This omission in 1549 refers to the Injunctions of 1547?

(*Mr. Stephens.*) Yes, my Lord. I will, with permission of the Court, read the entire note. "But "though issued after the publication of the Prayer "Book these Articles are of the same year, and afford "evidence of the contemporary practice in matters of "rites and ceremonies. They prove, accordingly, that "candles upon the Lord's table being especially men- "tioned (see Article 2) as not included among those "ceremonies which were appointed in the Book of "Common Prayer, are not among those ornaments "which were in this Church of England by authority "of Parliament in the 2nd year of King Edward VI."

The 2nd section of the Injunctions of 1549 directs that there shall be no "setting any light upon the Lord's board at any time;" and enjoins the minister "finally, to use no other ceremonies than are appointed "in the King's Book of Common Prayer, or kneel "otherwise than in the said Book."

It is therefore clear that in 1549 the "setting any "light upon the Lord's board at any time," was illegal. And this omission in the Injunction respecting the lights likewise shows that, whatever sanction had been given to the lighted candles in 1547, was no longer in force.

(*The Dean of the Arches.*) Yes.

(*Mr. Stephens.*) And that the provisions in the first Book of Common Prayer had precluded the fulfilment of the Injunction of 1547.

(*The Dean of the Arches.*) Wait a moment, that is a larger proposition. I must take that down too. If I may use the expression, you say in fact the Injunctions of 1547 have been absorbed in the first Prayer Book.

(*Mr. Stephens.*) Certainly, that is my contention; which, as your Lordship may perhaps bear in mind, was the spirit of the argument I ventured to address to your Lordship when discussing the provisions of the Acts of Uniformity.

(*The Dean of the Arches.*) Before you leave the subject altogether just let me have your opinion as to the legal authority of those Injunctions of 1547; whether they had legal authority or not. You may

give me your opinion upon that any time before you leave this subject.

(*Mr. Stephens.*) If I correctly understand your Lordship, you wish me to go into an argument upon the effect of the Proclamation Act.

(*The Dean of the Arches.*) I do not, indeed. I only wish your opinion as to whether these Injunctions of 1547 had legal authority, or whether they were Injunctions issued by the Crown without legal authority.

(*Mr. Stephens.*) The Injunctions of 1547 never had any statutable authority.

(*The Dean of the Arches.*) That is what I want to know your mind upon. You say then they were merely directions of the Crown.

(*Mr. Stephens.*) Merely directions, and as such they could have no statutable authority.

(*The Dean of the Arches.*) That was the opinion of Dr. Lushington.

(*Mr. Stephens.*) It was.

(*The Dean of the Arches.*) Now do not let me trouble you any further. Go on with your argument, Mr. Stephens.

(*Mr. Stephens.*) The word "finally" in this Injunction is a summing up of the preceding prohibitions, and we learn what were considered ceremonies not appointed by the Book of Common Prayer.

I will now deal with the Injunctions of 1550, in order to show the construction that was placed upon the Act of Uniformity, and upon the Injunctions of 1547.

In 1 Cardwell's Documentary Annals, page 93——

(*The Dean of the Arches.*) That would be Ridley's Injunction for the visitation of London. I think it is 82 in my own edition of Cardwell's.

(*Mr. Stephens.*) It is page 93, in the edition of Cardwell I am quoting from, at which place will be found the Injunctions issued by Bishop Ridley in 1550.

(*The Dean of the Arches.*) Yes, I quite see your argument.

(*Mr. Stephens.*) The first paragraph says, "that "there be no reading of such Injunctions as extolleth "and setteth forth the Popish mass, candles, images, "chantries, neither that there be used any superal- "taries or trentals of communions." And then, my Lord, towards the end of the next article, it prohibits, "shewing the sacrament openly before the distribu- "tion, or making any elevation thereof, ringing of "the sacrying bell, or setting any light upon the "Lord's board." And it directs "finally that "the minister in time of the Holy Communion "do use only the ceremonies and gestures ap- "pointed by the Book of Common Prayer, and "none other, so that there do not appear in them "any counterfeiting of the Popish mass." Here we have an express prohibition as to the setting of any light upon the Lord's board, and in direct connection with the first Act of Uniformity of Edward VI.

(*The Dean of the Arches.*) They were the same Injunctions that ordered the taking down of the stone altars.

(*Mr. Stephens.*) I will now refer your Lordship to the later writings of Bishop Hooper, page 127, Parker Society's edition.

(*The Dean of the Arches.*) What year did he write them in?

(*Mr. Stephens.*) In 1551.

(*The Dean of the Arches.*) Between the two Prayer Books?

(*Mr. Stephens.*) Yes, my Lord. And I now propose to quote from the 40th Article: "that you do not "read any such Injunctions as extolleth and setteth "forth the Popish mass, candles images, chantries, "and such like."

(*The Dean of the Arches.*) This is the Visitation Articles of Gloucester.

(*Mr. Stephens.*) Yes, my Lord. What can be a clearer exposition of the *contemporanea expositio*, than the writings of Bishop Hooper? For to have lighted candles upon the Lord's table during the communion service, would have been a ceremony; and if it were a ceremony established by Act of Parliament, the bishop would have had no right to interfere with it. The 41st Article is in stronger language: "That "none of you do counterfeit the Popish mass in "blessing the Lord's Board." And then, my Lord, in shewing "the sacrament openly before the distri- "bution of the same, or making any elevation "thereof, ringing the sacrying bell, or setting any "light upon the Lord's Board." If these lights had any authority it was not probable that Bishop Hooper would have issued these Injunctions; their legality would have been immediately disputed.

Under the Articles of 1549, specifying what is to be omitted, will be found (1) chantries, (2) the Popish mass, (3) images, and (4) candles upon the altar. Chantries were abolished on the 4th November 1547, by the 1st Edward VI., cap. 14. This Act by implication repealed the 35th Injunction of Edward VI.

(*The Dean of the Arches.*) Which never had any legal authority.

(*Mr. Prideaux.*) That is what my friend says.

(*Mr. Stephens.*) What I respectfully stated to your Lordship was, that they had not statutable authority. And if they had statutable authority, the first Act of Uniformity operated as a repealing Act. The reason is obvious, because they were inconsistent with the first Act of Uniformity, and I challenge my friends on the opposite side, when they come to reply, to prove that these Injunctions of 1547 had any statutable authority.

I will now proceed to direct your Lordship's attention to 1 Cardwell's Documentary Annals, page 20, section 35: "That all chantry priests shall exercise "themselves in teaching youth to read and write, and "bringing them up in good manners and other vir- "tuous exercises." Consequently, in the Articles of the King's Visitors in 1549; in the Injunctions of Ridley in 1550; and in the Articles of Bishop Hooper of 1551;—the clergy were properly directed when they read the Injunctions of 1547, to omit all those parts of them which related to chantries.

The King's visitors, Ridley and Hooper, were also right in directing the omission of such of the Injunctions of 1547 as made mention of the Popish mass, which had been abolished by the first Act of Uniformity. Again, Bishops Ridley and Hooper were equally right in directing the omission of any injunctions relating to images; because we find in 1 Cardwell's Documentary Annals, page 48, that an order had been issued by the King's Council in February 1547–8, directing, "That all the images remaining "in any church or chapel within your diocese be "removed and taken away." The King's Visitors in 1549, and Bishops Ridley and Hooper were equally right in directing the omission in the reading of the Injunctions of 1547 of all such as made mention of candles upon the altar, that is, of the Injunction for "two lights upon the high altar before the sacra- "ment;" for the following reasons, (1) the first Prayer Book of Edward VI. did not mention lighted candles upon the altar. It would therefore be an additional and unauthorized ceremony, and——

(*The Dean of the Arches.*) Not an unauthorized ornament, but an unauthorized ceremony.

(*Mr. Stephens.*) The contention in the case is not about ornaments. It is exclusively upon Rites and Ceremonies,—standing upon quite a different basis from ornaments.

(*The Dean of the Arches.*) I quite understand.

(*Mr. Stephens.*) (2) The reservation of the sacrament was virtually prohibited by Edward's first book. (The office of the "Communion of the Sick," Liturgies of Edward VI. page 141.)

(*Mr. Prideaux.*) Will you kindly give me the name of the book you are quoting from?

(*Mr. Stephens.*) Liturgical Services of Edward VI., page 141. I have no objection to give you every information.

(*Mr. Prideaux.*) I am quite sure of that. Then,

perhaps, now you will kindly give me the two Acts of Parliament that enforce the Irish Prayer Book.

(*The Dean of the Arches.*) Now I object entirely to any negotiations between you, Mr. Stephens, and Mr. Prideaux, because the Court suffers.

(*Mr. Prideaux.*) My friend kindly said he would give me any reference I required.

(*Mr. Stephens.*) It was only to carry out your Lordship's wish.

(*The Dean of the Arches.*) Yes; but there is a third power concerned, who is very much interested in keeping the peace.

(*Mr. Prideaux.*) I am quite sure my friend will give me every information; he has said so.

(*Mr. Stephens.*) I will give you every information respecting the Church in England, of which you require a great deal.

(*Mr. Prideaux.*) I am much obliged to you.

(*Mr. Stephens.*) I will now direct your Lordship's attention to page 85 in conjunction with page 141. The reservation of the sacrament was virtually prohibited by Edward's first book. That is at page 85 of the Liturgies. The minister was not allowed to reserve any of the consecrated bread and wine, except for the purpose of administering it to the sick on the same day.

That the Protestant reformers did not approve of lighted candles at noon-day at the time of Edward's first book appears very plainly from Bishop Latimer's sermon of the Plough. I am now citing from the sermons of Bishop Latimer, page 70 of the Parker Society's edition. This sermon was preached on the 15th January 1548–9, the day on which the first Act of Uniformity was read the third time in the House of Lords. The bishop says, "Where the "devil is resident, and hath his plough going, there "away with books and up with candles, away with "Bibles and up with beads; away with the light of "the gospel, and up with the light of candles; yea, "at noon-day. Where the devil is resident, that he "may prevail, up with all superstition and idolatry, "censing, painting of images, candles, palms, ashes, "holy water, and new service of man's inventing, as "though man could invent a better way to honour "God with, than God himself hath appointed."

That lighted candles had been abolished in England in 1551, appears from the controversy in that year between Bishop Gardiner and Archbishop Cranmer. In 1548, Archbishop Cranmer put forth a catechism, which was in fact a translation of a catechism published in Germany by Justus Jonas, one of the principal Lutheran leaders. The original work had a frontispiece representing an altar with candles lighted.

(*The Dean of the Arches.*) That was the Lutheran practice to have candles on the altar.

(*Mr. Stephens.*) Yes. The frontispiece was omitted by Cranmer; but Gardiner, in a book written by him, and delivered to the King's Council on the 19th January 1550, and published by Gardiner in France and by Cranmer in England in 1551, comments upon it in terms which show that lighted candles had then been abolished in England.

I now refer to Cranmer's Lord's Supper, pp. 9, 226, and 227. At page 9 your Lordship will find "The title of the book of Stephen Gardiner, an "explication and assertion of the true Catholick "faith."

(*The Dean of the Arches.*) Is "Cranmer's Lord's Supper" the title of the book you are quoting from?

(*Mr. Stephens.*) Yes, the Parker Society's edition: "An explication and assertion of the true Catholick "faith touching the most blessed sacrament of the "altar, with a confutation of a book written against "the same." I must ask your Lordship to refer to page 226. Gardiner there says, "But with such "matter he filleth his leaves and forgetteth himself, "maketh mention of the catechism by him translate, "the original whereof confuteth these two parts of "this book in few words being printed in Germany; "where, besides the matter written, is set forth in "picture the manner of the ministering of this "sacrament. Where is the altar with candle-light "set forth, the priest apparelled after the old sort, "and the man to receive kneeling, bare-head and "holding up his hands, while the priest ministereth "the host to his mouth;—a matter as clear contrary "to the matter of this book as is light and dark-"ness." At page 201, "In this fourth book the "author entreateth of the eating and drinking of "Christs body and blood, and in the first part thereof "travaileth to confirm his purpose, and in the second "part answereth as he can to his adversaries, and so "taketh occasion to speak of adoration. His chief "purpose is to prove that evil men receive not the "body and blood of Christ in the sacrament." To this Cranmer replies at page 227 (Lord's Supper): "And as concerning the catechism I have suffi-"ciently answered in my former book. But in this "place may appear to them that have any judgment "what pithy arguments you make, and what dex-"terity you have in gathering of authors' minds, that "would gather any mind and make an argument here "of a picture, neither put in my book nor of me "devised, but invented by some fond painter or "carver, which paint and grave whatsoever their "idle hands can fancy. You should rather have "gathered your argument upon the other side that I "mislike the matter, because I left out of my book "the picture that was in the original before."

(*The Dean of the Arches.*) Would you just tell me in one sentence the catechism he was referring to; what was it? Was it a Lutheran, a catechism sent from the continent to Cranmer, or what?

(*Mr. Stephens.*) A Lutheran catechism, and translated by Cranmer.

(*The Dean of the Arches.*) You say the Lutheran catechism had this picture appended to it as a frontispiece.

(*Mr. Stephens.*) It had; but not in the edition which was published by Cranmer.

The book I am now proposing to cite from is 2 Strype's Cranmer (Memorials, pp. 46, 47). Strype says, of the grounds charged by Gardiner against Cranmer, that he in this catechism held "the corporal presence."—"The one was a picture that stood before "the book, where was an altar with candles lighted, "and the priest apparelled after the old sort, putting "the wafer into the communicant's mouth. . . . But "to both Cranmer, in his next book against Gardiner, "made answer that as to the picture it was that set "before the Dutch edition of the book, and so none "of his doing; and that he afterwards caused the "Popish picture to be altered into a picture represent-"ing Christ eating his last supper with his disciples."

May I be permitted to ask what did Cranmer "mislike," and what was deemed Popish in this rejected frontispiece? Can anyone doubt that it was the lighted candles; for there was nothing else?

I will now go to another branch of my argument, viz., the destruction of candlesticks. In the Church Review for 1866, pp. 219 and 265, are published the assignments of more than 130 Essex churches, in not one of which a candlestick or a censer is assigned for *use* in divine service. In the Church Review, page 375, are published more than 160 assignments to churches in Cambridge, which, with *only one* apparent exception, contain no assignment of a candlestick or a censer.

(*Mr. Prideaux.*) I do not wish to interrupt my friend, my Lord; and of course I desire that what your Lordship thinks proper to be commented upon should be commented upon; but it really does seem to me to be going a tremendous way to introduce assertions in a periodical for the purpose of proving various things that were done many many years ago.

(*The Dean of the Arches.*) You see this is a very peculiar case, and information is given to the Court from a great variety of sources. What weight I may attach to it by-and-by is another matter, but I do not think it necessary to shut out anything that Counsel

may choose to bring before the Court in the way of authority from books.

(*Mr. Prideaux.*) I am sure your Lordship will pardon me for calling your attention to this matter.

(*The Dean of the Arches.*) Quite so. There is no doubt that if we were to be very strict in this matter the opinions of periodical reviews would probably not be allowed by the Court to be introduced into the argument; but this is a case, as I have said before, of a very peculiar kind; and I am not disposed to shut out any information which the Counsel really think the Court ought to possess. I must, of course, trust, as we must always do, to the honorable relation which is understood to exist between Counsel and the Court that they will only bring forward such things as they really think necessary. What weight I may attach to it by-and-by is another matter.

(*Mr. Prideaux.*) I assure you I have no desire to keep from your Lordship anything that you think may be of service.

(*The Dean of the Arches.*) Quite so; and it will be a very proper remark for you to make, by-and-by, as to what weight the Court should attach to it.

(*Mr. Stephens.*) Your Lordship is aware why I quote these assignments; namely, for the purpose of showing the *contemporanea expositio*.

(*The Dean of the Arches.*) Of course one understands the value of the argument of *contemporanea expositio*, and the bearing and meaning of the omission of these articles in the assignments upon them; one understands that perfectly well; but I presume the book you refer to, the Church Review, is not merely a statement, but gives authority for that statement.

(*Mr. Stephens.*) It gives authority.

(*The Dean of the Arches.*) I presume you would not otherwise cite it.

(*Mr. Stephens.*) Of course I should not cite it, if it were a mere *dictum;* clearly not. I believe these assignments to be a most valuable collection of documents.

(*Mr. Droop.*) Perhaps your Lordship will allow me to state that, as regards the Essex Inventories, I have referred to them to a certain extent, and have compared them with those printed in the Church Review; and I have found, so far as regards Essex, that these assignments appear to be correct. But of course proper evidence could be given of the documents themselves if necessary.

(*The Dean of the Arches.*) We shall see, by-and-by, what the bearing of these things will be; and in the meantime, Mr. Stephens, you had better proceed with your argument.

(*Mr. Stephens.*) The apparent exception of which I speak is the parish of Stuntney; and that is mentioned in the English Church Union case, page 53, as well as in page 375 of the Church Review. In this case there is no regular assignment; and instead of the inventory concluding, "All which parcels above written be "delivered and committed, &c., to be at all times "forthcoming to be answered, [except and reserved "the aforesaid chalice, &c., (the articles assigned) "delivered to —— churchwardens for the only main- "tenance of divine service in the said parish.]" The Stuntney Inventory substituted for the words in brackets the following: "and to serve in the same "chapel for the only maintenance of divine service "there." Consequently the Stuntney Inventory made no distinction between what was delivered for use in the Church and what was delivered for safe custody.

(*The Dean of the Arches.*) I see here "one vest of green bandk;" what is that?

(*Mr. Stephens.*) I do not know what it is.

(*The Dean of the Arches*) I suppose it is "horse Latin."

(*Mr. Stephens.*) My Lord, in the Church Review, page 376, you will find that the Manen inventory is in the same form, and the Clapton Inventory has no assignment.

(*The Dean of the Arches.*) And does the Church Review again agree with the Church Union case?

(*Mr. Stephens.*) There is no difference.

(*The Dean of the Arches.*) Then there are two altar candlesticks in both?

(*Mr. Stephens.*) There are two altar candlesticks, but they are not assigned.

(*The Dean of the Arches.*) I hardly see the object for which they were introduced.

(*Mr. Stephens.*) That, my Lord, has really been a problem that I have not been able to solve.

(*The Dean of the Arches.*) I observe this for the first time, that this English Church Union case does refer to the book you are citing, the Church Review.

(*Mr. Stephens.*) Yes, my Lord, it does; and I am much obliged for that remark. I am now upon the Manen Inventory, and the Dutten Inventory, and neither of them contain candlesticks or censers. But the Manen Inventory contains a corporas and case; and both of them contain bells, articles not included in any Cambridgeshire assignment. In the Church Review, page 720, are published four other Cambridgeshire Inventories specifically mentioning altar candlesticks; and three of those also include censers; and yet in all such cases they are not included in the assignments.

These four inventories are published as the only Cambridgeshire Inventories besides Stuntney, which mention candlesticks in connexion with the altar. But the Church Review, page 688, states that candlesticks occur in an overwhelming majority of inventories.

(*The Dean of the Arches.*) What is the date of this, 1551? I suppose they are different dates.

(*Mr. Stephens.*) Different dates.

(*Mr. Droop.*) It is July and August 1552.

(*The Dean of the Arches.*) These latter ones would be 1552. I do not mind about the months, but I want the year.

(*Mr. Stephens.*) The object is to show that before the second Act came into force——

(*The Dean of the Arches.*) I quite see your argument that they came between the first and second Act.

(*Mr. Stephens.*) Yes. I now refer to the Church Review, at page 746, which is in the sixth year of Edward VI. The Eastham Inventory contains the following memorandum: "Item, the vicar and his "predecessors, time out of mind, found two lights "with two small candlesticks upon the high altar, "which he likewise challenged as his own, and had "also the old wax after the lights were abrogated as "things appertaining '*ad altaragium.*'"

"After the lights were abrogated," refers, no doubt, to the promulgation of Edward's first book of 1549; especially as the next sentence is "Item, the same "took, cut, and destroyed the books of Popish service, "after the new service was set forth, as monuments "of superstition."

(*The Dean of the Arches.*) This purports to be an extract from the State Papers,—from the manuscript State Papers, I presume.

(*Mr. Stephens.*) Yes. So far as I can judge, this document contains a valuable collection of information upon the subject, and I have, with my friend Mr. Droop, carefully examined the entries.

(*The Dean of the Arches.*) Showing, according to your argument, two things; first, the *de facto* existence of these candles in the new inventory; and, secondly, the absence of their assignment when the matter was dealt with.

(*Mr. Stephens.*) Yes, my Lord; and in connection with the date to which your Lordship so kindly referred.

(*The Dean of the Arches.*) Quite so; in connection with the date between the first and second Prayer Books.

(*Mr. Stephens.*) I will now refer to the English Church Union case, page 56. We find there a table of articles assigned for the use of the parish of Bungay, in which it is alleged that not only candlesticks, but crosses, censers, and paxes, were included in the assignments. But in fact, the list in the Church Review, at pages 81, 113, and 171, though entitled "Assignments to Churches in Hampshire," are, as explained at page 218 of the Church Review, mere extracts from the *inventories*.

(*The Dean of the Arches.*) What volume of the Church Review are you quoting from?

(*Mr. Stephens.*) The sixth. It is a note to page 218, under the second column of that page.

The English Church Union case, at page 55, contains a table of articles alleged to be assigned for the use of the church in certain churches in Berkshire and Buckinghamshire. But, comparing the terms of the assignment with those of the Kent, Essex, and Cambridgeshire churches, it will be found, that the Commissioners had merely delivered the goods to the churchwardens for safe custody, without specifying which of them might be used in the service of the church,—just as in the Stuntney and Manen cases mentioned at page 688 of the Church Review.

(*The Dean of the Arches.*) These Commissioners had a discretion reposed in them as to what they would leave and what take away by the terms of the Commission, if I remember rightly.

(*Mr. Stephens.*) They had. They were to judge what was proper to be left.

(*The Dean of the Arches.*) Just so. So I thought.

(*Mr. Stephens.*) They, of course, would be bound by the provisions of the first Act of Uniformity.

(*The Dean of the Arches.*) The words of the Commission are of course important.

(*Mr. Stephens.*) I think your Lordship was referred to the language of the Commissioners yesterday.

(*The Dean of the Arches.*) Yes. I was only saying what was passing through my mind about that. I quite follow your argument; and one reference is as good as many for that purpose.

(*Mr. Stephens.*) I have placed these inventories in classes, in order to show what reliance can be placed on the statements in the Church Union case.

I beg now to refer your Lordship to the Injunctions of Elizabeth which were issued after the passing of the Act of Supremacy and the Act of Uniformity (statutes 1 Elizabeth, caps. 1 and 2). A copy of these Injunctions will be found in 1 Cardwell's Documentary Annals, page 210. Those Injunctions were issued to the clergy in June 1559; and they repeat most of Edward's Injunctions of 1547. But there is a very important alteration, viz., the Injunctions as to "abused images" and "the two lights upon the altar" were omitted.

(*The Dean of the Arches.*) As to the images and as to the lights.

(*Mr. Stephens.*) As to the two lights upon the altar. I do not wish in any part of my argument to disconnect the two lights from the "altar," or from "before the sacrament," when I am dealing with the Injunctions of 1547.

(*The Dean of the Arches.*) You said as to images and lights.

(*Mr. Stephens.*) Yes, I said as to abused images and the two lights on the altar, they were omitted. I believe I stated to your Lordship that the Injunctions of 1547 required that two lighted candles should be on the altar.

(*The Dean of the Arches.*) Yes.

(*Mr. Stephens.*) At page 221 of Cardwell's Documentary Annals, the 23rd Article states, "That they "shall take away, utterly extinct and destroy, all "shrines, coverings of shrines, all tables, candle-"sticks. . . ."

In the same volume, at page 242 in the Articles of Visitation which followed upon the Injunctions, the same clause is retained which was in the Injunctions of Edward; namely, "Whether in their churches "and chapels all images, shrines, all tables, candle-"sticks, trindals, and rolls of wax, pictures, painting, "and all other monuments of feigned and false "miracles, pilgrimages, idolatry, and superstition be "removed, abolished, and destroyed."

If the constituted authorities, in the time of Elizabeth were desirous of having two lights upon the Holy Table as directed by the Injunctions of 1547, it seems inexplicable why in the Injunctions and in the Visitation Articles of 1559 there is no mention of them, when repeating almost verbatim clauses that stood in juxtaposition. The Injunctions of 1559 show that all the Injunctions directed to be omitted by the King's visitors Injunctions, Ridley and Hooper, were omitted by Elizabeth; while almost all the others were retained. Of the Injunctions of 1547, all, with the following 13 exceptions, were repeated without much alteration in the Injunctions of Elizabeth. These are the exceptions. No. 3 as to abused images and lights. The 27th as to the abuse of such ceremonies as holy water.

(*The Dean of the Arches.*) Is not the 26th omitted?

(*Mr. Stephens.*) Yes; but I am classifying them. The 4th, 9th, 19th, 21st, and the 36th, relating to the mass, confessions, or other Pre-Reformation services.

(*The Dean of the Arches.*) What happens to them? Are they retained?

(*Mr. Stephens.*) They are omitted in Elizabeth's Injunctions. The 34th respecting Henry VIII.'s primer. The 11th as to recantation of false doctrine. The 35th, as to chantry priests (abolished by the 1st Edward VI. cap. 14). The 6th, "That parsons, &c., should provide curates in their absence." The 26th, to which your Lordship directed my attention, providing that every dean, archdeacon, . . . "shall "preach by himself, personally, twice every year at "the least, either in the place where he is intituled "or in some church where he has jurisdiction, or else "which is to the said place appropriate or united." The 5th, exhorting fathers and mothers, &c., to bestow their children to learning, &c.

Thus, of the 36 Injunctions of 1547,–23 are substantially repeated in Elizabeth's Injunctions; and of the 13 omitted, all of them, with the exception of 5, 6, 11, and 26, appear to be omitted because they were inconsistent with the then existing law. The omission of the Injunctions as to lights from Elizabeth's Injunctions, though in most points her Injunctions so closely followed those of Edward VI., shows that it was not intended to revive that Injunction. It remains, therefore, *wholly set aside by Mary, and not revived.*

(*The Dean of the Arches.*) I think part of your argument was, that there had been direct prohibition in some of the Injunctions as to these candles?

(*Mr. Stephens.*) Yes.

(*The Dean of the Arches.*) There is no direct prohibition in these Injunctions of Elizabeth, but there was an omission.

(*Mr. Stephens.*) There was no direct prohibition; but there was no occasion for it, the Injunctions were not in force, and therefore there would be no occasion for a prohibition.

(*The Dean of the Arches.*) Yes. I only wanted to see what your argument was.

(*Mr. Stephens.*) My learned friend, Mr. Droop, reminds me that I have already directed your Lordship's attention to 1 Cardwell's Documentary Annals, page 221, where there was a general prohibition of candlesticks.

(*The Dean of the Arches.*) Yes, that is the very thing. I only want to call your attention to what you said with regard to those Injunctions of 1547. You say 23 were substantially repeated, and 13 omitted, and you say several of them appear to be omitted because they were inconsistent with the existing law. Upon that I ask you whether there was not direct prohibition as to candlesticks; and you say, "No; it was not necessary."

(*Mr. Stephens.*) It was not necessary, because we do not find lighted candles, nor do we find them treated as a ceremony.

(*The Dean of the Arches.*) I quite understand that. You say there had been these Injunctions prohibiting them, and that there was this omission in the Injunctions of Elizabeth.

(*Mr. Stephens.*) Quite so, my Lord. I now come to the Remains of Archbishop Grindal (page 159 of the Parker Society's edition). In the articles of inquiry

by Archbishop Grindal in 1571, the 6th article inquires "Whether all phanons, pixes, paxes, hand "bells, sacring bells, censers, chrismatories, crosses, "candlesticks, holy water, stocks, images, and such "other relics and monuments of superstition and "idolatry, be utterly defaced, broken, and destroyed; "and, if not, where and in whose custody they "remain." Now, what does this prove? Why, that in the time of Elizabeth, in 1571, censers and candlesticks were spoken of as so many "relics and monuments of superstition and idolatry." That is the language of Archbishop Grindal.

Before proceeding to my next point,—the authorized destruction of candlesticks and censers,—I wish to direct attention to a passage which had escaped my notice, and for which I am indebted to Mr. Dale. It is at page 173 of Grindal's Remains. I have read the 6th article at page 159, and I now wish to direct the attention of the Court to article 55. It is as follows: "Whether there be any which of late have be-"queathed in their testaments any jewels, plates, "ornaments, cattle, or grain, or other moveable "stocks, annuities, or sums of money, for the erection "or finding of any obits, diriges, trentals, torches, "lights, tapers, lamps, or any such like use now by "law forbidden."

I will now proceed to show the authorized destruction of candlesticks and censers; and for that I will cite Peacock's Church Furniture, page 9,—a publication to which I have already directed your Lordship's attention. That work proves the destruction of candlesticks, of cruets, censers, chrismatories, and also of altar stones in Lincolnshire, at the commencement of Elizabeth's reign, in the 150 churches mentioned. Your Lordship asked me the source from which this gentleman obtained his information, and I now refer your Lordship to page 9, to show that it is a reprint of documents in the episcopal registry at Lincoln.

Of the 150 churches mentioned in these Inventories, 133 appear to have had one or more candlesticks at the end of Mary's reign; but in April 1566 these had been sold, broken, defaced, returned to the owners, taken away by the priest, or otherwise got rid of, except in six instances.

Those instances are Billingborowe, at page 49; Gretford, at page 90; Gunbie, at page 92; Pilhame, at page 123; Swynested, at page 149; and Welton-juxta-Louth, at page 160. That those exceptional cases of candlesticks still remaining were due, not to their being allowed by law, but to the negligence or disaffection of the clergy and churchwardens, appears from the following circumstances:—At Billingborowe, (page 49,) the churchwardens mention, that they are "to "make away with the candlesticks and other things "remaining afore Easter next." In all these six cases candlesticks are retained with other things, which, in the other inventories are usually mentioned to be destroyed, and in some of them with things that are manifestly illegal. At Gunbie we find them left with a sepulchre and a pax: (page 92.) At Gretford, a cross cloth with the image of the Trinity (page 90). At Pilhame there is a cross of latten, a sacrying bell, three altar stones, and a pix (page 123). At Welton-juxta-Louth, a holy water fat (page 160). There are in this summary only 13 cases out of 150 in which any exceptional ornaments remain.

What can be more conclusive than that? Candlesticks and censers are spoken of in terms which show that they could not possibly have been legal. At Bardney we find "one crosse of latten, one pear of "sensers, ij. hand-belles, 2 candlestickes of lattin, "one pix, with other metal of papistry. Sold to "Robt. Fowler, and he saith they be defacid. Itm., "one vestmt. sold to Jhonbeestan, and he hathe "defacid it. Itm., ij. candellstickes off wood, broken "and defacid by the sam churchwardins above sayd" (page 37). At Harbrough, "Itm., other mass-books, "with the rest of such faned fables and peltering popish-"books, brnt, a° vi. Queen Elizabeth, by the aforesd "churche wardens. Itm., other hand belles, crisete, "candlestickes, and censors, with a sacringe belle, "and the rest appertaining to the Popish service, "sold and defaced 4 year agoo, Robt. Phillipson and "James Hall (as we thinck) then churchwardens" (page 93). And at Riskington, "all other Popish "peltrie, as candlestickes, censors, chrismatories, and "suche like, were restored to Thomas Grave of "Ashbie, the executor of Sir Robt. Grave, a° primo "Elizabeth, of whom we borrowid the same in Quene "Mari's tyme" (page 130).

I think, my Lord, I have now established the authorized destruction of candlesticks and of censers in the reign of Elizabeth.

[The Court adjourned for a short time.]

I am now going to discuss, with your Lordship's permission, the lighted candles in Queen Elizabeth's chapel. Reliance, no doubt, will be placed upon the use of lighted candles in the private chapel of Queen Elizabeth. But supposing she had used them during the entire of her reign (which she did not), such a practice would neither establish a usage, nor render that which was illegal by statute legal. The Princess Mary having mass in her private chapel during her brother's reign, which was clearly an illegal act, may well be cited against Elizabeth's equally illegal act of having lighted candles in her private chapel. In neither case does the doing the thing make it a legal act. The conduct of Queen Elizabeth was not sanctioned by the chief prelates of her time, or by any large majority of the people; but it arose from the craft of some disguised Papists, who had acquired a secret influence over the Queen at an early period of her reign, inimical to the Protestant faith.

I will now refer your Lordship to a sermon which was preached by Bishop Burnet before the House of Commons on the 31st January 1688. It was published in London in 1689, and I will hand up the book to your Lordship.

Now what does Bishop Burnet say in 1688, when he preached before the House of Commons? "Here "suffer me to tell you, that in the beginning of "Queen Elizabeth's reign, our adversaries saw no "hopes of retrieving their affairs, which had been "spoiled by Queen Mary's persecution, but by setting "on foot divisions among Protestants upon very "inconsiderable matters. I myself have seen the "letters of the chief bishops of that time, from "which it appears that the Queen's stiffness in "retaining some ceremonies, flowed not from their "councils, but from the practices of some disguised "Papists."

It may be here remarked that even as early as 1551 it was considered by the Council of Trent "that *there was no better way to demolish the Church "of Heresy, but by mixtures of doctrines, and by "adding of ceremonies more than be at present "permitted.*"

In support of what Bishop Burnet stated in his sermon before the House of Commons, I will refer your Lordship to a work which has been recently published, called "Rome's Tactics," by Dr. Goode, Dean of Ripon, 1867. I am going to read from page 7. "The following instructions were sent in "1551, from the Council of Trent to the Jesuits "of Paris, through Casa, Archbishop of Benevento. "The report of these instructions rests upon the "testimony of a convert from Romanism in 1566, of "the name of Samuel Mason, who had been bred up "with the Jesuits at Paris, and who, coming over to "this country, was, after his recantation, appointed "by Archbishop Adam Loftus to the cure of a parish "near Dublin, where he died." At page 9:—"Ye "are not to preach all after one method, but to "observe the place wherein you come. If Lutheran-"ism be prevalent, then preach Calvinism; if "Calvinism, then Lutheranism. If in England, then "either of them, or John Huss's opinion, Anabap-"tism, or any that are contrary to the Holy See or "[of] St. Peter, by which your function will not be "suspected, and yet you may still act on the interest "of the Mother Church; there being, as the Council

" are agreed on, no better way to demolish that " Church of heresy but by "—what?—" mixtures of " doctrines, and by adding of ceremonies, more than " be at present permitted."

(*The Dean of the Arches.*) But who is it says that?

(*Mr. Prideaux.*) The convert from Popery.

(*The Dean of the Arches.*) I mean, they are not Dr. Goode's own words?

(*Mr. Stephens.*) Certainly not. I will hand the book up to your Lordship. I quoted from pages 7 and 9.

(*The Dean of the Arches.*) It is Panzani.

(*Mr. Stephens.*) Yes. And, my Lord, we are at this moment equally exposed to the like crafty devices for the corruption of the Protestant Faith as at any previous period of our history.

That the case of Elizabeth's chapel was exceptional, may be inferred from the way in which it is spoken of in reference to the cross or crucifix and lighted candles, in the Zurich letters of 1558 to 1579, page 63, published by the Parker Society.

(*The Dean of the Arches.*) I recollect the book was very much quoted in the Stone Altar case.

(*Mr. Stephens.*) These letters extend over that period of time, from 1578 to 1579, and I have given them to your Lordship in accordance with your expressed wish. I am now reading from page 63, a letter from Thompson Sampson to Peter Martyr, dated January 6th, 1560. " Oh! my father, what " can I hope for when the ministry of the Word is " banished from Court? while the crucifix is allowed, " with lights burning before it. The altars indeed " are removed, and images also, throughout the king- " dom. The crucifix and candles are retained at the " Court alone. And the wretched multitude are not " only rejoicing at this, but will imitate it of their " own accord. What can I hope, when three of our " lately appointed bishops are to officiate at the table " of the Lord, one as priest, another as deacon, and a " third as subdeacon, before the image of the crucifix, " or at least not far from it, with candles, and habited " in the golden vestments of the Papacy, and are " thus to celebrate the Lord's supper without any " sermon? What hope is there of any good, when " our rulers are disposed to look for religion in these " dumb remnants of idolatry, and not from the " preaching of the lively Word of God? What can " I hope when injunctions are laid upon those ap- " pointed to preach, not to handle vice with too much " severity; when the preachers are deemed intolerable " if they say anything that is displeasing."

(*The Dean of the Arches.*) Who is the writer of that letter?

(*Mr. Stephens.*) Thompson Sampson.

(*The Dean of the Arches.*) And to whom is he writing?

(*Mr. Stephens.*) He is writing to Peter Martyr.

(*The Dean of the Arches.*) Peter Martyr was a Lutheran, was he not?

(*Mr. Stephens.*) Yes. " But whither is my warmth " of feeling carrying me away? I must be silent, " though I have scarcely touched upon the heads of " the misery that is hanging over us. Eternal Lord, " have mercy on us, through Jesus Christ our God " and Saviour. I will propose this single question " for your resolution, for I wish my father to employ " you as my medium of correspondence with Masters " Bullinger and Bernardine. It is this, whether the " image of the crucifix placed on the table of the " Lord with lighted candles, is to be regarded as a " thing indifferent; and, if it is not to be so con- " sidered, but as an unlawful and wicked practice, " then I ask, suppose the Queen should enjoin all the " bishops and clergy either to admit this image " together with the candles into their churches, or " to retire from the ministry of the word, what " should be our conduct in this case? Should we " not rather quit the ministry of the word and sacra- " ments than that these relics of the Amorites should " be admitted? Certain of our friends, indeed, appear " in some measure inclined to regard these things as " matters of indifference. For my own part, I am " altogether of opinion, that, should this be enjoined, " we ought rather to suffer deprivation."

I will now refer to page 54. I believe your Lordship has a copy.

(*The Dean of the Arches.*) No; but I remember these letters very well. They were all cited in the Stone Altar case. One was a very memorable letter of Cox to Cassander.

(*Mr. Stephens.*) Yes. I believe that was cited by your Lordship.

The letter I now propose to quote is dated the 16th November 1559, from John Jewel to Peter Martyr.

(*The Dean of the Arches.*) Peter Martyr was not an Episcopal clergyman, was he?

(*Mr. Stephens.*) He was a Protestant.

(*The Dean of the Arches.*) I mean he was not a member of our Church, as far as I recollect.

(*Mr. Stephens.*) He was a Lutheran, my Lord. He thus writes:—" Religion among us is in the same " state which I have often described to you before. " The doctrine is everywhere most pure; but as to " ceremonies and maskings there is a little too much " foolery. That little silver cross of ill-omened origin " still maintains its place in the Queen's chapel. " Wretched me! This thing will soon be drawn into " precedent."

These letters were written in the autumn of 1559, shortly after these lights had been introduced into the Queen's chapel. It would seem that there were no lights in her chapel in June, when the Injunctions were issued, as Froude gives the following account of their being introduced in October. I am now going to cite from 7 Froude's History of England, page 145, October 1549. " Nor was this all. The " Queen seemed to accept the conditions which the " marriage would imply and oblige; and, as if to " separate herself distinctly from the Protestant party, " she gave orders for the restoration of the crucifix " in the Chapel Royal. Angry words were ex- " changed between the Council and the chaplain. " Bedford spoke with bitter surprise to Cecil, and the " order was suspended for a day or two. But on the " Sunday following, service was performed with the " altar in full costume, and the priests in orthodox " vestments."

Then, my Lord, there is a note in Spanish,* and I will hand the book up to your Lordship, in order to correct the translation which I am going to read. The note is on the right-hand side, and the translation I believe to be as follows:—" The Queen com- " manded that a crucifix and some candles should " be placed on the altar. On this account, a dispute " arose between her chaplains and the members of " her Council, who neglected to do what the Queen " had commanded on that evening. On the Saturday, " at vespers, it was done; and on the Sunday there " were vestments for the altar and clergy, of such " dresses as with us. Bedford at that time spoke " insolently to Cecil on the subject."

(*The Dean of the Arches.*) I see he uses the word " velas." That will be " candles."

(*Mr. Stephens.*) " The Queen commanded a cruci- " fix and some candles should be placed on the altar."

(*The Dean of the Arches.*) That is the letter of the Spanish ambassador, is it?

(*Mr. Stephens.*) Yes.

(*The Dean of the Arches.*) It might only have been what he heard. Of course he could not have been present.

---

* " La Reina mandó que se pusiese en la Altar un " Crucifijo y unas velas por lo qual hubo tanto ruido entre " su Capellano y los del consejo que dejó de hacerse lo " que la Reina mandaba aquella tarde. El Sabado, a " Vesperas, fué hecho, y el Domingo hubo vestimiento " y clerigos en vestidos como nosotros usamos."—(*De Quadra to the Bishop of Arras, October 9th.*)

" Bedford deshonró estos dias a Cecil sobre lo del " Crucifijo."—(*De Quadra to De Feria, October 27th.—MS. Simancas.*)

(*Mr. Stephens.*) I put it in as an historical fact, for what it is worth.

(*The Dean of the Arches.*) You are quite entitled to put it in on that ground.

(*Mr. Prideaux.*) As a modern statement of an historical fact.

(*The Dean of the Arches.*) No. It is the statement of the Spanish ambassador writing at that time.

(*Mr. Prideaux.*) But it was what was said at that time.

(*The Dean of the Arches.*) Yes. The value of all evidence, of course, must be decided by its undergoing a thorough sifting.

(*Mr. Stephens.*) I will now refer your Lordship to 1 Strype's Annals of the Reformation, page 297. The date is 1559–60, and I am citing from the Oxford edition. "Upon the 6th of March 1559–60, Dr. Bill, "Dean of Westminster, preached in the Queen's "chapel, where, on the table, standing altar-wise, "was placed a cross and two candlesticks, with two "tapers in them burning." Again, at page 298: "The same day, in the afternoon, Bishop Barlow, "one of King Edward's bishops, now Bishop of "Chichester, preached in his habit before the Queen. "His sermon ended at 5 o'clock, and presently after "her chapel went to evensong, the cross, as before, "standing on the altar, and two candlesticks and "two tapers burning in them; and service con-"cluded, a good anthem was sung."

This service appears to have been at 7 o'clock in the evening at a time that the Eucharist is not administered.

(*Mr. Prideaux.*) At a time that it ought not to be administered, you should say.

(*Mr. Stephens.*) Then, as a matter of course, it would not be administered. In 1562 these lights were destroyed, or taken out of the Queen's chapel. In the Zurich letters (page 122, Letter LIII.), there is a letter dated August 20th, 1562, from Bishop Parkhurst to Henry Bullinger: ". . . After I had "written this, lo! good news was brought me, namely, "that the crucifix and candlesticks in the Queen's "chapel are broken in pieces, and, as some one has "brought word, reduced to ashes. A good riddance "of such a 'cross' as that! It has continued there "too long already, to the great grief of the godly, "and the cherishing of I know not what expectations "in the Papists. Moreover, the pseudo bishops, who "are in the Tower of London, will very soon render "an account of their breach of faith, so I hear. "Farewell."

Whatever was the practice of Queen Elizabeth with respect to lighted candles on the communion table at the commencement of her reign, it is clear, that when she assented to the Homilies, she had given up lighted candles in her chapel.

I will now refer your Lordship to the Second Book of Homilies, pp. 241–242.

(*The Dean of the Arches.*) What is the homily upon?

(*Mr. Stephens.*) "Against the peril of idolatry." It is the third part of the sermon, page 241 of the edition of 1846, published by the Society for the Promotion of Christian Knowledge. The Second Book of Homilies, as your Lordship is aware, was settled at convocation held in January 1562–3, and was printed, I think, in 1563. (Correspondence of Archbishop Parker, ed. Parker Society, page 177, in not., 1 Strype's Annals, 307.) In the third part of the Homily against the peril of idolatry, when speaking of the Romish practice of lighting candles before images, a statement is made illustrative of the practice now complained of in this case: "What should it mean, "that they, according as did the Gentile idolaters, "light candles at noon time or at midnight, before "them, but therewith to honour them? For other "use is there none in so doing. For in the day "it needeth not, but was ever a proverb of foolish-"ness, to light a candle at noon time."

(*The Dean of the Arches.*) You cite this as showing a practice?

(*Mr. Stephens.*) I cite this as showing the practice. I cite it likewise as showing the opinion of the highest ecclesiastical authority in this country.

(*The Dean of the Arches.*) I mean, not as a law.

(*Mr. Stephens.*) It was settled by convocation in January 1562. I do not know what that authority may be.

(*The Dean of the Arches.*) It illustrates the practice, no doubt.

(*Mr. Stephens.*) It would not only illustrate the practice, but would likewise illustrate the opinion of the highest ecclesiastical authority in the country next, of course, to the Crown, because the Sovereign is the head of the Church. I will now refer your Lordship again to that part of this sermon, which is to be found at page 269. In the passage that I am about to read to your Lordship, it will be found that the words of Jerome are quoted with approbation. "Neither let any man object and allege against "me the rich temple that was in Jewry, the table, "candlesticks, incense, ships, platters, cups, mortars, "and other things, all of gold. Then were those "things allowed of the Lord when the priests "offered sacrifices, and the blood of beasts was "accounted a redemption of sins. Howbeit, all these "things went before in figure, and they were written "for us, upon whom the end of the world is come."

At page 286 will be found a sermon for the repairing and keeping clean of churches.

(*The Dean of the Arches.*) It is the Homily for repairing churches.

(*Mr. Prideaux.*) Yes. It is in the second book.

(*The Dean of the Arches.*) Mr. Stephens has been quoting from the second book all along.

(*Mr. Stephens.*) "As touching the other point, "that Solomon's Temple was a figure of Christ: we "know that now in the time of the clear light of "Christ Jesus, the Son of God, all shadows, figures, "significations, are utterly gone; all vain and unprofit-"able ceremonies, both Jewish and heathenish, fully "abolished."

In the works of Bishop Jewell (page 176), "Defence and Apology."

(*The Dean of the Arches.*) It is the famous book known as "Jewell's Apology—"

(*Mr. Stephens.*) It is so. Harding says: "Con-"cerning ceremonies, if ye shew us not the use of "chrism in your churches, if the sign of the cross "be not borne before you in processions and other-"wheres used, if holy water be abolished, if lights "at the Gospel and Communion be not had, if pecu-"liar vestments for deacons, priests, bishops be "taken away, and many such other the like, judge "ye whether ye have duly kept the old ceremonies "of the Church."

The Bishop of Salisbury replies (p. 177): "But now "let us a little examine the particulars of your bill. "Ye come in with processions, with lights, with "torches, with tapers, with chrism, with oil, with "tunicles and chesibles, with holy water and holy "bread, and I know not what else; as if all these "things had descended directly from the apostles, "and without the same the Church of God were no "Church." Again, at page 178: "Touching your "lights and tapers, Beatus Rhenamus, a man of great "learning and judgment, doubted not but ye bor-"rowed the use thereof from the heathens. I grant "the Christians in old times had lights in their "churches, when they met together for their com-"mon prayers; but it appeareth by the ancient "fathers, that the same lights served to solace them "against the dark, and not for any use of religion."

I will now refer your Lordship to Gorham's Reformation Gleanings, page 434.

(*The Dean of the Arches.*) Who is Gorham?

(*Mr. Stephens.*) I thought your Lordship was aware of the famous case "*The Bishop of Exeter* v. *Gorham.*"

(*The Dean of the Arches.*) Is that the same man?

(*Mr. Stephens.*) Yes. At page 434 is a letter with which Mr. Gorham has nothing to say except the pub-

lication of it. It is from Bishop Parkhurst to Rodolph Gualter, and is dated March 4th, 1568: "About the "beginning of November a certain youth, under "influence of great zeal for God, entered the Queen's "Chapel, and threw down on the ground, with great "force, the golden cross together with the images "connected with it; then stamping on it with his "feet, he broke it in pieces in the sight of all, who "were assembled for common prayer; for it was "done publicly. From that time, no cross was seen "there; it was abolished, and it will for ever be "abolished as a mischievous thing."

(*The Dean of the Arches.*) That has nothing to do with the lighted candles; it is only as to the cross.

(*Mr. Stephens.*) Only as to the cross. But the cross, as your Lordship is aware, was connected with the candles.

(*The Dean of the Arches.*) I thought the legend had been that the Queen's fool had broken the cross, and that Lord Burleigh got him to do it.

(*Mr. Stephens.*) It may have been so; but I am only reading to your Lordship what appears in the book I am quoting from.

The distinction between Edward's lights (I am now speaking of lights under the Injunctions of 1547) and Elizabeth's lights is clear. Edward's lights were in honour of the corporal presence in the reserved Sacrament; Elizabeth's lights were simply in honour of the crucifix. And I challenge my friends to show that there is any evidence of any connection between the lighted candles in Queen Elizabeth's chapel and the Communion. Queen Elizabeth's lights, like the Lutheran lights, were lights burned before and in honour of the crucifix, and were burnt at other services as well as at the Communion. That, I respectfully submit to your Lordship, is the distinction.

(*The Dean of the Arches.*) Is that the case with the Lutheran lights?

(*Mr. Stephens.*) I believe so, my Lord.

(*The Dean of the Arches.*) That they are burnt at other times besides at the Communion?

(*Mr. Stephens.*) Yes.

(*The Dean of the Arches.*) I think they always do have lights on the altar tables through the North of Germany, and use those lights.

(*Mr. Stephens.*) Yes, my Lord.

(*Mr. Prideaux.*) I want to know whether that is to be taken with regard to the Lutherans.

(*The Dean of the Arches.*) Nothing is to be taken with regard to the Lutherans. This is nothing more than a little historical gossip between myself and Mr. Stephens. Before you leave this subject, Mr. Stephens, can you point out to me any instance in which Prelates or any Council told Queen Elizabeth that she was transgressing the law in having these lights.

(*Mr. Stephens.*) Your Lordship will perceive that what Elizabeth did was exceptional, because it was in her private chapel, where there was not open or public prayer. The Queen did not attempt to force the lighted candles upon a single parish church. Whatever she did in her private chapel, she did according to her own notions of the Royal prerogative.

(*The Dean of the Arches.*) There is no doubt at all the Queen's chapel had singular privileges attached to it.

(*Mr. Stephens.*) The Queen's chapel had peculiar privileges, and it must be borne in mind, that those privileges were not exercised at St. Paul's or at Westminster Abbey; and, as your Lordship knows, private chapels stand upon a very different basis from parish churches.

(*The Dean of the Arches.*) Certainly. I only meant if there had been such an authority it would have been valuable. I have not found any as far as my researches have gone.

(*Mr. Stephens.*) No doubt it would have been valuable; but I think I have assigned a reason to your Lordship why there should be none.

I now proceed to deal with another branch of this case, and it is this: that the Puritans never raised any objection against lighted candles; and I need hardly say to your Lordship that the Puritans would have done so had they been used in parish churches.

(*The Dean of the Arches.*) What would be the inference from that? It is a very curious fact, certainly; but what is your inference?

(*Mr. Stephens.*) What the Puritans objected to was unlighted candles; and therefore objecting only to unlighted candles clearly proves, that there could not have been lighted candles; for they were morbidly sensitive about the most trivial matters of ceremony.

(*The Dean of the Arches.*) Oh, I see. I am obliged to you. That was rather veiled in your first proposition, that the Puritans never objected to lighted candles.

(*Mr. Stephens.*) Exactly; and we find no complaint in all their writings respecting altar lights.

(*The Dean of the Arches.*) That is so, is it?

(*Mr. Stephens.*) Yes, my Lord; and it seems to me almost conclusive evidence upon this subject.

(*The Dean of the Arches.*) They objected to candles altogether, lighted or unlighted.

(*Mr. Stephens.*) They objected to candles altogether. As your Lordship is aware, at that time, the candles were in many churches in the candlesticks unlighted; but the Puritans never made a charge as to the candles being lighted; the charge they always made was, "the candles are unlighted," and we object to them as so many remnants of Popery.

(*The Dean of the Arches.*) And you say, *à fortiori*, they would have objected to them if they had been lighted.

(*Mr. Stephens.*) That is my argument. My Lord, there is a book that was published in 1575, intituled "A brief Discourse of the Troubles begun at Frank-"fort in the year 1554 about the Book of Common "Prayer and Ceremonies."

(*The Dean of the Arches.*) I am afraid I must ask you to lend me that book by-and-by, because I have not a copy.

(*Mr. Stephens.*) Certainly, my Lord. I am about to read a letter, which will be found at page 51, from Calvin to Richard Cox.

(*The Dean of the Arches.*) That is Bishop Cox?

(*Mr. Stephens.*) Yes. I will read the address to your Lordship. "To the worshipful my loving "brethren in the Lord, Master Richard Cox, and the "rest of the clergymen who now remain at Frank-"fort." And at page 52 he says, "Verily no "man well instructed or of a sound judgment will "deny (as I think) that lights and crossings, or such "like trifles, sprang or issued out of superstition; "whereupon I am persuaded, that they which retain "these ceremonies in a free choice, or when they "may otherwise do, they are over greedy and de-"sirous to drink off the dregs; neither do I see to "what purpose it is to burden the Church with tri-"fling and unprofitable ceremonies, or, as I may "term them with their proper name, hurtful and "offensible ceremonies, whereas there is liberty to "have a simple and pure order. But I keep in "and refrain myself, lest I should seem to begin to "move a new contention of that matter, which, as "you report, is well ended."

(*The Dean of the Arches.*) That must be the same Bishop Cox to whom Cassander wrote.

(*Mr. Stephens.*) Yes, it must be the same. In this letter he is addressed as "Master."

(*The Dean of the Arches.*) I forget whether you read this passage at page 54: "Because Master Calvin "objected to them as matters of lights," &c.

(*Mr. Stephens.*) No, I have not read that passgae.

(*The Dean of the Arches.*) You may think it worth while to read it, perhaps.

(*Mr. Stephens.*) Yes, I am going to read it; but before I do so it is requisite for me to solicit your Lordship's attention to the original letters relative to the English Reformation,—the second portion, page

757. Your Lordship will find them in the Parker Society's edition. The date of those letters is 1537 to 1558; and I am going to read from the second portion of them. The letter of Calvin which I have read to your Lordship out of "The Troubles at Frankfort," Whitehead, Cox, and others replied to it on behalf of the English congregation at Frankfort, on the 31st September 1555, and said "you object " to us 'lights and crosses.' As for lights, we never " had any; and with respect to crosses, if we ever " made use of them, these friends of yours have not " imposed upon you."

(*The Dean of the Arches.*) That would show that they never had any.

(*Mr. Stephens.*) It shows the practice.

(*The Dean of the Arches.*) It shows a strong practice, certainly; but it does not go on to show " they are contrary to the law."

(*Mr. Stephens.*) No, my Lord; there was no occasion for that; because the Injunctions and the Visitation Articles expressly prohibited them.

(*The Dean of the Arches.*) Yes, but this is an English divine writing to Calvin. Then would it not have been almost natural for him to have said, "We have not had any lights, they are contrary to law."

(*Mr. Stephens.*) If there was a law prohibiting the lighted candles, or if there was no enactment upon the subject there would have been no occasion to have said that. What I wish to urge upon your Lordship is this, that the very moment Edward's Act of Uniformity passed, the Injunctions of 1547, so far as they related to lights before the sacrament, were abolished by operation of that Act.

(*The Dean of the Arches.*) I have followed your elaborate argument throughout, and I have taken notes of that; but I merely put it to you whether that letter can be cited as going beyond evidence of *de facto* non-use.

(*Mr. Stephens.*) It is evidence to this extent, that they never heard of lighted candles upon the communion tables of our churches.

(*The Dean of the Arches.*) He says, "as to lights, we never had any." It is very strong as to the fact of non-user, certainly.

(*Mr. Stephens.*) Your Lordship has put precisely the same interpretation as to the effect of this document that I have ventured to do; but the expression of any opinion upon the law as to what was legal or illegal would have had no effect.

(*The Dean of the Arches.*) Yes; but it would be the *à fortiori* argument, would it not: "We could not " have any lights, they are contrary to law; you are " making a false charge against us, because we could " not have any lights, they being contrary to law."

(*Mr. Stephens.*) At all events I think it proves the usage. It is conclusive evidence as to that.

(*The Dean of the Arches.*) Yes, that is evidence of considerable weight on that point, as to the non-user of lights at that time certainly.

(*Mr. Stephens.*) I now refer your Lordship to page 54 of the book that I have already cited, "The History of the Troubles at Frankfort (1554)." The authors of "The Troubles at Frankfort," writing in 1575, and being strong Puritans, say of this letter of Calvin's (Letter LIIII.), "Because that Master " Calvin in his letter maketh mention of lights, some " might gather that he was unduly informed that in " the English book, lights were prescribed, (the con- " trary whereof appeareth by the description before,) " where it is manifest to such as be learned, that " he useth the figure *auxesis*, and that this is his " argument *a majore ad minus*, for so much as lights " and crossings, be two of the moste ancientest " ceremonies, having continued in the churche above " thirteen hundred years, are yet for such causes " abolished. How much more ought all other that " have not had the like continuance, and yet abused, " be utterly removed?" Here the Puritans admit that the lights were abolished before 1555. This letter is also quoted in Gorham's Reformation Gleanings, page 347.

My Lord, there is a curious and very scarce publication, called Hickeringill's Works. He was rector of All Saints, Colchester, and the edition from which I am about to cite is the edition of 1716. It appears, that the Puritans during the reign of Charles II., William and Mary, and Anne, only complained of *unlighted* candles. In the second volume of this publication, page 107, it is said, "Clergy and laity who " have but bowed at the name of Jesus, or to the " altar, or set up everlasting candles thereon; for " the Papists light them, and burn them upon " the altar in imitation, for most of their religion " is only apish mimicry of the primitive times and " Christians, who were glad because of persecution " to meet in private conventicles in cells and cellars " and by stealth in the night, and consequently did " all as the Papists now do usually at noon-day in " their chiefest churches; they obscure the windows " with hangings, and do all (perhaps in fee with the " chandlers) by candle-light; or thinking, as some " idle townsmen do (that burn the day) that bought " light is best." At page 405. "It is so very like " Popery; that I confess, when I came from beyond " the sea about 1660 to Paul's or Whitehall I thought " I was in Spain or Portugal only the candles on our " altars most nonsensically stand neglected,—to signify " what? The darkness of our noddles, or to tempt the " chandlers to turn downright Papists as the most " suitable religion for their trade." At page 441: " Our fops, with less reason, do set up candles too " on the altar, as well as the Papists. We must still " be like them and be popish asses, without as much " as popish reasoning, silly though it be. Ours is " nonsense. For what signification of light can this " ceremony be any more than a stick? A candle " unlighted is no more a significant ceremony of light " than a stick before the fire touches it is a fire- " brand. I am not only ashamed of my fops, but " really am ashamed to use any words about it. It " is needless to expose it, and yet it is retained as " a thing of value because that foppery amongst " others made my ceremony-monger a man of value, " for without them he had still sate in the seat which " best becomes him—the lowest stool in the church."

(*Mr. Prideaux.*) What do you say is the date of these statements, Mr. Stephens?

(*Mr. Stephens.*) 1716.

In the third volume (page 156), it is said: "Even " the tackers and highfliers too, at least those of them " that will not adore the wafer God upon the altar " as devoutly as now they adore the bare altar and " blind candles."

(*The Dean of the Arches.*) I see the title of the chapter is "Concerning unlighted candles on the " altar, also church music and other popish symbols."

(*Mr. Stephens.*) Yes. Now it is right I should direct your Lordship's attention to one passage in the third volume, at page 187. I will hand the book up to your Lordship, for I have got a full note of the passage, and because it is one that rather tells against me than for me.

(*The Dean of the Arches.*) "The multitude of these " church babblers is not the one half of those that " have the wit and grace to hold their peace; and " of those that do it, the most of them do it merely " apishly, because they see others do it; and those " others are set on by the nonsensical and super- " stitious high-flyers, that seeing how the weather- " cock of preferment (upon the top of the church " steeple) points, and stands East or so, then they, " after the cathedral nonsensical mode, in hopes of " a deanery, or prebendary, or a bishoprick, bow to " the East, to the altar, to anything, to nothing, to " candles lighted at noon day, (as I have know them in " Westminster Abbey on Candlemas day; and I know " not, whether they so creep to the cross still every " Christmas day, every boy with a lighted candle in " his hand, just as they do in Popish countries). " But at Westminster Abbey and Paul's, (and I believe " at some other places,) they bow to the candles " unlighted all the year after." And it goes on to

say that the singing men and boys alternately read every other verse. That would rather point to the fact of the candles being only lighted on Candlemas day.

(*Mr. Stephens.*) Yes. I thought it right to draw your Lordship's attention to that.

(*The Dean of the Arches.*) At the first blush it would seem so, and what I wish to draw your attention to is, that the usage of lighted candles on Candlemas Day was not abolished then.

(*Mr. Stephens.*) There might have been a fog on the 2nd of February.

(*The Dean of the Arches.*) There might have been. I mean that this writer had seen them lighted at noon day on that particular Candlemas Day; that is my inference from that passage.

(*Mr. Stephens.*) And I believe it is the legitimate one. But it appears that, even though lighted on Candlemas Day, it was an exceptional ceremony, and was done on no other occasion.

(*The Dean of the Arches.*) Have you read the whole of this 6th Chapter? It contains matters that do not concern the Court, but it is a very curious chapter indeed.

(*Mr. Stephens.*) Yes, it is a very curious chapter.

(*The Dean of the Arches.*) I never read anything more curious. I see here (it has nothing to do with this case) "David had nothing to do when he was "young but sit on a hill, and bide two sheep, and "thereby it made him a courtier."

(*Mr. Stephens.*) This publication contains Puritanical feelings of the bitterest character, and it seems to me, if lighted candles had existed in our churches we should have found complaints respecting them in Hickeringill.

In reference to the passage in Hickeringill respecting lighted candles on Candlemas Day; I wish to refer to the language of the Dean of Ely, in the Lower House of Convocation, when discussing the subject of Ritualism. (Chronicle of Convocation, 1866, p. 401.) "To show the extreme difficulty of arriving at a "true judgment on historical evidence, I may mention, that on preaching at the Chapel Royal lately "the candles on the altar were lighted. Supposing "that, after the manner of a Zurich letter, I had "mentioned the fact in writing to the Continent, and "200 years hence my letter had turned up. It "would be evidence very difficult to be got rid of, "whereas the truth was that on that day there was "a London fog, and it would have been difficult to "have read the Communion service without lights "of some kind. If, then, we take contemporary "letters without knowing all the surrounding circumstances of the events narrated, we are liable to "be led into error. There are then great doubts "whether there ever was what might be called a "'use' for lighted candles on the Lord's table since "the Reformation or not. My own feeling is that "there was no such use, and I am against the use of "such lights."

I will now go to the reign of James I., and I wish to refer your Lordship to Bishop Andrewes' Minor Works, Library of Anglo-Catholic Theology. I will admit that Bishop Andrewes had candlesticks and tapers upon the communion table of his chapel; but it is very improbable that he had lighted candles in the day time. At page 97, Appendix F, of Bishop Andrewes' works, the following is a description of the Bishop's chapel. "Two candlesticks with tapers. The "daily furniture for the altar."

I will now refer your Lordship to Andrewes' Pattern of Catechistical Doctrine, pages 370, 372.

(*The Dean of the Arches.*) I suppose that is the page of his works generally?

(*Mr. Stephens.*) No; it is a separate volume. It is in the library of the Anglo-Catholic Theology. Bishop Andrewes, in speaking of some of "the superfluous and wicked ceremonies of the Papists "borrowed from the heathen;" says, "Their burning "of tapers in their churches at noon day is altogether "a pagan custom." I think, therefore, it is quite clear that I have given a definition as to the word "taper" in the furniture of Bishop Andrewes' chapel, namely, that it does not mean a lighted candle.

I will now refer your Lordship to Andrewes' Minor Works, page 33. In his answer to the 18th chapter of the First Book of Cardinal Perron's reply, he says, "There were lights; there was incense used "by the primitive church in their service; not for any "mystical meaning, but (as it is thought) for this "cause, that where the Christians in time of persecution had their meetings,—most commonly in criptis, "in caves and grots under ground, places dark and "so needing light, and dampish and so needing good "savours,—they were enforced to provide lights "against the one, and incense against the other. "After when, peace came, though they had churches "then above ground, with light and air enough, "yet retained they both the lights and the incense, "to show themselves to be the sons and successors of "those ancient Christians which in former times had "used them (though upon other occasion), showing "their communion in the former faith by the communion of the former usages. Whereto the after "ages devised meanings and significations of their "own, which from the beginning were not so."

(*The Dean of the Arches.*) Do you think, in that passage where he refers to burning tapers at noonday, he is referring to the continual burning of candles all day, or only to another kind of burning? "Burning "candles in their churches at noon-day is altogether "a Pagan custom." That is what I have taken down. Do you think Bishop Andrewes meant by that a continual burning of candles, or an occasional lighting of them?

(*Mr. Stephens.*) My Lord, he meant it as a ceremony. All I wanted to show was that in the description of this furniture, when it speaks of tapers being on the communion table, they were not *lighted* tapers, because that would be inconsistent with the passages which I have read from Bishop Andrewes' writings.

(*The Dean of the Arches.*) I think it is clear the use of the word "tapers" did not mean a burning light.

(*Mr. Stephens.*) Precisely so.

(*The Dean of the Arches.*) That may be my imperfect knowledge of the subject, but it would appear so.

(*Mr. Stephens.*) I now come to the reigns of Charles I. and Charles II. There can be no doubt that during these reigns there was an inclination among some of the leading men of the Church and State to effect a re-union between the Churches of England and of Rome.

Before attention is directed to the conduct of Archbishop Laud in reference to the introduction of candles, it may be expedient to ascertain, whether implicit reliance can be placed upon the loyalty of that prelate for the maintenance of the Protestant faith; or in other words, whether upon questions like these which are now the subject of discussion, the language or the actions of Archbishop Laud should be regarded with absolute confidence.

Upon this subject I will refer again to a work that I have this morning quoted, called "Rome's Tactics," by the Dean of Ripon; and I am going to read from pages 35—37.

(*The Dean of the Arches.*) I think you have referred me more than once to Archbishop Laud as a considerable authority.

(*Mr. Stephens.*) I am now speaking of Archbishop Laud in reference to candles.

(*The Dean of the Arches.*) But I mean, when you make that general attack upon him, I think you have yourself referred to him, unless I am mistaken, more than once, as an authority in your favour.

(*Mr. Stephens.*) I may have referred to him; but only for what he has done in reference to his Visitation Articles.

"So far is Dr. Heylin, (Heylin's Life of Laud, "Book 4, under year 1639,) the friend of Laud, "and chaplain to Charles I., from denying the truth

" of this representation, that he quotes the passage as " to the universities, &c., embracing Catholic opinions, " as showing how far they had proceeded towards " this happy reconciliation."

(*The Dean of the Arches.*) Is there more than the folio edition of that book, which you are citing from?

(*Mr. Stephens.*) Yes, I have a second edition, and I will, if your Lordship wish, bring it down to-morrow to refer to some of these passages.

(*Mr. Prideaux.*) Pardon me one moment; but you are quoting from Dean Goode's book, are you not?

(*Mr. Stephens.*) Yes.

(*The Dean of the Arches.*) He gives us the references, of course. It will not be any authority until we have verified them. I suppose you have got some extracts, Mr. Stephens, that you want to use.

(*Mr. Stephens.*) Yes. They are at page 35 of Dean Goode's publication. "The two secretaries " Windebank and Cottington, and Dr. Goodman, " Bishop of Gloucester, afterwards openly joined " the Church of Rome. The King and Archbishop " Laud allowed themselves to be drawn some way " towards it, but on a nearer view shrank from " committing themselves altogether to it; their con- " sciences unwillingly detecting some points to which " they feared to give approval."

" That Archbishop Laud looked favourably upon " the project of a reconciliation with Rome, and " acted in many respects with an eye to the pro- " motion of it (though, it is to be hoped, with a " considerable reserve in the extent to which his " concessions would have gone), can hardly be " doubted, even from the statement of his friend " Heylin himself. Dr. Heylin, referring to a tract " called 'The English Pope,' printed at London in " the same year, 1643, says, 'He well tells us that " 'after Con. had undertook the managing of the " 'affairs, matters began to grow towards some " 'agreement;' and then, stating what it was sup- " posed the Pope was likely to yield, he adds, 'and " 'to obtain a reconciliation upon these advantages, " 'the Archbishop had all the reason in the world " 'to do as he did in ordering the Lord's table to " 'be placed where the altar stood, and making the " 'accustomed reverence in all approaches towards " 'it, and accesses to it; in beautifying and adorn- " 'ing churches, and celebrating the divine service " 'with all due solemnities, in taking care that all " 'offensive and exasperating passages should be " 'expunged out of such books as were brought to " 'the press; and for reducing the extravagancy of " 'some opinions to an evener temper . . . . . And " 'if he approved auricular confession, and showed " 'himself willing to introduce it into the use of the " 'Church, as both our authors say he did, it is no " 'more than what the liturgy commends for the " 'care of the penitent (though we find not the " 'word 'auricular' in it) or what the canons have " 'provided for as the point of security for such as " 'shall be willing to confess themselves.'

" Such is the statement of Dr. Heylin himself."

" But when, after raising the expectations of the " Romanists, the King and Archbishop, impelled pro- " bably by various motives, impeded their proceed- " ings, they became doubly the objects of their hatred, " especially with the Jesuits, to whose views, indeed, " however much they might be inclined towards " effecting, if possible, a union with the Church of " Rome, they were probably to a great extent opposed. " And the object of the Jesuits being, as expressed " in one of the documents already quoted, to bring " about a 'universal catholic monarchy,'—an object " which to this day they have more at heart than " any other—they were as anxious to get rid of " those who, while they approximated to them in " some points, opposed their main scheme as of more " thorough opponents."

I will now direct your Lordship's attention to the Hierurgia Anglicana (page 14). The Hierurgia Anglicana, whatever its authority may be worth, shews that candles were introduced by Laud at Whitehall, at Lambeth, at Windsor, and at Canterbury (pp. 16, 21). I may likewise remark that Bishop Cosin did the like at Durham (pp. 22, 45).

(*The Dean of the Arches.*) Lighted candles?

(*Mr. Stephens.*) Candles and candlesticks; not lighted candles.

(*The Dean of the Arches.*) As far as I understand, these citations you now refer to, refer to candlesticks and tapers only.

(*Mr. Stephens.*) Yes. But as Whitehall, Lambeth, Windsor, Canterbury, and Durham were precisely the places where, if anywhere, they must have been *retained*, such an introduction proves their novelty?

(*The Dean of the Arches.*) But then this is the introduction of candles unlighted.

(*Mr. Stephens.*) Candles unlighted.

(*The Dean of the Arches.*) But do you say the introduction of candles even unlighted is a novelty?

(*Mr. Stephens.*) Yes.

(*Mr. Prideaux.*) It does not say unlighted.

(*The Dean of the Arches.*) I used the word "unlighted" because I assumed it from the context.

(*Mr. Stephens.*) When I make use of the word "candles" I mean unlighted candles, that being the proper expression. This Hierurgia consists of complaints against candlesticks and candles or tapers; thus, proving that they were a novelty.

I do not deny that the candlesticks with candles in them, which Elizabeth had set up on the Communion table of her chapel, were retained under James I. and Charles I. I do not deny that Bishop Andrewes had candlesticks and candles standing on the Communion table in his chapel; I do not deny that there were candles on the Communion table in the chapel at Durham in 1629; and that during Laud's primacy between 1633 and 1641 there were candlesticks and candles on the Communion table in his chapel, and also in several cathedrals. Again I admit that since the Restoration there have been, in some cathedrals and college chapels, candlesticks with or without candles on the Communion table.

(*The Dean of the Arches.*) As there is in the Queen's Chapel Royal now.

(*Mr. Stephens.*) Yes. But these admissions have no bearing on the question whether *lighted* candles in the day time at the Communion service are now lawful. To answer the charge in the Articles it must be shown that the candles on the Communion table were lighted at the Communion Service when not required for light, and not merely in the evening when they might be considered as required for giving light. I challenge the Counsel on the opposite side to show that in any cathedral in this country, or in any parish church, there have been lighted candles upon the Holy table during the Communion service when there was daylight; that is to say, a sufficient amount of daylight to perform the offices of the church.

(*The Dean of the Arches.*) There has been some dispute as to whether Cosin's notes were made before or after the Prayer Book.

(*Mr. Stephens.*) Bishop Cosin, by his practice and by his notes in reference to lights, has caused some misapprehension upon the subject. Bishop Cosin, however, *never used lighted candles before the Sacrament.* If he never used lighted candles before the Sacrament, how could the Injunctions of 1547 apply; but even if he did, that act *per se* would not have rendered the use of lighted candles legal. It is, however, remarkable that neither Bishop Cosin nor any other prelate, when making inquiries respecting the ornaments of the Church, ventured in their Injunctions or visitation articles, to ask for lighted candles, for candles, or even for candlesticks. Not a single visitation article can be produced where such an inquiry has been made. And the reason is obvious: because the Prelates knew that neither the statute law nor the canon law justified the use of lighted candles during daylight upon the Holy table in our churches. If lighted candles were required or in use, is it for one moment to be supposed that the eminent divines to whom I have referred your Lordship

would not have made some inquiry upon the subject in their visitation articles, which were so very extensive and minute: and framed, not in one form, but in different forms, and settled by different chancellors?

Bishop Cosin's notes were not published in his lifetime, and their ultimate publication by Dr. Nicholls in 1709, thirty years after his death, do not seem to have been intended by Cosin. In fact these notes were never intended but for his own private use; and consequently he did not attempt nor take any pains, as appears upon examination of the notes, to express himself correctly; and we are not bound to assume that by lights he meant lighted candles. On the contrary, he meant candles. That view of the case is supported by the references from Bishop Andrewes' works, to which I have ventured to direct your Lordship's attention.

I will now refer your Lordship to Wheatley, on the Book of Common Prayer. (Page 92 of the Cambridge edition of 1858.) Wheatley, after extracting Cosin's notes respecting lights, adds, "These "lights used time out of mind in the church are "still continued in most, if not all, cathedral and "collegiate churches and chapels so often as divine "service is performed by candle light."

Why, no one ever questioned the legality of having candles in a church during darkness. But this, my Lord, shows how Cosin's notes of 1720, eleven years after Nichols had published them, were understood as applying to divine service when performed by candle light. Is it possible for anyone to elicit an argument from such premises in favour of lighted candles, or would the Court be justified in drawing a conclusion that lighted candles were used in our churches during the daylight?

I am now about to refer to 5 Cosin's Works——

(*The Dean of the Arches.*) That is the one that contains his notes.

(*Mr. Stephens.*) Yes; it is a book to which the Court directed my attention yesterday. I wish to quote from page 440, and I will also direct your Lordship's attention to page 231. It is observable that Cosin, whenever he quotes the Injunctions of 1547, leaves out those very important words "before the sacrament." And he no where intimates that there is any connection between the lights on the Holy table and the Communion. I am now about to read from page 440: "Among other ornaments of the "church, also then in use, in the second year of King "Edward VI., there were two lights appointed by his "Injunctions, which the Parliament had authorized "him to make, and whereof otherwhiles they made "mention as acknowledging them to be binding." And at page 231: "Among other ornaments of the "church that were then in use, the setting of two "lights upon the Communion table or altar was one, "appointed by the King's Injunctions set forth about "that time and mentioned or ratified by the Act of "Parliament here named." But those are not the lights mentioned in the Injunctions of 1547. The lights mentioned in the Injunctions of 1547 are two lights upon the high altar and before the reserved sacrament.

In 1658 Cosin was charged with burning candles superstitiously; and his answer to this charge shows, that he regarded candles on the Communion table merely as ornaments to be used for lighting the church when required. (4 Cosin's Works, page 390.) Fuller, enumerating the charges made against Cosin by Smart, says: "He was accused of lighting 200 wax candles "about the altar on Candlemas Day." (*Ibid.* page 394.) Cosin, in a letter written in 1658, in reply to this charge, and published in 1659, says: "That by "the local statutes of that church (whereunto Mr. "Smart was sworn as well as myself) the treasurer "was to give order, that the provision should every "year be made of a sufficient number of wax lights "for the service of the choir during all the winter "time; which statute I observed when I was chosen "into that office, and had order from the dean and "chapter by capitular act to do it; yet upon the "Communion table they that used to light the candles "(the sacrists and the vergers) never set more than "two fair candles with a few small sizes near to "them which they put there of purpose that the "people all about might have the better use of them "for singing the psalms, and reading the lessons out "of the bible. But two hundred was a greater number "than they used all the church over, either upon "Candlemas night or any other; and that there were "no more (sometimes many less) lighted at that time "than at the like festivals in Christmas holidays, "when the people of the city came in greater com-"pany to the church, and therefore required a greater "store of lights."

What is the deduction from these premises? Why, that the two candles on the Communion table were regarded by Cosin as part of the lights required for lighting the church. But, my Lord, the private notions of Bishop Cosin or the private notions of other persons with reference to lighted candles cannot influence the legal interpretation of a statute, even though they were themselves its framers, because the Court cannot go beyond the statute for its interpretation.

I need hardly cite to your Lordship the case of *Brett* v. *Brett*, where your Lordship will find that proposition laid down by one of your Lordship's predecessors, Sir John Nicholl. The case is reported in 3 Adams.

(*The Dean of the Arches.*) I think you cited it to me the other day. I have a note of it.

(*Mr. Stephens.*) It was on some other point. The reference is 3 Adams, 217; and I only cite it to show, that it is no matter what were the opinions of Bishop Cosin, or of any other prelate, in reference to the legal construction of the Prayer Book. (*Salkeld* v. *Johnson*, 2 Exchequer Reports, 273; *Arding* v. *Bonner*, 2 Jur. N.S., 763; *Fellowes* v. *Clay*, 4 Q.B., 360.) The Court can only be guided by what the legislature has said, and not by what the framers thought it said. In fact, there is no warrant for saying, that lighted candles were used in the church for symbolical purposes after the passing of the Act of Uniformity of Charles II.

Perhaps there were few prelates more respected by all parties than Archbishop Leighton; and it seems clear, from the language he used in the fourth of his published sermons, that lighted candles for symbolical purposes could not, shortly after the passing of Charles II. Act of Uniformity, have been used by any of those congregations who dissented from the errors of Rome, either in England or Scotland. Your Lordship is doubtless aware that Leighton was consecrated Bishop of Dunblane by the Bishop of Winchester and two other English bishops in 1661. In 1669 he was appointed by the Crown Commendator of Glasgow. He was elected Archbishop of Glasgow on October 27th, 1671, by a *congé d'élire* to the Chapter of Glasgow; and in 1674 he resigned his archbishopric into the hands of the King.

I will now refer to the Archbishop's sermon (3 Leighton's Works, p. 51, Sermon 4): "What is the "shining of the True Church? Doth not a church "then shine when church service is raised from a "decent and primitive simplicity, and decorated with "pompous ceremonies, with rich furniture and gaudy "vestments? Is not the church then beautiful? Yes, "indeed; but all the question is, whether this be the "proper genuine beauty, or no? Whether this be not "strange fire, as the fire that Aaron's sons used, "which became vain, and was taken as strange fire? "Methinks it cannot be better decided than to refer "it to St. John in his Book of the Revelations. We "find there the descriptions of two several women; "the one riding in state, arrayed in purple, decked "with gold and precious stones and pearls, Rev. "xvii. 3; the other in rich attire too, but of another "kind, chap. 12, clothed with the sun, and a crown "of twelve stars on her head. The other's decorement "was all earthly; this woman's is all celestial. "What need she borrow light and beauty from

" precious stones, that is clothed with the sun and " crowned with stars? She wears no sublunary " ornaments, but, which is more noble, she treads " upon them, the moon is under her feet. Now, " if you know (as you do all, without doubt,) which " of these two is the spouse of Christ, you can easily " resolve the question. The truth is, those things " seem to deck religion, but they undo it. Observe " where they are most used, and we shall find little " or no substance of devotion under them; as we " see in that apostate Church of Rome. This paint- " ing is dishonourable for Christ's spouse, and besides, " it spoils her natural complexion. The superstitious " use of torches and lights in the church by day, is a " kind of shining, but surely not commanded here. " No, it is an affront done both to the sun in heaven " and to the Sun of Righteousness in the Church."

(*The Dean of the Arches.*) But would not that rather point to there being lights in the day at the time he wrote that?

(*Mr. Stephens.*) No, my Lord.

(*The Dean of the Arches.*) He writes against it.

(*Mr. Stephens.*) Yes.

(*The Dean of the Arches.*) Would he write against a thing that did not exist?

(*Mr. Stephens.*) No; but the lights were in use in the Roman Catholic church.

(*The Dean of the Arches.*) Oh, you do not think he was alluding to the other lights?

(*Mr. Stephens.*) No, clearly not. He was drawing a distinction between the apostate Church of Rome and our own, saying that one depended upon fine shows, upon processions, upon music, and so forth, and the other upon the pure Word of God.

My proposition is, that lighted candles, when not used for the purpose of giving light, are ceremonies, and not merely ornaments or decorations. That lighted candles during the daylight are not treated as mere decorations, but as articles used in the performance of the services and rites of the church, appears from the Directorium Anglicanum (page 34). The author, in dealing with "altar lights," says, " These should be lighted immediately before the " communion service by the clerk in cassock, or in " cassock and surplice. He should make a reverence " before ascending to light them, and commence on " the Epistle side." And at page 35: "It should be " observed that these two eucharistic lights, should " never be used as mere candles for lighting the " sanctuary. Other brackets for candles, or the " *coronæ* and standard lights, are sufficient for that " purpose. The two lights are symbols, and *in* " *honorem sacramenti*, and must be *cæca lumina*, " save when celebration is intended. The judgment " in the Knightsbridge case decided their strict " legality. When matins, litany, and communion, " or matins and communion, are celebrated together, " the lights should not be lighted till just before the " communion office begins. Other lights may be lit " at the gospel, at the offertory, or immediately before " the consecration or canon. Two lights are the " minimum according to the plain existing law of the " Church of England."

I will shortly draw your Lordship's attention to the distinction between the cross and the altar lights. (Moore's Report, page 175.) In *Westerton* and *Liddell* the cross was retained as a mere architectural decoration by the Privy Council, because it was an emblem of the Christian faith, held in great repute and used by the early Christians; but it was expressly excluded, as your Lordship may remember, from use *in* the services of the church.

The distinction between the credence table and the lights will also appear from Moore's Report (page 187). The credence table was allowed by the Privy Council because it was an article not merely "consistent with," but "subsidiary to the service,"—in fact as a mere adjunct to the communion table, and perfectly unimportant whether it was used or not. Such, I believe, was the principle of the decision upon that point.

(*The Dean of the Arches.*) The principle was that the rubric required the holy elements to be taken from a separate place before they were put upon the holy table; the rubric required it.

(*Mr. Stephens.*) But it was regarded as a mere adjunct to the communion table.

(*The Dean of the Arches.*) Certainly.

(*Mr. Stephens.*) Subsidiary to the proper performance of the service of the church.

(*The Dean of the Arches.*) Certainly.

(*Mr. Stephens.*) The distinction here is, that all the services of the church can be performed without the lighted candles, and without mixing water with the sacramental wine; in fact, these ceremonies are neither "consistent with" nor "subsidiary to the service."

(*The Dean of the Arches.*) I suppose it would be difficult to find the existence of a credence table in any of the Visitation Articles.

(*Mr. Stephens.*) I believe so.

(*The Dean of the Arches.*) Is there any order ordering the churchwardens to procure a credence table?

(*Mr. Stephens.*) I have a slight impression it occurs in one or two instances, but I am not certain.

(*The Dean of the Arches.*) It may be worth considering in that view of the case. Your argument is, of course, that from Edward VI. to the present time there has been no order ordering the churchwardens to procure candlesticks or candles. But then I am not aware of any order ordering the churchwardens to procure credence tables.

(*Mr. Stephens.*) Very few churches have credence tables; they are not common.

(*The Dean of the Arches.*) No; but you see the bearing of my remark. One must be cautious how one admits the negative argument as to candles and candlesticks, because it would apply equally to what is unquestionably lawful, namely, the credence table.

(*Mr. Stephens.*) There is a great distinction between the two things.

(*The Dean of the Arches.*) There may be a distinction between the two things, but you will bear in mind what I say as to the negative argument.

(*Mr. Stephens.*) Yes, I see the effect of your Lordship's observation. I was about to refer your Lordship to Moore's Report, page 187: "Now what " is a credence table? It is simply a small side " table on which the bread and wine are placed before " the consecration, having no connection with any " superstitious usage of the Church of Rome. Their " removal has been ordered on the ground that they " are adjuncts to an altar; their Lordships cannot " but think that they are more properly to be " regarded as adjuncts to a Communion table." Is there not a very great distinction between the lighted candles and the credence table? What are lighted candles? Can anyone doubt that they are an addition to the services ordered by the Prayer Book, and that therefore they stand upon quite a different basis from the credence table? They are an addition in the performance of the services of the church. The legitimate deduction from *Westerton* and *Liddell* is, that lighted candles on the Communion Table, when not used for giving light, are illegal. I refer your Lordship to Moore's Report, from page 17 to page 70.

(*The Dean of the Arches.*) That is the earlier judgment.

(*Mr. Stephens.*) It is the earlier judgment.

(*The Dean of the Arches.*) You must remember, in dealing with that, that the greater part of Dr. Lushington's judgment was reversed.

(*Mr. Stephens.*) I am aware of that, my Lord, but I do not think this part which I am going to read was. Dr. Lushington held——

(*The Dean of the Arches.*) The question of lighted candles was not taken up to the Privy Council; it stood entirely on the decision of the Court below.

(*Mr. Stephens.*) Yes; and there is another fact in *Westerton* and *Liddell* distinguishing it from the

present case. Your Lordship may remember that there was an affidavit from Mr. Liddell, stating that the candles were not lighted.

(*The Dean of the Arches.*) I know it did not go up. I think the question of lighted candles was not even mooted in the Arches Court.

(*Mr. Prideaux.*) No.

(*The Dean of the Arches.*) The fact is the candles were not lighted, and therefore when Dr. Lushington decided that they were lawful ornaments, Mr. Liddell said, "Well, that is all I want, my candles are not "lighted;" and there the matter stopped.

(*Mr. Stephens.*) Therefore it is not analogous to the present question, there being no question of lighted candles in *Westerton* and *Liddell*.

(*The Dean of the Arches.*) Just so. There is no doubt what Dr. Lushington decided was that candlesticks and candles were lawful, but it was not lawful to light them during the service. That was the substance of his decision. But there is this to be remarked, he did not make any decree upon it, and it was more a judicial dictum than an abstract decision; because I do not think the question of lighted candles was before him. Nobody accused Mr. Liddell of having lighted candles, but only of having candlesticks and candles on the altar. Dr. Lushington decided they were lawful, and he went a little further than the *ratio decedendi* required, and said they must not be lit.

(*Mr. Stephens.*) I think that is substantially the state of the case.

My Lord, you will find at pages 156 and 187 of Moore's report of *Westerton* and *Liddell*, their Lordships say "the word 'ornaments' applies, and in "this rubric is confined to those articles the use of "which, in the services and ministrations of the "church is prescribed by the Prayer Book of "Edward VI.," and "that *in* the performance of the "services, rites, and ceremonies ordered by the Prayer "Book, the directions contained in it must be strictly "observed; that no omission and no addition can be "permitted."

The question, therefore, appears to be this: Do any of the Prayer Books of Edward VI., Elizabeth, and Charles II., make any mention of candlesticks, altar lights, or lighted candles? I apprehend it cannot be contended for one moment, that there is the slightest allusion to such ornaments of the Church; nor do we find in any of our Prayer Books any directions for lighting candles in the performance of divine worship.

(*The Dean of the Arches.*) The first proposition would apply to unlighted candles; the second applies to lighted candles alone.

(*Mr. Stephens.*) To lighted candles alone.

(*The Dean of the Arches.*) Your first proposition, which is a perfectly true one, that lighted candles are not mentioned *eo nomine* in either of the Prayer Books would apply to candles and candlesticks.

(*Mr. Stephens.*) Certainly. First, I submit that candles and candlesticks are ornaments——

(*The Dean of the Arches.*) I quite understand your proposition. And then you say, secondly, the Prayer Book contains no direction for the use of such ornaments, and therefore their introduction is an additional ceremony.

(*Mr. Stephens.*) Yes, in the performance of divine service. Therefore, I submit that, under the authority of *Westerton* and *Liddell*, and of the Acts of Uniformity, lighted candles on the Communion Table *in* the performance of divine service are illegal.

I do not think, under the circumstances, I need any longer trespass upon the attention of your Lordship to-day, and I will therefore conclude the observations which I have thought it necessary to make on this branch of the subject, and will proceed to my next point to-morrow morning.

(*The Dean of the Arches.*) To-morrow I will sit until half-past three; and I am ready to sit at ten, if you think necessary, in order to give you an opportunity of concluding your argument.

(*Mr. Stephens.*) I will do my best.

(*The Dean of the Arches.*) I beg you to understand, I do not wish to curtail you. These cases are not like ordinary cases. They require an immense citation of authorities; and the Judge puts questions to Counsel which lead to discussion, and no doubt have the effect of lengthening the case; but the Judge must necessarily do that in order that he may follow the argument. This is no ordinary case; it requires an immense amount of documentary evidence and rare books from various sources, which in an ordinary case it is not necessary to have recourse to. Therefore, Mr. Stephens, I do not in the least wish to curtail your argument.

(*Mr. Stephens.*) I am very much obliged to your Lordship.

Adjourned to to-morrow, 10 o'clock.

FOURTH DAY.

Saturday, December 7, 1867.

(*Mr. Stephens.*) I propose, my Lord, to deal with the subject of Incense, and will very shortly state the Articles and the Responsive Allegation, so far as they apply to the matter now under our consideration. The charge as to Incense is contained in the 7th and 8th paragraph of the Articles: "That the said Alex "ander Heriot Mackonochie has in his said church, "and within the two years last past (to wit, on "Sunday the 23rd day of December, on Christmas "Day last past, and on Sunday the 30th day of "December, all in the year of our Lord 1866, used "incense for censing persons or things in and during "the celebration of the holy communion, and permitted "and sanctioned such use of incense." . . . . "That the said Alexander Heriot Mackonochie has "in his said church, and within two years last past, "to wit, on Sunday the 13th day of January in the "year of our Lord 1867, unlawfully used incense in "and during the celebration of the holy communion." In the Responsive Allegation, paragraph 7, Mr. Mackonochie admits having used in December 1866 incense for censing persons and things, but states that he has discontinued it since the 30th December 1866, and refers to his address to his parishioners.

In the Responsive Allegation, at paragraph 7, Mr. Mackonochie admits having in December 1866 used incense for censing persons and things, but states that he has discontinued it since December 1866, and refers to his address to his parishioners. At paragraph 9 Mr. Mackonochie denies that the use of incense alleged in the 7th and 8th Articles is unlawful. In the Responsive Allegation, at paragraph 8, Mr. Mackonockie admits that on the 13th January he caused and allowed incense to be burned during the reading of the prayer of consecration, and afterwards till the time of the administration of the Communion to the people; but he denies that he used it unlawfully, or that such use is unlawful. I believe, my Lord, I have now stated accurately what appears upon the Articles and upon the Responsive Allegation; and no admissions of counsel one way or the other, except they are entered on the pleadings, can in the

slightest degree affect your judgment in dealing with this case.

Edward the VI.'s First Book was compiled from the several missals then in use which contained directions for the use of incense at certain places at the celebration of divine service. The Prayer Book of Edward VI., of Elizabeth, and Charles II. do not contain any directions, either express or implied, for the use of incense, nor is the word "Incense" mentioned. There is not the slightest allusion to incense pots or censers as ornaments. But, my Lord, I care not one farthing whether there were incense pots or not, or any other ornaments of a like character, for this reason, that the question before the Court is not one of ornaments, but one of ceremonies.

I submit that if incense be used as an act of religious worship, or as a symbol of prayer, it is an unauthorized addition to the Book of Common Prayer, and it is performing the services of the church in a different manner from that which is prescribed by the Acts of Uniformity.

The Sarum Missal contains several directions for the use of incense. At page 42 of Walker's Liturgy of the Church of Sarum, will be seen, how like are the practices as to censing persons and things in the Church of Rome, to the practices at St. Alban's in 1866, and for a long time anterior to that period: in fact, such practices never ceased until it was well known that proceedings were about to be instituted against Mr. Mackonochie. I will now read the rubric from Walker:—"Then the deacon handing him the "censer kisses his hand, and the priest incenses the "midst and either side of the altar, first on the right "part, afterwards on the left, and immediately in "the midst. Then the deacon incenses the priest, "and after this the priest kisses the text or book, "out of which the sub-deacon executes his ministry. ". . . . At the end of the Alleluya, Sequence, or "Tract, the deacon before he goes to the lectern to "read the Gospel, incenses the altar in the midst only, "for he shall never incense the lectern, either at mass "or matins, before he reads the Gospel" (page 47). ". . . . . Having done which, he receives the "censer from the deacon, and incenses the sacrifice "thrice in the form of a cross, and round the chalice "or sacrifice, and then he incenses the place between "himself and the altar . . . . After this, the "priest is incensed by the deacon and the sub-deacon, "and the sub-deacon gives him the text to kiss, then "the acolyte incenses the choir; beginning with the "rulers; then the upper grade on the decani side "[beginning with the dean himself in cathedrals, or, "if he be absent, at the nearest stall], then the upper "grade in the cautoris side, then the lower grades in "like manner, the boy bowing to each one as he "incenses him, the sub-deacon following with the "text for each one to kiss." (Page 51.)

The directions for the use of incense in the Sarum Missal, are not inserted in the First Book of Edward VI.; and if they were not inserted in the First Book of Edward VI., can there be a stronger argument in order to establish that they were not intended to be used?

It is clear Bishop Ridley considered that the symbolical use of incense was not authorized during divine service. In his works it is said (Parker Society's edition, p. 90): "Many other actions there be, which "are lawful and honest in private places, which are "neither comely nor honest not only in churches but "also in other assemblies of honest people. Tertul-"lian saith he used sometimes to burn frankincense "in his chamber, which was then used by idolators, "and is so still in the Romish churches. But he "joineth withal; but not after such a rite or cere-"mony, nor after such a fashion, nor with such pre-"paration or sumptuousness, as it is done before the "idols."

In a paper entitled "The Hurt of hearing the Mass——"

(*The Dean of the Arches.*) What is the reference?

(*Mr. Stephens.*) The second volume of Bradford's works, page 310, Parker Society's edition. This paper was written by John Bradford in Queen Mary's reign, and it enumerates the censing of the sacrament among the parts of the mass, placing it among other things which are unquestionably abolished: "The Agnus "Dei, Pope Sergius about the year of our Lord 700 "brought into the mass. Innocentius ordained the "pax to be given to the people. Pope Leo com-"manded the sacrament to be censed. Bonifacius "put in his foot for the covering of the altars. Pela-"gius brought out the commemoration of the dead "to be had in the mass. Vigilius ordained that the "priest should say mass with his face towards the "East."

Your Lordship will observe that it was Pope Leo who commanded the sacrament to be censed; and I should like to know from my friends whether there is any authority for commanding the sacrament to be censed anterior to that period.

In Bishop Pilkington's works, page 129 (Parker Society's edition), there is an exposition upon the prophet Aggeus, in which he says: "The Pope's "church hath all things pleasant in it to delight "the people withal. As for the eyes, their God "hangs in a rope, images gilded, painted, carved "most finely, copes, chalices, crosses of gold and "silver, banners, &c., with relics and altars; for the "ears, singing, ringing, and organs piping; for the "nose, frankincense sweet; to wash away sins (as "they say) holy water, of their own hallowing and "making; priests, an infinite sort; masses, trentals, "diriges, and pardons, &c., written with Scripture. "But where the Gospel is preached, they knowing "that God is not pleased but only with a pure heart, "they are content with an honest place appointed "to resort together in, though it were never hallowed "by bishop at all, but only have a pulpit, a preacher "to the people, deacon for the poor, or a table for the "Communion, with bare walls, or else written with "Scriptures, having God's eternal word always "sounding among them in their sight and ears; and "last of all they should have good discipline, correct "faults, and keep good order in all their meetings. "But as they wept to see this second house no more "costly nor pleasant to the eye, so our poor Papists "weep to see our churches so bare, saying they be "like barns, there is nothing in them to make curtsey "unto, neither saints nor yet their old little god. "But hereafter it appears whether of these churches "God is more delighted withal. For although these "ceremonies," [here incense or frankincense is enumerated and dealt with as a ceremony] "in the Old Law "were given by Moses for the hardness of the people, "to keep them exercised that they fall not to idolatry "of the Gentiles, yet is there no mention of either "of these in the New Testament, nor yet command-"ment now, neither to us nor them, but forbidden "to be used of all, both of us and them. We be no "longer under shadows, but under the truth. Christ "hath fulfilled all, and taken away all such dark kind "of ceremonies, and hath placed the clear light of "his Gospel in his Church, to continue to the end! "But the Pope hath thrust the Church full of more "blind and wicked ceremonies than ever Moses "did."

Your Lordship may remember that I directed your attention to the fact that it was a Pope who first introduced frankincense as a ceremony into the Church, and as a mode of carrying out the system of the Church of Rome, which essentially consists in priest-rule and priest-craft. Every one of the ceremonies in this case owes its origin, not to the New Testament, but to man's invention, and that man a Pope.

(*The Dean of the Arches.*) That passage that you have read is from Bradford?

(*Mr. Stephens.*) Bradford, p. 310.

(*The Dean of the Arches.*) What did you say about organs? You read something about organs piping, but I did not catch what it was. He seems to be as severe against organs as against anything else.

(*Mr. Stephens.*) Organs are allowed as subsidiary in our Church services on the like principle as the credence table.

(*The Dean of the Arches.*) The writer you cite is as severe against organs as anything else, is he not?

(*Mr. Stephens.*) The sentence commences thus:—"The Pope's Church hath all things pleasant in it to "delight the people withal. As for the eyes, their "God hangs in a rope, images gilded, painted, carved "most finely, copes, chalices, crosses of gold and "silver, banners, &c., with relics and altars; for the "ears, singing, ringing, and organs piping."

(*Mr. Prideaux.*) I am told that this is from Pilkington, and not from Bradford?

(*The Dean of the Arches.*) Yes. The reference before was from Bradford, p. 310; this is from Pilkington, p. 129. It was I that misled Mr. Stephens unintentionally, when I asked about organs piping. I asked what page of Bradford.

(*Mr. Stephens.*) I am very much obliged to your Lordship, as I have been for every question your Lordship has put to me throughout this argument.

(*The Dean of the Arches.*) Of course I can have but one object,—to understand your argument.

(*Mr. Stephens.*) Then follow the words, "ringing, organs piping," which seem to me not very important. Certain false, erroneous, and unscriptural doctrines were laid down by the Church of Rome, so as to put man's conscience in trammels. And how were such principles carried out? By every species of music, fine dresses, and processions, and by exalting the priesthood as a set of men between the Creator and the rest of mankind.

I will now direct your Lordship's attention to a book I have previously cited, namely, Peacock's Church Furniture. I am going to quote from pages 92 and 90. Of the 150 churches mentioned in the Inventories, 79 appear at the end of Mary's reign to have one or more censers. In April 1566 these had been sold, broken, defaced, returned to the owners, taken away by the priest, or otherwise got rid of, except in two instances.

In both of these cases, they are remaining together with other illegal ornaments; namely, at Gunbie (p. 72), with a "sepulker and a pax," which at this period were clearly illegal. At Gretford (p. 90) with a cross cloth with the image of the Trinity. Here only the upper part of the censer was remaining, the nether part having been stolen away.

In support of incense, reliance has been or may be placed upon the following verse, alleged to be a prophecy of the use of incense in the Christian Church: Malachi, c. 1, v. 11. It is referred to, my Lord, in "The Church Union Case" (p. 72); I will read the text. "For from the rising of the sun, even unto the "going down of the same, my Name shall be great "among the Gentiles; and in every place incense shall "be offered unto my Name, and a pure offering; for "my Name shall be great among the Heathen, saith "the Lord of Hosts."

(*The Dean of the Arches.*) I think I might relieve you from that part of the argument. Certainly, I shall not consider that citation as having any weight with me in reference to the lawfulness of the use of incense.

(*Mr. Stephens.*) I thought so, but it was mentioned in the Church Union case.

(*The Dean of the Arches.*) I do not wish to curtail your argument, and I do not complain of your commenting upon it; but it will save time if I say that it will not have the slightest weight with me.

(*Mr. Stephens.*) Any intimation your Lordship makes will experience from me the greatest respect. I will not therefore refer to Bishop Jewel on this point.

(*Mr. Prideaux.*) Of course I am not to be taken, from being silent, as admitting that. I wish it to be understood that silence does not give consent.

(*The Dean of the Arches.*) You consent to nothing; I understand you. It will give consent to nothing that I am aware of. What I say about this citation is, that I certainly should not be influenced in my decision as to whether incense was lawful in the churches of these times, by a reference to the prophet Malachi.

(*Mr. Stephens.*) Will your Lordship take the reference to 1 Jewel, page 110 (Sermon and Harding).

(*The Dean of the Arches.*) Yes, certainly; and, as I have said before, you have a reply.

(*Mr. Stephens.*) I have not the slightest fear that my friends will attempt to discuss with me that the quotation in question from the prophet Malachi, justifies the use of incense in our churches under the Acts of Uniformity. I will just refer your Lordship to 2 Jewel, pp. 712 and 713; and 5 Andrewes' Sermons, pp. 324 and 355; and I may perhaps be permitted to remark that at page 358 Bishop Andrewes treats the use of incense as something belonging to the Jewish law as a type of prayer.

(*The Dean of the Arches.*) If you wish to read these, do; but I do not think it is necessary.

(*Mr. Stephens.*) I really do not wish to do so. All I want to show is, that the premises on which the counsel in the Church Union case gave their opinions are inaccurate, especially as it has been published by the Ritual Commissioners.

(*The Dean of the Arches.*) On behalf of the Ritual Commissioners, whom I represent with Mr. Coleridge here, your junior, I must say both opinions are put in. The opinions taken on your side are also printed.

(*Mr. Stephens.*) The language of Bishop Andrewes as to the use of incense for any symbolical purpose is the more important, as the principal evidence of incense being used in the church is connected with him. In Andrewes' minor works (pages xcvii. and xcviii.), "The following description of Bishop Andrewes' "chapel is taken from Prynne's Canterbury's Doom "(pages 121–124). E. A triquertral censer, wherein "the clerk putteth incense at the reading of the first "lesson. H, the navicula, like the keel of a boat with "a half cover and a foot, out of which the frankincense "is poured." In the Hierurgia Anglicana, page 8, there is a copy of the plan to which this description refers.

The burning of incense at the first lesson may have been a memorial of the Old Dispensation, when the burning of incense was part of the prescribed service to God. At any rate, this burning of incense at the first lesson has nothing in common with the censing of persons and things, nor (which is very important) with the burning of incense after the elements have been consecrated, and while they remain unconsumed.

(*The Dean of the Arches.*) You say it has nothing to do with the censing of persons and things, or burning incense after the elements have been consecrated and while they remain unconsumed?

(*Mr. Stephens.*) Those are the words I used.

In Bishop Andrewes' Minor Works, at page 159 will be found "a coppie of the Forme used by the "Lo. Bishop of Elye in consecrating the newe church "plate of the cathedrall church of Worcester." At page 162: "Lastly he bringeth the censer, which the "bishop likewise sets on, and the chaplains say"—— Now, my Lord, no censer was given or belonged to Worcester cathedral, and Bishop Andrewes either consecrated a censer for his own use, or added his own censer to the plate to be consecrated, in order to use the whole of his form of consecration. What of that? Immediately opposite to this direction, or rubric, or anything else any person likes to call it, written in italics, we find this note: "The censer was my Lo: own." In other words, no censer was given to or belonged to Worcester Cathedral, and Bishop Andrewes either consecrated a censer for his own use or added his own censer to the plate to be consecrated in order to use the whole of his form of consecration. Respecting this "form of consecrating Church plate," I affirm, my Lord, as a matter of law, that any form for the consecration of Church plate in a Church is illegal.

(*The Dean of the Arches.*) Is it illegal?

(*Mr. Stephens.*) Yes. There is no power but

Parliament that can impose any religious form. Where is the authority in either of the Acts of Uniformity of Edward VI., or Elizabeth, or Charles II., for the consecration of the Church plate? No archbishop, no bishop, no convocation, no national synod, *per se*, has the slightest right to impose any additional form to those forms that are prescribed by the Acts of Uniformity. The clergy can neither add to the Act of Uniformity, nor can they omit therefrom. And, my Lord, I assert among the other blessings of the Reformation, that principle of law which I have laid down to your Lordship is to my mind one of the greatest, viz., that the clergy of this country have no right, in the performance of Divine Service, to impose forms or rites or ceremonies not prescribed by the Prayer Book, or to omit any of the forms, rites, or ceremonies prescribed by that book, without the consent and assent of the two Houses of Parliament, and the subsequent consent of the Sovereign.

In 3 Fuller's Church History (p. 348, (Ed.) London, 1837): "Another falls foul upon him [Bishop "Andrewes] for the ornaments of his chapel as popish "and superstitious in the superabundant ceremonies "thereof to which I can say little. But this I dare "affirm, that wheresoever he was, a parson, a dean "or a bishop, he never troubled parish, college, or "diocese with pressing other ceremonies upon them "than such which he found used there before his "coming thither; and it had not been amiss, if such "who would be accounted his friends and admirers "had followed him in the footsteps of his moderation, "content without the enjoining their private practices "and opinions upon others."

I need hardly say this passage is upon the character and death of Bishop Andrewes.

In the Hierurgia Anglicana, page 184, there is a form of consecrating a censer used by Archbishop Sancroft in 1685, in the reign of James II. This form is evidently taken from Bishop Andrewes; and on the only occasion that Archbishop Sancroft is recorded to have used it, there was no censer to consecrate. That, your Lordship will find at pages 122 and 125 of the Hierurgia Anglicana.

I now propose to refer to 7 Bishop Wilson's works (p. 280). It is clear about the time of passing the Act of Uniformity of Charles II. that incense was not used in the performance of divine service. In fact, Dr. Sherlock was accused of Popery. And why? Because he used incense, as it was erroneously thought, as an act of worship. I will read the passage. "As he lived, so he died——"

(*The Dean of the Arches.*) Which of the Sherlocks, the dean or the bishop? There were two Sherlocks.

(*Mr. Stephens.*) This is the dean. "As he had lived, "so he died, a member as well as an ornament of the "Church of England; notwithstanding the reproach "raised and industriously spread abroad that he was "a Papist in disguise. This was said both by Papists "and Dissenters; and both had the same end in propagating the calumny,—the dis-service of the "Church, which he adorned by his most exemplary "life. After all, there was no ground for this slanderous report, except such as might shame those "that built anything thereon. It was said, for "instance,"—[this, my Lord, is the Popery of which "he was accused,]—"that he burnt incense in the "church. Now, the truth of that matter was this. "His worthy patron, Charles Earl of Derby, the "Easter after the Restoration, desiring to countenance by his own presence the now re-established "worship of the Church, chose to receive the Lord's "Supper at his parish church rather than in his chapel "at Latham. The doctor, suspecting what he found "too true, that the chancel had been as little regarded "as the Lord's Supper, which had not been administered in that church for some years past, went a "few days before to see things put in order; and, "cleansing the chancel, which, it seems, had been "more frequented by dogs and swine than men, it "raised such an insufferable stench that he was "obliged to order frankincense to be burned the "day before the solemnity, that his congregation "might not be discomposed by such an unexpected "nuisance. This was improved so far as to make "him a Papist."

Such was the opinion of that time in reference to incense. Incense was only used by the Romanists in order to carry out some of their superstitious and idolatrous ceremonies; and the mere fact of using it was considered a proof that a man was not a true and faithful son of the reformed Church. We shall, probably, have, a great array of historical evidence as to the use of incense. No doubt, my Lord, incense was used for the purpose of fumigation. For example, incense was used in our churches for the purpose of fumigation during the Plague. I shall ask my friends when I come to reply: have you produced a single instance, sanctioned by any authority entitled to respect, of frankincense or incense being used for the purpose of a ceremony in the reformed church? No doubt, my Lord, incense may be used, it would be idle for me to say that incense may not be used, for the purpose of fumigation. I do not complain of that, but I do complain that it should be used in the ceremonies of the church,—introduced at a particular period, for the purpose of giving some species of signification—I care not what the signification is—to the Holy Communion. It is a ceremony that is not warranted or justified by the Acts of Uniformity. Its introduction, as in the present case, at a particular period of the service, namely, the Holy Communion, is nothing more or less than symbolical of the corruptions and idolatry of the Church of Rome.

(*The Dean of the Arches.*) Do you know what Luther said about it? I have the passage before me: "Nec "candelas nec thurificationem prohibemus; sed non "exigemus; esse hoc liberum."

(*Mr. Stephens.*) I care not for all the silly gossip that may be produced one way or the other. I rest the case of the Promoter upon the highest authority in this land, viz., the statute law. I care not one farthing for any practice or dicta in opposition to the positive language of the Acts of Uniformity.

(*The Dean of the Arches.*) Your argument is quite distinct. You say incense may be used for fumigation, but that it assumes a very different character when used as an addition to the services of the church, or accompanying any of the services of the church.

(*Mr. Stephens.*) As a ceremony. Your Lordship has now most accurately taken down my argument.

(*The Dean of the Arches.*) Whatever the result may be, I think there cannot be any dispute in any candid mind, that the two things are very distinct and different.

(*Mr. Stephens.*) Certainly. I challenge the learned counsel on the opposite side to show me how they escape the Acts of Uniformity in the use of incense. And the like observation applies to every one of the questions before your Lordship.

I now propose to cite Dodwell on the use of incense. It is "a discourse concerning the use of "incense in divine offices."

(*The Dean of the Arches.*) He is a Roman Catholic writer, is he not?

(*Mr. Stephens.*) Oh no, my Lord. He was not a Roman Catholic. He was born in 1641, and educated at Trinity College, Dublin,——

(*The Dean of the Arches.*) Like many other good men.

(*Mr. Stephens.*) Where, my Lord, the Protestant faith has been purely preserved. He was a friend of Bishop Jeremy Taylor, of Dr. Hicks, and of Lloyd, Bishop of St. Asaph.

(*The Dean of the Arches.*) Lloyd and Hicks were both non-jurors?

(*Mr. Stephens.*) They were. I am, my Lord, about to quote from Dodwell (Preface, page 1). It is entitled Part of the letter which occasioned the following discourse: "The Church of England, the "best reformed, and of which I myself am a member, has left off the use of incense [thus implying

" that leaving off incense was part of the refor-
" mation], though practised by all our churches, be-
" fore our quarrel with the Church of Rome. I
" would therefore fain know what just reasons she
" had, when she reformed, to lay it aside. I think
" I have a good cause to enquire, because I find that it
" was commanded by God to his Church, and never
" since, that I know of, repealed."

The only other authority I shall cite upon this branch of the case is Bennett on the "Principles of " the Book of Common Prayer," page 155,—a book that I believe is very familiar to your Lordship.

(*The Dean of the Arches.*) No, I never read it. Is it Mr. Bennett of Frome? What is the date of the author? Is it a book on the Articles?

(*Mr. Stephens.*) No. This is a book on the principles of the Book of Common Prayer. I assume your Lordship wants to know the edition.

(*The Dean of the Arches.*) No; I only want to know when the author lived, or when he wrote it. I know nothing about it.

(*Mr. Droop.*) I believe the date is somewhere about 1710.

(*The Dean of the Arches.*) Is it not the same Bennett who wrote on the Articles? There is a very learned book on the Articles about that time.

(*Mr. Droop.*) I believe it is the same person; I will not assert that it is, but I have an impression that it is.

(*Mr. Stephens.*) The author describes himself as the Rev. W. J. E. Bennett, M.A., late student of Christchurch, Oxford, and incumbent of St. Paul's, Knightsbridge. At page 155, in dealing with the ceremonies that have been abolished, he says: "The " burning of incense as a part of the services of God, " the consecration and adoration of crosses and cruci-" fixes." . . . "The elements to be consecrated " before the people, and their falling down to worship " it."

(*The Dean of the Arches.*) I daresay if I should find it necessary to refer to some of the rare books you have quoted, I might ask you to lend me them.

(*Mr. Stephens.*) It will, my Lord, afford me great pleasure.

(*The Dean of the Arches.*) This, I see, [alluding to Dodwell] is entirely on the use of incense in divine offices.

(*Mr. Stephens.*) It is. Dodwell is a very scarce book. I have concluded my observations so far as regards incense; and I submit to your Lordship, upon the authorities I have cited, that the use of incense in the manner described in these Articles is an unlawful addition to the ceremonies of the Church.

(*The Dean of the Arches.*) The Bennett you quoted from is certainly the existing Mr. Bennett, because he was a student of Christ Church when I was, and unquestionably he was incumbent of St. Paul's, Knightsbridge. You are under a mistake, Mr. Droop, in thinking that this was the Bennett of 1709.

(*Mr. Droop.*) Yes, I find I am.

(*The Dean of the Arches.*) There was a Bennett who, about 1709, wrote a very learned book on the Thirty-nine Articles, to which I have had the necessity of referring. But I see this is the living Mr. Bennett.

(*Mr. Droop.*) The other Mr. Bennett of 1709 wrote on the Articles.

(*The Dean of the Arches.*) Yes; but that is not the book to which Mr. Stephens referred. It is a book by the present Mr. Bennett.

(*Mr. Stephens.*) That is the book that was written, probably, shortly after he was at college with your Lordship.

(*The Dean of the Arches.*) No; when he was at Knightsbridge; because he says that he is incumbent of St. Paul's, Knightsbridge. Therefore the book handed up to me is a book written when he was incumbent of St. Paul's, Knightsbridge.

(*Mr. Stephens.*) I am indebted to your Lordship. I read his description when I cited the Book.

(*The Dean of the Arches.*) It is so. Do you still cite him as an authority, or must I strike him out?

(*Mr. Stephens.*) Oh no. I am very glad that Mr. Bennett has given his opinion in the manner he has done on incense and upon the other ceremonies that have been abolished.

I will now proceed to consider the Mixed Chalice.

The fourth charge against Mr. Mackonochie is that in December 1866 and in January 1867 he mixed water with the sacramental wine, and permitted and sanctioned such mixing, and the administration to the communicants of the wine so mixed. That is admitted to be true in paragraph 10 of the Responsive Allegations, Article 10.

I submit (1), that the mixing of the water with the wine is an additional rite and ceremony not prescribed in the Prayer Book; and (2), that the consecration and administration to the communicants of a mixture of "wine and water," instead of "wine" alone, makes the whole service a different form or order of administering the sacrament of the Lord's Supper from that which is prescribed in the Prayer Book.

I will not trespass on your Lordship's attention as to the earlier canons on this subject; but I will give your Lordship two illustrations, to establish the significance which the Roman Catholics attached, and do attach, to the mixing of water with the wine in the Holy Communion.

I beg to refer your Lordship to 5 Collier's Ecclesiastical History, for a "Rationale of Ceremonies," probably issued between 1539 and 1543; that is, towards the end of the Reign of Henry VIII. The title is, " A Rationale of Ceremonies to be used in the Church " of England, together with an Explanation of the " meaning and Significancy of them." That title will be found at page 104 of Collier, and the following passage at page 113: "Then follows the offer-" tory, whereby we learn to prepare ourselves, by God's " grace, to be an acceptable oblation to him, to the " intent that we may be partakers of the blessed sacri-" fice which he offered for us upon the cross. At " which time, the minister, laying the bread upon the " altar, makes the chalice, mixing the water with the " wine, signifying, thereby, how that blood and water " ran out of Christ's side in his passion, and admo-" nishes us of the inseparable coupling and joining of " Christ and his church."

I now wish to refer your Lordship to the second " rubric in Walker's Liturgy of the Church of Sarum (page 74). "Meanwhile the sub-deacon receives bread " and wine and water with the chalice, and prepares " it for the administration of the Eucharist, first seek-" ing a blessing of the water from the priest thus: " 'Bless.' The priest replies: 'The Lord; may it be " blessed by 'Him out of whose side there came blood " 'and water. In the name, &c.'"

(*The Dean of the Arches.*) That is in the Sarum Missal.

(*Mr. Stephens*). It is my Lord, in the Sarum Missal.

In the Canons and Decrees of the Council of Trent, the 22d session, c. 7, "On the water to be mixed " with the wine to be offered in the chalice." The Holy Synod in the next place observes, "That it hath " been enjoined by the Church on priests to mix water " with the wine that is to be offered in the chalice; as " well because it is believed that Christ our Lord did " so, as also because from his side there came out blood " and water which sacramental mystery is renewed by " this mixture; and whereas in the Revelation of the " blessed John, the peoples are called waters, the " union of that faithful people with Christ their head " is hereby represented."

(*The Dean of the Arches.*) Those are the only two reasons that are given, I think.

(*Mr. Stephens.*) The only two. From what is here stated, it is the "Holy Synod" that decrees this, upon which I shall have to comment at some future stage of my argument.

In the ordinary of the mass according to the Roman

use at the oblation of the chalice, the prayer explains, that the mixture of the wine and water signifies the uniting of the divine and human nature in the person of our Saviour.

I will refer your Lordship to "The Crown of Jesus," and there can be no doubt as to the Popery of that book.

(*The Dean of the Arches.*) I daresay not from the sound.

(*Mr. Stephens.*) Oh, my Lord, it is the real article. I think I have referred to it, because I stated to your Lordship that the hymnal at St. Alban's contains many hymns taken out of this book.

(*Mr. Prideaux.*) Your Lordship remembers that there is no evidence that it is used at St. Alban's.

(*Mr. Stephens.*) I now refer to the "Crown of Jesus," page 194.

(*The Dean of the Arches.*) This is a book I must certainly borrow of you.

(*Mr. Stephens.*) Certainly, my Lord. I will read the recommendation of this book by Cardinal Wiseman, Dr. Cullen, and other Roman Catholic archbishops and bishops. This is Cardinal Wiseman's recommendation: "I shall be happy to see the 'Crown of Jesus' in the "hands of all members of my flock. N. Card. Wise- "man." Then we come to the recommendations of the Most Reverend the Archbishops of Ireland: "I thank "you very much for the 'Crown of Jesus;' you may "affix my recommendation, and add my name in any "way you wish, after that of his Eminence." That is dated February 19th, 1862, and signed by Dr. Cullen, "Archbishop of Dublin, Primate of Ireland." "I "sincerely congratulate you on the good and great "work which you have accomplished in giving to "our Catholic people such an admirable book of devo- "tion as 'The Crown of Jesus.' Surely there was "never in the world a Catholic Prayer Book more "worthy of the title which it bears, 'A Complete "'Catholic Manual.' It would be hard indeed to "think of anything that could enter into the com- "position of such a book that is wanting here. I "should rejoice exceedingly to see it widely circu- "lated in this diocese."

I direct the attention of the Court to the following words, in reference to the observation I made with regard to the hymnal used at St. Alban's. "The "beautiful hymns with which it abounds add in a "remarkable degree to its value as a book of devo- "tion. I trust that our people, for whom sacred song "has always had such attractions, will soon make "themselves familiar with these charming hymns. "+ Joseph, Archbishop of Armagh and Primate of "all Ireland. Drogheda, 17th February 1862."

"I am obliged for the copy of your excellent book "'The Crown of Jesus,' and I shall encourage its "circulation. + John, Archbishop of Tuam, 22nd "February 1862."

"I am satisfied that 'The Crown of Jesus' may "be placed in the hands of the faithful, and I approve "of its use and circulation in the diocese of Cashel "and Emly. + Patrick, Archbishop of Cashel and "Emly. Thurles, 21st February, 1862."

I may perhaps remark, that the archbishops do not describe themselves as "Titular."

There can, however, be no doubt as to the purity of this book, and I will proceed to read from it.

(*Mr. Prideaux.*) By whom is this book printed and published? As my friend has sat down, I will take this opportunity of asking your Lordship kindly to ask my learned friend to inform you, for my information, by whom this book is written.

(*The Dean of the Arches.*) I daresay he will lend you a copy when he has done, and then you can look at it. I will ask him to do so.

(*Mr. Prideaux.*) If your Lordship pleases, I may find it necessary to refer to the book.

(*Mr. Stephens.*) I shall be most happy to supply my friend with a copy of the "Crown of Jesus," and I will likewise give him a table referring to the hymns in "The Crown of Jesus," which are to be found in the hymnal noted that is used at St. Alban's.

(*Mr. Prideaux.*) I wonder my friend insists upon this.

(*The Dean of the Arches.*) We must do things legally. We have no evidence whatever about the hymnal being used at St. Alban's which correspond with a number of these.

(*Mr. Stephens.*) I use it as a part of my argument.

(*Mr. Prideaux.*) I do not object to the use of the hymnal, but I do object to my friend saying that it is used at St. Alban's.

(*Mr. Stephens.*) We find at page 194, "pouring wine "and water into the chalice:"—"Oh! God + who, "in creating human nature, didst wonderfully dignify "it, and hast still more wonderfully renewed it, grant "that by the mystery of this water and wine we "may be made partakers of His divinity who vouch- "safed to become partaker of our humanity, Jesus "Christ, Thy Son our Lord, who liveth and reigneth "with Thee in the Unity of, &c."

Then at the bottom of the page, there is a note: "A small quantity of water is added to the wine, as "a memorial of the union of the divine and human "nature in Christ, and also in remembrance of what "occurred when Our Lord's side was opened with "the lance;—there came forth blood mingled with "water." I think I have clearly established that this mixing of water with the wine in the Holy Communion is a rite that is practised in the Roman Catholic Church.

(*The Dean of the Arches.*) That could hardly be denied.

(*Mr. Stephens.*) I do not know what will be denied.

(*The Dean of the Arches.*) Go on, if you please. You have established it as far as this is concerned.

(*Mr. Stephens.*) And likewise that it owes its origin to some decree of some pope, to which I have directed the attention of the Court.

Since the Reformation, the only trace of the mixed chalice is in the first Book of Common Prayer, where it is directed that the water should be mixed with the wine at the Communion.

(*The Dean of the Arches.*) "A little pure and clean water."

(*Mr. Stephens.*) Will your Lordship permit me to direct your attention to the Liturgies of Edward VI., page 85. You will see in the second rubric, towards the end, "And putting the wine into the chalice, or "else into some fair and convenient cup prepared for "that use (if the chalice will not serve), putting "thereto," as your Lordship most accurately has expressed it, "a little pure and clean water." In all subsequent Books of the Common Prayer "bread and wine" are exclusively mentioned.

(*The Dean of the Arches.*) I think you had better read to the end of the next sentence, because it is just possible that some argument may be raised about it, as it occurs to me; "putting thereto a little pure "and clean water, and setting forth the bread and "wine upon the altar." And therefore, after the wine had "had a little pure and clean water" added to it, the rubric goes on to say, "and setting the bread and "wine upon the altar."

(*Mr. Stephens.*) I see the argument. I was going to meet it. I am deeply indebted to your Lordship for reminding me of it.

(*The Dean of the Arches.*) It is as well that your attention should be drawn to it.

(*Mr. Stephens.*) Yes. I am obliged to your Lordship.

I have stated that in all subsequent Books of Common Prayer "bread and wine" are exclusively mentioned in the Holy Communion, and no allusion is made to "water," nor to any vessel for holding the water.

As the practice of mixing water with the wine was required by the First Prayer Book of Edward VI., but "wine" only has been mentioned in the subsequent Prayer Books, it amounts, in fact, to a direct prohibition of the practice, because it evinces an intention to abandon it or to exclude it.

(*The Dean of the Arches.*) You say the omission amounts to a direct prohibition of the practice.

(*Mr. Stephens.*) Yes, because it evidences an intention to exclude it, coupled with what I have previously said, that there is no provision for a vessel to hold the water.

The First Book of Edward VI. was intended to be a complete account of all the rites and ceremonies to be performed in divine service. All ceremonies not expressly mentioned and retained in that Book were abolished.

In order to save your Lordship's time, perhaps you will take a reference to Cranmer's Remains, page 159, and also to 1 Cardwell's Documentary Annals, page 93, which direct that at the time of the Holy Communion no ceremonies or gestures are to be used, except those appointed by the Book of Common Prayer. It would be, in itself, most improbable that Cranmer and the other revisers of 1552 should have intended Edward's second book to be treated differently from the first book.

The Act of 5 & 6 Edward VI. c. 1. s. 5, establishing the second book, is most explicit upon the point, declaring that the second book "to be of like "force, authority, and value as the same like fore- "book intituled 'The Book of Common 'Prayer,' "was before, and to be accepted, received, used, and "esteemed in like sort and manner, and with the "same clauses of provisions and exceptions, to all "intents, constructions, and purposes, as by the Act "of Parliament made in the second year of the King's "Majesty's reign was ordained, limited, expressed, "and appointed for the uniformity of service and ad- "ministration of the sacraments throughout the realm, "upon such several pains as in the said Act of Par- "liament was expressed." The Elizabethan Act of Uniformity repeated almost *verbatim* the provisions of the 2 & 3 Edward VI. c. 1, establishing Edward's first book; and therefore it must be construed as prohibiting all ceremonies not mentioned in the Prayer Book which *it* establishes.

(*The Dean of the Arches.*) I see what you mean; it is that Elizabeth's statute must be construed as prohibiting all ceremonies not mentioned in Elizabeth's book.

(*Mr. Stephens.*) Yes.

(*The Dean of the Arches.*) The word "it" misled me. I see now.

(*Mr. Stephens.*) The Visitation Articles of the different archbishops and bishops, agree in interpreting the Elizabethan Act of Uniformity in like manner. I have read them to such an extent that I need not further trespass upon the time of the Court. It is clear that the omission from Edward VI.'s second book, of any direction to mix water with the sacramental wine, rendered such mixing unlawful.

It was a ceremony,—and neither in the second book of Edward VI. nor in the Act of Uniformity of Elizabeth, nor in the Act of Uniformity of Charles II. is there any direction for the mixing of water with the sacramental wine. Therefore the mixing of the water with the wine is an additional and an illegal ceremony, and in one of the most holy and sacred parts of our service.

There is one person, my Lord,—I believe he is living at the present moment,—a gentleman for whom sentiments of deep respect are entertained for his learning,—I allude to the Rev. William Maskell——

(*The Dean of the Arches.*) The works of Maskell are well known.

(*Mr. Stephens.*) I am now about to refer your Lordship to the preface of Maskell's Ancient Liturgy of the Church of England, according to the use of Sarum. I cite the second edition, London, 1846, page 134 of the preface: "There are many examples by "which we might prove that priests of the Church "of England, since the removal of the order in the "year 1552, nevertheless have mixed water with the "wine in the celebration of the holy Eucharist. The "case of Bishop Andrewes has been already men- "tioned. The author of an answer to Mr. Leslie, "in 1719, speaks of the practice being continued by "some. And in the reign of King James, when "Prince Charles visited Spain, among the royal "orders drawn up for directing the English service "which was to be observed in the prince's family "during his stay at Madrid was,—'IV. That the "'communion be celebrated in due form, with an "'oblation of every communicant, and admixing "'water with the wine.' There is an argument, "however, which we cannot but allow might in this "matter have had very considerable weight with men "before 1662; viz., that the Common Prayer Books "from 1552 until then, rested not upon sufficient "authority; and therefore Bishop Andrewes and "Bishop Overall in their departure from the rubrics "of the later books were but observing that order "which alone, during the entire period of which I "am now speaking, was binding upon the Church "of England. It was not possible, neither would "it have been wise, that they should in all things "have returned to the first book of 1549, better "though it was than that of 1552, as they were "ready to acknowledge, but they were enabled with "safe consciences to adopt some certain and few "observances authorized by it to the improvement "of the liturgy then established, and which they "generally used."

Now let us see what Mr. Maskell says respecting the Act of Uniformity of Charles II. I do not think it is possible to quote a higher authority upon this point than Mr. Maskell. It is quite clear that he is writing against his private feelings. "But "since 1662 I cannot but look upon the question "as essentially different, and Mr. Palmer appears to "draw the line very narrowly when he says (as "above) that the Church of England has not abolished "the custom. It is not necessary that every ancient "practice which is no longer to be observed, should "particularly be mentioned; the mere omission of "directions must in many cases be allowed to be "sufficient. More than this; the statute 1 Eliz. c. 1., "which enforces the Act of 2 & 3 Edward, c. 1, "ordains that all ministers shall be bound to say, "and use the mattens, evensong, administration of "each of the sacraments, and all other common and "open prayer, in such order and form as is men- "tioned in the said book so authorized by Parlia- "ment, and none other or otherwise." And the statute 14 Charles II. enacts, "That the former good "laws and statutes of this realm which have been "formerly made and are still in force for the uni- "formity of prayer and administration of the sacra- "ments shall stand in full force and strength to all "intents and purposes whatsoever, for the establish- "ing and confirming the said book herein-before "mentioned to be joined and annexed to this Act.

"Therefore, although we may regret that this "primitive practice, sanctioned by the constant obser- "ance of it by the universal Church for 1500 years, "is not now included among the rites according to "which we celebrate the holy Eucharist, yet, as it "is not essential to the valid consecration and ad- "ministration of the cup, and has been forbidden "by the rubric of our present order of communion, "the wise and proper course for the ministers of the "Church of England to pursue, must be to consecrate "wine only, without any mixture of water. The "intention and object with which anciently the "mixture was ordered were mystical, and to be "signified by a public adding of the water to the "wine, that those who were present might see and "acknowledge its hidden meaning. So that if this "mixture be not public as of old, and explained to the "people, the purpose of it must be lost, and disobe- "dience to the rubric be accompanied by no reasonable "benefit whatever."

At the beginning of Elizabeth's reign the vessels previously used for mixing water with the wine, instead of being retained as ornaments of the church, were systematically sold, destroyed, or otherwise disposed of. We may, therefore, infer that the two

cruets which we find mentioned among the ornaments of the church in the inventories of Edward VI.'s reign, and in Peacock's Church Ornaments, were intended one for wine and the other for water.

Of the 150 churches mentioned in these inventories, 91 appear to have had one or more cruets at the end of Mary's reign; but in April 1566 these had been sold, broken, defaced, returned to the owner, taken away by the priest, or otherwise got rid of, except in five instances in which one cruet remained.

Respecting these five exceptional cases, we find at Gunbie (page 92 of Peacock's Church Furniture) numerous illegal ornaments remain with the cruet; such, for instance, as a sepulker and a pax. At Scotter (page 133) a cruet remains with a canopy and holy-water can, and a mass-book and manuel. At Stevenbie (p. 145), a cruet remains with, *inter alia*, a pyx, a latten cross, and a sacrying bell, and it is mentioned apparently as an admission of what is wrong that they remain undefaced and unbroken.

(*The Dean of the Arches.*) How is that word "latten" spelt; with double "t"?

(*Mr. Stephens.*) Yes.

(*The Dean of the Arches.*) A latten cross.

(*Mr. Stephens.*) It is iron plate covered with tin. At Osbornbie (page 120), the return is: "The cruet the vicar hath;"—not the churchwardens. At Willerton (page 162): "One cope, three vestments, "an alb, and a cruet remaineth in the house of the "said churchwardens." I think I have, therefore, disposed of those five cases where the cruets had not been taken possession of under the commission.

One of the principal reasons for the abolition of the mixed chalice in Edward VI.'s Second Book was that many of the Reformers considered that the admixture of water with the sacramental wine was a violation of the principle embodied in the 19th Article, that "the sacraments must be duly administered according "to Christ's ordinance in all those things that are "of necessity requisite to the same." I believe I have mentioned to your Lordship that a Pope was the origin of this mixing of the water with the sacramental wine. And now I will refer you to the Catechism of 1662.

(*The Dean of the Arches.*) Our present Catechism?

(*Mr. Stephens.*) Yes. One of the things ordained by Christ and of necessity requisite, is the receiving of "wine." One of the questions in the Catechism is, "What is the outward part or sign of the Lord's supper?" The answer is, "Bread and wine, which the Lord hath commanded to be received." The Romanists allege that the sacrament had been, in fact, instituted with wine and water; but, to make out their case, they were obliged to rely exclusively upon the Fathers and the early liturgies, and to place upon the words of the Bible an interpretation contrary to their natural sense.

In the Catechism of the Council of Trent (page 214, the Dublin edition of 1829)—it is stated: "With the wine used in the sacred mysteries, the Church "of God, however, has always mingled water, because, "as we know on the authority of councils and the "testimony of S. Cyprian, (Cyp. lib. 1. Ep. 3. Trid. "Sess. 22, de Sacrif. Miss. c. 7, Can. 9) our Lord "himself did so;"—relying on the authority of the councils and not upon the Bible as containing the inspired Word of God.

I will now refer your Lordship to the Sixth Article of the Thirty-nine Articles,—part of the statute law of the land. The Church of England has in that Article laid down that "Holy Scripture containeth "all things necessary to salvation," including, of course, sufficient directions for the administration of the sacrament. The Reformers, my Lord, had to ascertain from the Bible itself what they were commanded to do; and as the Bible only told them that Christ used wine—the fruit of the vine—they could not have continued the use of wine and water. I refer your Lordship to Matthew, chapter xxviii., 22nd and 25th verses; Mark, chapter xiv., 22nd and 25th verses; Luke, chapter xxii., 17th and 18th verses.

(*The Dean of the Arches.*) Does not that rather beg the question? Might not wine, in the passages to which you have referred, mean wine with water in it?

(*Mr. Stephens.*) I think not.

(*The Dean of the Arches.*) If it was a common usage, I mean. In classical times it was not an uncommon thing to put water into the wine.

(*Mr. Stephens.*) We shall see presently what the Reformers meant.

(*The Dean of the Arches.*) I meant in reference to your quotations as to the word "wine."

(*Mr. Stephens.*) I will clear up that by Becon. We shall ascertain what is the meaning of the word. What is the common acceptation of the word wine?

(*The Dean of the Arches.*) What was the wine of that country at the time the Lord's Supper was instituted; is not that the question? Was it pure wine, or was it wine with a little water in it?

(*Mr. Stephens.*) I will cite a few authorities on the subject presently. If it be held that "wine," and "wine and water" are the same it would be an illogical deduction.

(*The Dean of the Arches.*) I am not expressing my opinion at all, but merely saying that it is not quite conclusive to say wine was used, if contemporaneous usage would show that wine always had water in it.

(*Mr. Stephens.*) Contemporaneous usage, my Lord?

(*The Dean of the Arches.*) Yes.

(*Mr. Stephens.*) I am unaware how any usage since the passing of the Book of Edward VI.——

(*The Dean of the Arches.*) You misunderstand me; I am speaking of the use of the word "wine" in the New Testament.

(*Mr. Stephens.*) I beg your Lordship's pardon; I will now deal with Becon. This objection to the mixed chalice was held by Becon, who was intimately connected with the Edwardian Reformers. He was chaplain to Archbishop Cranmer in March 1547. He and Ridley were made by Cranmer two of the six preachers in Canterbury Cathedral. During the reign of Edward VI., he wrote one of the Homilies set forth in that reign. It is therefore clear, he was in the confidence of Archbishop Cranmer during the reign of Edward VI. I am now going to cite from Becon's Prayers, p. 359. This is a comparison between the Lord's Supper and the Pope's mass. "Christ in "that his most holy banquet delivered to his disciples "*mere pure and unmixed* wine, to be the sign of the "shedding of his blood. 'I will not drink hereafter,' "saith he, 'of this fruit of the vine, until that day "when I shall drink it with you new in the kingdom "of my Father.' 'Christ,' saith Chrysostom, 'when "he gave this mystery, gave wine; yea, and after "his resurrection, in the bare table of the mystery, "he used wine; 'of *the fruit of the vine*,' saith he, "*which bringeth forth wine, not water.*"

After citing these passages from Scripture, Becon then goes on, "The mass-monger useth not pure wine "in his sacrifice, but *wine mingled with water, con-*"*trary to the institution of Christ*, according to the "decree of Pope Alexander the First; Clement in "his canon utterly forbidding that the priest in his "mass should offer any liquor but *wine only.*" Chrysostom writeth that the Lord Jesu after his "resurrection did not drink water but wine, that he "might destroy and utterly pluck up by the roots "the heresy of them which use water in the mysteries."

I now propose to cite an extract from the works of Archbishop Whitgift (2nd volume, page 541). It was the opinion of Archbishop Whitgift that the mixed chalice was an error, and that the purer administration of the sacrament was with wine; and Cartwright even terms it a gross abuse.

(*The Dean of the Arches.*) Just tell me what is the document you are reading? Is it from the Articles of Visitation, or what?

(*Mr. Stephens.*) It is "The defence of the answer

to the Admonition." "It is not to be denied but that "this abuse is very ancient, and was in Justin "Martyr's time, in Tertullian's and Cyprian's times, "even as also there were other abuses crept into the "supper of the Lord, and that very gross, *as the "mingling of water with wine*, and therein also a "necessity and great mystery placed; as it may appear "both by Justin Martyr and Cyprian; which I there- "fore by the way do admonish the reader of, that the "antiquity of this abuse of private Communion be not "prejudicial to the truth, no more than the mingling "of water with that opinion of necessity that those "fathers had of it is, or ought to be, prejudicial to "that that we use in ministering the cup with *pure "wine according to the institution*."

Then Whitgift says, "This is your accustomed "manner (but it is beside all good manners), to wipe "away ancient and learned authority by objecting "unto the authors, some unperfection in their writ- "ings, or errors in their times. Is this a good reason? "water was of necessity required in Cyprian's time, "in the administration of the supper——"

(*The Dean of the Arches.*) "Of necessity."

(*Mr. Stephens.*) Yes. "Is this a good reason? "Water was of necessity required in Cyprian's time "in the administration of the supper, and that was "an error; therefore the communion at that time and "long before ministered to the sick, and carried to "private persons being absent, was unlawful. Such "be your arguments, and such be your kind of an- "swering, which may be plausible to the ignorant "people, but nothing pleasant to such as be learned. "This one thing I will desire the reader to consider, "(that is, if our sacraments now be more sincerely "ministered than they were in Justin's, Tertullian's, "and Cyprian's time, being so near the Apostles), "what there should be for you so bitterly to weigh "against this church in that respect."

These passages treat the admixture of the water with wine as a corrupt alteration of Christ's ordinance.

I will now refer your Lordship to the XXth of the XXXIX. Articles. The limitation that the Church can ordain nothing contrary to God's Word is carefully provided for in the XXth and XXXIVth articles.

(*The Dean of the Arches.*) I understand your argument now to be, that this is contrary to God's Word, as well as forbidden by the laws of the Church?

(*Mr. Stephens.*) Certainly, and I rely upon the Thirty-nine Articles.

(*The Dean of the Arches.*) You contend, and of course there is great force in it, that it is omitted in all the other Prayer Books, and therefore prohibited; and also you contend that it was prohibited on the ground that it is contrary to God's Word.

(*Mr. Stephens.*) Yes. And mixing the water with the Sacramental wine is the introduction of a new ceremony for which there is no direction in the second book of Edward VI., Elizabeth, or Charles II. That appears to me to be decisive of the question.

It is laid down in the XXth Article that, "It is not "lawful for the Church to ordain anything that is "contrary to God's word written." And the XXXIVth Article, speaking of the traditions of the Church, says, "It is not necessary that traditions and ceremonies be "in all places one or utterly like, for at all times they "have been divers, and may be changed according to "the diversities of countries, times, and men's man- "ners, so that nothing be ordained against God's "Word." The XXVIIIth Article, in condemning the misuse of the sacrament of the Lord's supper, declares, "The sacrament was not by Christ's ordi- "nance reserved or carried about, lifted up or "worshipped."

This language treats it as an axiom, that the use of a sacrament in any mode not ordained by Christ was a wrong.

I will now refer your Lordship to Fulke's Defence of the Translation of the Bible, page 523. The date is 1583. Fulke says, "The authority of the Holy "Scriptures with us is more worth than the opinion "of all the men in the world. In the Scripture we "find 'the fruit of the vine.' Water we find not; "therefore we account not water to be of any "necessity in the celebration of the Lord's Supper. "In the Primitive Church we know water was used "first of sobriety, then of ceremony, and at length "it grew to be counted of necessity. The Arme- "nians, therefore, are commendable in this point, "that they would never depart from the authority "of the Scriptures to yield to the custom, practice, or "judgment of any man."

Rogers on the Thirty-nine Articles, (Parker Society's edition, page 294,) is the next authority I propose to cite. This book was first published in 1586, and was republished in 1607, with a dedication to Archbishop Bancroft. This book is illustrative of the opinions that were entertained on the subject of the mixed chalice in the time of Elizabeth. Under Article XXX., Rogers (page 6) lays down this proposition: "The people must be partakers "not only of the bread but also of the wine when "they approach unto the Lord's table." And under the title of "The Adversaries unto this Truth," which is in the same page, Rogers complains of the impiety of certain sects by altering this ordinance of God, and he enumerates them; first by adding to the wine; secondly, taking therefrom.

(*The Dean of the Arches.*) What does that mean? I do not understand it.

(*Mr. Stephens.*) The explanation that Rogers gives is, using no wine at all.

(*Mr. Prideaux.*) There were heretics of that kind.

(*The Dean of the Arches.*) I really do not understand it. "Taking therefrom" is using no wine at all?

(*Mr. Stephens.*) Yes.

(*The Dean of the Arches.*) It is an odd way of expressing it.

(*Mr. Stephens.*) "Some by taking therefrom." Then he gives an illustration: "The Dacians use no wine at all." That is the explanation he gives. Then he says "confounding the elements." And, fourthly, "changing the elements." Rogers at page 296 likewise remarks, "Some by confounding the elements. "So the Muscovites do mingle bread and wine "together; and the Papists make a mixture of wine "and water, maintaining that water must be mixed "with wine at the consecration of the blood, and that "the mixture of water with wine without sin cannot "be omitted."

We therefore have a distinction drawn by Whitgift, Rogers, Fulke, and a number of other authorities,—between "wine" and "wine and water."

(*The Dean of the Arches.*) You will deal with that question I referred to in the Prayer Book before you leave it.

(*Mr. Stephens.*) Certainly, my Lord.

I am now about to quote Nowell's Catechism. This catechism was compiled by Nowell, Dean of St. Paul's, and was approved by the convocation of 1562, but not published till 1570. He is therefore an author entitled to every respect and authority. At pages 212 and 213 are the following questions and answers.

Question.—"Now tell me the order of the Lord's "supper."

Answer.—"It is even the same which the Lord "Christ did institute; who, in the same night that "he was betrayed, took bread; and when he had "given thanks, he brake it, and gave it to his dis- "ciples, saying, 'Take, eat: this is my body which "'is given for you: do this in remembrance of "'me.' Likewise after supper, he took the cup; and "when he had given thanks he gave it to them, "saying, 'Drink ye all of this; for this is my blood "'of the New Testament which is shed for you and "'for many, for remission of sins. Do this, as oft "'as ye shall drink it, in remembrance of me.' "'For so oft as ye shall eat this bread and drink of "'this cup, ye shall show the Lord's death till he "'come.'" He says, "This is the form and order of "the Lord's supper, which we ought to hold and "holily to keep till he come." . . . .

Question. — "Dost thou say, that there are two "parts in this sacrament also, as in baptism?"

Answer.—"Yea; the one part the bread and wine, "the outward sign, which are seen with our eyes, "handled with our hands, and felt with our taste; "the other part, Christ himself, with whom our "souls, as with their proper food, are inwardly "nourished."

Question.—"And dost thou say that all ought "alike to receive both parts of the sacrament?"

Answer.—"Yea, verily, master, for sith the Lord "hath expressly so commanded, it were a most high "offence in any part to abridge his commandment."

Question.—"Why would the Lord have here two "signs to be used?"

Answer.—"First, he severally gave the signs both "of his body and blood, that it might be the more "plain express image of his death which he suffered, "his body being torn, his side pierced, and all his "blood shed, and that the memory thereof so printed "in our hearts should stick the deeper. And, more-"over, that the Lord might so provide for and help "our weakness, and thereby manifestly declare that "as the bread for the nourishment of our body so his "body hath most singular force and efficacy spiri-"tually to feed our souls; and as with wine men's "hearts are cheered, and their strength confirmed, "so with his blood our souls are relieved and re-"freshed; that certainly assuring ourselves that he "is not only our meat but also our drink, we do not "anywhere else but in him alone seek any part of "our spiritual nourishment and eternal life."

These extracts lay great stress on what our Blessed Saviour has commanded. It also explains the symbolism of the bread and wine—so as to exclude water. It also fixes the Convocation of 1562, from which the Articles proceeded, with "wine."

I think it may therefore be considered as established, that in the reign of Elizabeth it was considered as a matter of essential importance that the sacrament should be administered in "wine," and not in "wine" and "water."

In March 1603–4, at the beginning of James I.'s reign, that part of the Church Catechism was added in which the sacraments are explained. We find that the wine is here mentioned as that which "The Lord "hath commanded to be received."

Question.—"What is the outward part or sign of "the Lord's Supper?"

Answer.—"Bread and wine, which the Lord hath "commanded to be received."

Question.—"What are the benefits whereof we are "partakers thereby?"

Answer.—"The strengthening and refreshing of our "souls by the body and blood of Christ, as our bodies "are by the bread and wine."

From 1604 down to the present moment our Church has commanded that every child shall be taught that Christ commanded *wine* to be received in the sacrament. Our Church has at the same time taught in the Articles, that it is essential the sacrament should be duly administered according to Christ's holy ordinance. Is any clergyman, so long as he is a minister of our Church, to be permitted to deviate from what his parishioners have been taught is Christ's ordinance, and to substitute "wine and water" for "wine?" The Catechism and Articles of the Church of England contain much to encourage, and nothing to discountenance, the views held by Becon and Rogers, that the admixture of water with the sacramental wine was absolutely contrary to Christ's institution, and therefore unlawful. Is a parishioner of St. Albans, who holds these views to be excluded from receiving in accordance with our Articles and Acts of Uniformity the Holy Communion in his parish church?

The canons were passed in 1604, after the Catechism had been added. By the 21st Canon: "Furthermore, "no bread or wine newly brought shall be used; but "first the words of institution shall be rehearsed, "when the said bread and wine be present upon the "Communion table. Likewise the minister shall "deliver both the bread and the wine to every com-"municant severally." In this canon, "wine" is mentioned three times, and there is not the slightest allusion, directly or indirectly, to the admixture of "wine and water."

I now beg to direct your Lordship's attention to the Communion rubrics of 1662. In the rubric immediately before the prayer for the church militant, "And when there is a communion the priest shall "then place upon the table so much bread and wine "as he shall think sufficient." Then in the rubric before the prayer of consecration, "When the priest "standing before the table hath so ordered the bread "and wine." In the note on the consecration prayer the word "wine" is likewise used. In the rubric, before the Lord's Prayer, "If the consecrated bread "or 'wine' be all spent." Then in the last rubrics of the communion service "bread and wine" are mentioned three times. In no part of the Prayer Book is there, by name or in spirit, any allusion to the admixture of water with the sacramental wine.

In reference to the argument that "wine" may include wine and water, both in 1604 and 1662 it was contrary to the use of the English language to express "wine and water" by "wine." The distinction between using pure "wine" and using "wine and water" was regarded as of great importance by both Roman Catholics and Protestants; therefore it was not in the slightest degree probable that any ambiguous phrase would have been used. By the Protestant authors whom I have quoted, the Catechism of the Council of Trent and other Roman Catholic works, the "wine" and the "water" are separately spoken of. In Walker on the Liturgy of Sarum (page 47), it is said, "Meanwhile the subdeacon receives "bread and wine and water with the chalice." And I think it will be found that when the Roman Catholic missals, alluding to the mixed chalice, speak of it as "wine and water" and not "wine" alone.

I will now refer your Lordship to Nicholls on the Book of Common Prayer. There is great difficulty in quoting the references in this publication. I am now referring to page 29 of the Appendix. It comes after the additional notes on the Act of Uniformity. It is a pamphlet entitled "The Puritans' Objection against the Common Prayer answered." Dr. Nicholls in 1711 appended to his Commentary on the Prayer Book a supplement containing, among other Tracts, "Answers by Mr. Thomas Hutton" to some ministers of the diocese of Exeter, who, it appears, refused to subscribe to the Book of Common Prayer. These answers were printed in 1606, and are to be found at page 29 of Nicholls. The *exception* is to the last rubric of the communion: "Every parishioner shall com-"municate at least three times in a year; of which "Easter to be one; and shall also receive the sacra-"ments and *other rites* according to the order in "the book appointed." So that more sacraments are hereby often to be received than one. And by "other rites" is thought to insinuate ashes, holy water, and other Popish rites.

The *answer* upon the words "other rites" is this: "A man "must receive according to the order in "the book prescribed; namely, bread, not a wafer "cake; leavened, not unleavened; *wine alone* for "the other element, *not wine mingled with water;* "in the morning, not after supper, &c.; for this "order our Church followeth."

(*The Dean of the Arches.*) Is that Dr. Nicholls' opinion that you are reading?

(*Mr. Stephens.*) It is "Reasons exhibited to the "Bishop of Exeter by some ministers of his diocese "for their refusal to subscribe to the Book of Com-"mon Prayer, with brief answers thereunto made "by Mr. Thomas Hutton."

(*The Dean of the Arches.*) Then the authority is Thomas Hutton.

(*Mr. Stephens.*) Certainly.

(*The Dean of the Arches.*) I could not make out who was the authority. Perhaps I can borrow that amongst other books from you. Are you going to

leave the subject of the first Prayer Book now, because I want you to deal with my question?

(*Mr. Stephens.*) Yes.

(*The Dean of the Arches.*) Your argument, as I understand it, is two-fold; first of all, that this element of water is omitted in all Prayer Books subsequent to the first Prayer Book of Edward VI.; and that the omission is, having regard to all the circumstances, tantamount to a prohibition; and then you say that prohibition in itself is reasonable, and in accordance with the doctrines of the Church of England, for it is founded on strict adherence to the letter of the Word of God. Now, this Prayer Book of Edward VI.——

(*Mr. Stephens.*) I beg your Lordship's pardon. There is another point. In order to mix the water with the wine there must be an express rubrical direction; and in the absence of that, the mixing of water with the wine would be the introduction of a new ceremony.

(*The Dean of the Arches.*) I did not mean to exclude that, for I have got it here. But that particular head does not refer to the question I am going to put. This book of Edward VI., which, according to the Legislature, was made "by the aid of the Holy Ghost," I see, in the rubric to which you refer me contains these words: "And putting the wine into the chalice, "or else in some fair or convenient cup prepared "for that use (if the chalice will not serve), putting "thereto a little pure and clean water." And then it goes on in these words, "And setting both the bread "and wine upon the altar." Therefore at that time the use of the word "wine" must have been conceived to include wine that had "a little pure and clean water" in it.

(*Mr. Stephens.*) No, I think not.

(*The Dean of the Arches.*) That is what I want you to direct your attention to. You say the word "wine" cannot possibly mean wine and water.

(*Mr. Stephens.*) I do.

(*The Dean of the Arches.*) How is that reconcilable with the use of "wine" here; because it is called "wine" after "a little pure and clean water" has been put to it;—"putting thereto a little pure and "clean water," and then, "and setting both the "bread and wine upon the altar." I am not expressing the slightest opinion on the subject.

(*Mr. Stephens.*) I am aware of that, my Lord.

(*The Dean of the Arches.*) I am only putting to you a point which, as it appears to me, as you have to reply, will be just as convenient for you to direct your attention to in the reply as now.

(*Mr. Stephens.*) I will deal with it at the present moment.

(*The Dean of the Arches.*) I say, after having water put to it it is still called "wine."

(*Mr. Stephens.*) Your Lordship may remember that in all the rubrical directions respecting the mixed chalice, when speaking of the communion "wine and water," the "wine" and the "water" are always separately mentioned; and in proof of that position I refer to the Sarum Missal.

(*The Dean of the Arches.*) I have got the whole of that argument down. My observation is addressed to this:—that in the time of Edward VI., as to the use of the word "wine," it would be held proper to call the element "wine" although there was "a little pure and clean water" in it.

(*Mr. Stephens.*) I think not.

(*The Dean of the Arches.*) I think it must have been according to the rubric, must it not? However, it does not signify.

(*Mr. Stephens.*) The mixing of water with the wine is a ceremony not sanctioned by the present Prayer Book.

(*The Dean of the Arches.*) I think I need not trouble you to repeat that argument. I fully understand it. My observation leaves untouched the force of your argument, that having been specified here it is not specified in any other Prayer Book, and also that it requires a positive rubrical direction; otherwise it is an additional ceremony. I need not trouble you with that.

(*Mr. Stephens.*) I have now concluded my observations so far as regards the mixed chalice, and I respectfully submit to your Lordship, that the mixing of the water with the wine is an importation of a new ceremony, not authorized or directed by the Acts of Uniformity, and as such is illegal.

I now propose to make a few general observations applicable to all the charges made against the Defendant.

The first observation that I have to make is, that where the legislature intended to give a discretionary power of varying the service, it has done so in explicit terms, by stating that one of certain alternatives shall be adopted. First, my Lord, in the choice of sentences before the morning and evening prayer, and at the offertory. Secondly, in the choice of an exhortation giving notice of the communion, and of a collect for the Queen, and of collects to be used after the offertory, when there is no communion. Thirdly, in the choice between a sermon on the duties of man and wife, and the exhortation at the end of the marriage service. Fourthly, in the choice of the time for administering baptism. Fifthly, in supplying the Sundays after Trinity, when their number exceeds the provision made for them, out of the supernumerary collects, epistles, and gospels for the Sundays after Epiphany. Sixthly, in the choice between the "Te Deum" and the "Benedicite," and the "Benedictus" and the "Jubilate." And I may likewise state, the choice of the sentences at the offertory, and the collects to be used after the offertory, and the time for baptism, are expressly stated to be in the "discretion of the "minister."

It may be maintained (1) that any observance which was sanctioned by the first Prayer Book of Edward VI., and is not expressly prohibited in the present Prayer Book, but is merely omitted, may now be used; and it probably will be the defence, or it may be the defence set up for mixing water with the sacramental wine. And that (2) anything which was forbidden by the first Book of Edward VI., if the prohibition be not continued in express words, and nothing said on the subject in our present Book of Common Prayer, may be restored. This probably may be the defence set up for the elevation.

On this principle the following observances may be re-introduced. But as they are not binding on the clergy, uniformity in performing divine service would be at an end.

I will now, by the first Book of Edward VI., test the mischiefs that would inevitably arise, if the principles contended for on the opposite side be sanctioned by this court. At page 29 of the Liturgies of Edward VI., in the rubric prefixed to the "Venite," there are these words: "Then shall be said or sung "without any invitatory this psalm, Venite." Let us contrast that with the Prayer Book of 1662. The prohibition has been removed, and nothing is said against using invitatories to this Psalm. Consequently, certain short sentences, varied according to the ecclesiastical season, may be introduced before the first verse, and after each of the five verses into which the psalm was divided, and after the "Gloria Patri" at the end. What would become of uniformity; what would become of the "one order and rite," if that was to be permitted?

In the Annotated Book of Common Prayer, by Blunt, page 8.

(*The Dean of the Arches.*) I suppose of the Preface.

(*Mr. Stephens.*) No; the Morning Prayer. Mr. Blunt says, "Until the translation of our offices into English "it was the custom to sing the Venite in a different "manner from that now used; with the addition, that "is, of Invitatories. These were short sentences (varied

" according to the Ecclesiastical season) which were " sung before the first verse after each of the five verses " into which it was then divided, and also after the " Gloria Patri at the end. Thus in Trinity season, " '*Laudemus Jesum Christum; quia ipse est redemptor* " '*omnium sæculorum*,' would be sung before and after " the first and also after the third and fifth divisions " indicated in the Latin version above; after the " second, fourth, and Gloria Patri would be sung " '*Quia ipse est redemptor omnium sæculorum*' only; " and at the conclusion, the whole of the response as " at the beginning. These invitatories were altogether " set aside, as regards the Venite, in 1549; and, as " has been already shown, the 'sentences' were sub- " stituted for them at the commencement of divine " service in 1552."

This is a very good illustration of the mischief that would result if deviation from the strict letter and spirit of the Act of Uniformity be sanctioned by this court.

At page 77, in the Communion Office of Edward's First Book, an introit was appointed to be used *after* the collect, "Almighty God, unto whom all hearts be open." In the Prayer Book of 1662, this rubric was omitted, but nothing is said in that book expressly prohibiting the singing an introit in this *its ancient* place. Consequently it may be restored. What becomes of uniformity? The first Prayer Book of Edward VI. (page 108), in the Baptism service, *after* the prayer "Almighty and Immortal God, the aid of all that need," &c., the Priest exorcised the child. How did the Prayer Book of 1662 deal with that? The exorcism by the Priest is omitted in the present Prayer Book, but it is not expressly forbidden. The principle may be tested in this way: Exorcism by the priest is omitted in the present Prayer Book, but it is not expressly forbidden; consequently exorcism may at all events be restored by bishops whenever they perform the service of baptism. I do not pledge myself to the statement that the inferior clergy could do it, but only the prelates, under the last clause of the 72nd Canon.

At page 112 of the First Book, when dealing with public baptism, after the words "I baptize thee," &c., the minister is directed to put upon the child "a " white vesture commonly called the chrisom." In the Prayer Book of 1662, this direction is omitted, but it is not prohibited, consequently it may be restored.

At page 139, in the Visitation of the Sick, this rubric will be found: "If the sick person desire to " be anointed, then shall the priest anoint him upon " the forehead or breast only, making the sign of the " cross, saying thus: 'As with this visible oil thy " 'body outwardly is anointed.'" Although this language is omitted from the Prayer Book of 1662, it is not prohibited—therefore it may be restored.

What becomes of the spirit and language of the Acts of Uniformity, if it is to be held that, at the mere will and pleasure of a clergyman any *observance* which was sanctioned by the First Prayer Book of Edward VI., and not expressly prohibited in the present Book of Common Prayer, but is merely omitted, may be restored? Or that anything which was *forbidden* by the First Prayer Book of Edward VI., if the prohibition be not continued in express words or nothing said on the subject in our present Prayer Book, may be restored? Why the effect would be, that Divine Service would be performed in our churches utterly at variance with the spirit and the letter of every Act of Uniformity, and many of the pernicious and idolatrous doctrines of the Church of Rome would be fostered in our Church. If these absurd and ridiculous theories be upheld, it would be in direct opposition to the construction that has been placed on the Book of Common Prayer by the courts of law, by convocation, by the prelates, and by usage.

(Adjourned for a short time.)

In support of the observations I ventured to address to your Lordship before the adjournment of the Court, I beg to refer you to page 103, of a charge which the Bishop of Llandaff delivered in 1866.

(*The Dean of the Arches.*) The present bishop?

(*Mr. Stephens.*) Yes. The Bishop of Llandaff states, in a note at page 103, when discussing the last Act of Uniformity: "Upon this statute a theory has " been founded, that our ritual should be improved by " the supplementing of our present rubrics from the " ritual of the Pre-reformation Church; and this " theory, I fear, has been acted upon in some cases to " a degree most painful to churchmen of moderation " and sobriety. It is easy to conceive what ex- " travagances it might lead to, as, in fact, it has led " those who have endeavoured practically to apply " it." His Lordship then refers in support of his views to a pamphlet, entitled "The Prayer Book as it is," a pamphlet by the Rev. William Gresley, pages 17 and 18, for examples of these extravagances, where it is stated:—"Besides, the details which they insist " upon, are often of a capricious and unsatisfactory " character. One great expert has discovered that " it was customary to have always an uneven number " of collects. Such, he says, was the rule in the Sarum " use; and the number of petitions in the Lord's " Prayer is odd. Therefore he thinks that in Advent " and Lent, and at other times when a fourth collect " is added, we ought to take another from those at " the end of the Communion service, in order to " make up the requisite number. Another insists " upon our always using the Benedicite in Lent, " because it was used in the pre-Reformation times, " though there is not a single penitential expression " in the whole canticle, and though our Church gives " us full liberty to use it or not, as we please. Another " thinks it highly commendable to have a midnight " communion on Christmas Eve, but almost heretical " if a clergyman should think of having a nocturnal " celebration to usher in the new year. Another, " for 'ritual reasons,' insists upon the priest standing " when he himself partakes of Holy Communion, " though the Church directs all to kneel. Surely the " priest ought to set an example of reverence. The " same ritualist thinks that the deacons ought to tie " their stoles under the right arm because it is the " use of the Western Church. Another has dis- " covered that lights on the altar are so important " that if during the celebration they should happen " to go out, and there should be no means of re- " lighting them, it is a deadly sin to go on with the " celebration. I am bound, however, to say, that the " writer who quotes this rule does not appear to think " it very stringent. Good Friday celebration is to " some an abomination. The non-mixing of water " with the wine stamps the character of a man as a " very indifferent churchman in the estimation of " others. I feel that I am exposing myself to most " exceedingly rough handling in presuming to speak " lightly of these things."

I am now going to cite to your Lordship a Report, with which your Lordship is familiar, it is the Report of the Ritual Commissioners, p. 120. Let us see what were the views of the two archbishops and the bishops of the Church in England upon this question in 1851; and whether they do or do not accord with the propositions which I have ventured to submit to your Lordship's consideration.

(*The Dean of the Arches.*) Who was the Archbishop at that time? Howley or Sumner?

(*Mr. Stephens.*) Sumner; and Musgrave was the Archbishop of York. A principle has of late been avowed and acted on, " which, if admitted, would " justify far greater and more uncertain changes. It " is this,—that as the Church of England is the " ancient Catholic Church, settled in this land before " the Reformation, and was then reformed only by " the casting away of certain strictly defined corrup- " tions; therefore, whatever form or usage existed in " the Church before its Reformation may now be " freely introduced and observed, unless there can " be alleged against it the distinct letter of some " formal prohibition."

"Now, against any such inference from the undoubted identity of the Church before and after the Reformation, we feel bound to enter our clear and unhesitating protest. We believe that at the Reformation, the English Church not only rejected certain corruptions, but also, without in any degree severing her connexion with the ancient Catholic Church, intended to establish one uniform ritual, according to which her public services should be conducted. But it is manifest that a licence such as is contended for, is wholly incompatible with any uniformity of worship whatsoever, and at variance with the universal practice of the Catholic Church, which has never given to the officiating ministers of separate congregations any such large discretion in the selection of ritual observances."

"We therefore beseech any one who may have proposed to themselves the restoration of what, under sanction of this principle, they deemed a lawful system, to consider the dangers which it involves, to see it in its true light, and to take a more just and sober view of the real position of our Church; whilst, with equal earnestness, we beseech others who, either by intentional omission, or by neglect and laxity, may have disturbed the uniformity and weakened the authority of our prescribed ritual, to strengthen the side of order by avoiding all unnecessary deviations from the Church's rule." Now, my Lord, that was issued by the two Archbishops and almost all of their suffragan prelates in 1851, and fully justifies almost every proposition that I have made in reference to the construction of the Acts of Uniformity.

I will now refer your Lordship to what took place in 1867, in the Province of Canterbury. It is a Resolution of the Upper House of Convocation, in February 1867.

(*The Dean of the Arches.*) It is in the Ritual Commissioners' Report?

(*Mr. Stephens.*) It is at page 162 of the Report, section 4.

"Resolved, that, having taken into consideration the report made to this House by the Lower House concerning certain ritual observances, we have concluded, that having regard to the dangers, (1) of favouring errors deliberately rejected by the Church of England, and fostering a tendency to desert her communion; (2) of offending, even in things indifferent, devout worshippers in our churches, who have been long used to other modes of service, and thus of estranging many of the faithful laity; (3) of unnecessarily departing from uniformity; (4) of increasing the difficulties which prevent the return of separatists to our communion; we convey to the Lower House our unanimous decision that, having respect to the considerations here recorded, and to the rubric concerning the service of the Church in our Book of Common Prayer, to wit: 'Forasmuch as nothing can be so plainly set forth but doubts may arise in the use and practice of the same, to appease all such diversity (if any arise), and for the resolution of all doubts concerning the manner how to understand, do, and execute the things contained in this book, the parties that so doubt or diversely take anything shall always resort to the bishop of the diocese, who, by his discretion, shall take order for the quieting and appeasing of the same, so that the same order be not contrary to anything contained in this book; and if the bishop of the diocese be in doubt, then he may send for the resolution thereof to the archbishop:"

"Our judgment is, that no alterations from long-sanctioned and usual ritual ought to be made in our churches until the sanction of the bishop of the diocese has been obtained thereto."

My Lord, can it be for one moment supposed, that the prelates would have issued the foregoing documents without carefully ascertaining that their views were in every respect correct? Is it possible, looking at the spirit and at the language of these documents, that they could justify or approve of the introduction of new and novel ceremonies,—such as those which are now under discussion, viz. the use of incense in the performance of the services of the church; the elevation of the elements; the lights upon the holy table during daylight; or the mixing of water with the sacramental wine at the holy communion? There has not been, from the passing of the first Act of Uniformity down to the present moment, one of the Bishops who has ever enquired at his visitation whether there were censer-pots; whether there were candlesticks and candles for giving light during the holy Communion; or for a cruet to hold water in the administration of the holy Communion.

I submit, my Lord, taking the language of the Acts of Parliament, and of the Visitation Articles, it is impossible to put any other construction than that which I have ventured to put upon them, viz., that any deviation from the one uniform rite, ceremony, order, form, or manner, prescribed in the Acts of Uniformity is illegal.

What do the Prelates say? That there is some party "fostering certain doctrines in the Church," and that such doctrines are errors. Consequently, my Lord, the principles and practices of this party are inconsistent with the doctrines of the Protestant Church. There is not, my Lord, through the entire of these resolutions a single word that could be construed as offering the slightest palliation for the innovations that have crept into the Church within the last few years, and which are regarded with abhorrence by all faithful sons of the Church.

If it were requisite to adduce any proof that there is a party in our Church, which, to use the language of the bishops' resolutions, "favouring errors,"——

(*Mr. Prideaux.*) I do not like to interrupt my friend, but are we to go into the question of the various parties of the Church?

(*The Dean of the Arches.*) This is Mr. Stephens' peroration. We have gone through all the articles; and Mr. Stephens is putting before me, in the way that it seems best to him, the observations which have any bearing more or less upon the case; therefore, certainly, I shall not interrupt him.

(*Mr. Prideaux.*) My friend may be as Protestant as he likes, without any further interruption.

(*The Dean of the Arches.*) May I ask the favour of you not to interrupt again?

(*Mr. Stephens.*) I was pointing out to your Lordship the language of the bishops' resolutions, which states, there is a party in our Church "favouring errors deliberately rejected by the Church of England, and fostering a tendency to desert her Communion."

In order to illustrate the accuracy of that charge I will refer to an essay which has been recently published by a beneficed clergyman in our Church, the Revd. E. L. Blenkinsopp, which essay is contained in a book entitled "The Church and the World" (page 212, edition London, 1866). As to the authority of this book, it has received at least the qualified approbation of one prelate of the Church. It has been presented to the Upper House of Convocation of Canterbury, and thanks have been presented to the donor of this book.

Now what does Mr. Blenkinsopp say? "The great Catholic Revival of our day has brought all these branches nearer to each other, especially the two Western branches. Anglicans are reproached by Protestants with their resemblance to Romans. They say a stranger entering into a church where ritual is carefully attended to might easily mistake it for a Roman service. Of course he might; the whole purpose of the great revival has been to eliminate the dreary Protestantism of the Hanoverian period, and restore the glory of Catholic worship. Our churches are restored after the medieval pattern, and our ritual must accord with the Catholic standard. Our Book of Common Prayer is no Protestant invention. It is not the creation of the sixteenth century. The Eucharistic office is only a variety of the

" Western rite. The fast and feast days are nearly " the same; the collects, epistles, and gospels are " nearly the same ; the altar and its ornaments are " nearly the same ; the habits and vestments of the " priesthood are the same ; the actions are the same ; " the plain song is the same. Is it any wonder that " they may be mistaken? Take our matins and " evensong—what are they but five of the ancient " seven offices compressed into two, with these two " differences, and we may well be proud of them,— " 1. That they are primarily public and not private, " as is the use of the Roman ;—2. That the whole " Psalter, and not merely parts of it, is sung through " publicly twelve times a year. Here again, we see " the same plain song, the same canticles, the same " order of the books of Scripture. And in those " churches where the Catholic revival obtains, the " ancient tones for the Psalms are daily sung as they " were in the days of Gregory the Great ; and the " ancient metrical hymns are again resuming their " place. And not only this, but the same round of " Christian seasons, marked by their own appropriate " colours, instructs the eye as well as the ear and " preaches Christ and His Redemption. Further, " ritual like painting and architecture is only the " visible expression of divine truth. Without dogma, " without an esoteric meaning, Ritual is an illusion " and a delusion, a lay figure without life or spirit, a " *vox et præterea nihil.* The experience of the last " century shows, that it is impossible to preserve the " Catholic faith except by Catholic ritual. The ex- " perience of the present century equally makes mani- " fest the fact, that the revival of the Catholic Faith " must be accompanied by the revival of Catholic " ritual ; and still more, that the surest way to teach " the Catholic faith is by Catholic ritual."

I shall only trouble the Court with two more lines from page 290 of this publication, and I only cite them as a gloss upon what I have read to your Lordship. The extraordinary words I am about to read, are likewise the language of Mr. Blenkinsopp: " *Protestantism has produced all the heresy and* " *schism, and infidelity for the last* 300 *years, from* " *Martin Luther to Joe Smith.*"

That, my Lord, is the language of a beneficed clergyman of our Church, who, entertaining those opinions, thinks it consistent with his public obligations to receive at the hands of that Church which he thus so unworthily speaks of, the status of a beneficed clergyman, and the pecuniary emoluments incident to that position.

I do not think, my Lord, I can terminate my argument in more appropriate language than that which has been used by one of the most distinguished prelates of this age. I allude to the late Archbishop Whately, Archbishop of Dublin, who, in a treatise entitled "On the Kingdom of Christ," page 114 of the Sixth Edition (1860), thus writes :—" It is worth " observing how distinctly our Church repudiates the " notion of 'Sacrifice,' 'Temple,' &c., not merely by " *omitting* the application of those terms in the " rubrics and Communion Service, and not merely " by dwelling on the 'sufficiency' of the '*one* obla- " 'tion of Christ *once* offered,' but also by studiously " introducing in that service the word 'sacrifice' in " the *other* senses in which it *is* applicable, viz., first " in the offertory to 'alms,' ('With such *sacrifices* God " 'is well pleased,') and afterwards to the 'sacrifice " 'of praise and thanksgiving,' and again to the " 'sacrifice of ourselves, our souls and bodies.' And " in addition to this, a distinct rubric is subjoined " to explain that 'no adoration is intended or allowed' " of the bread and wine of the Eucharist."

" Will it be credited that in the nineteenth century " the principles here inculcated have been gravely " stated in print to be 'subversive' of our Church " with 'its *Altars, Temples, Sacrificing Priests,* and " '*adoration* of the Eucharistical bread and wine?' " —all of which the writer would have seen in simply " looking over the Prayer Book to be utterly alien " from our Church! The mistake of Tacitus who " represents the Jews as adoring the effigy of an ass, " was nothing to this ; because Gentiles not being " admitted into the Temple of Jerusalem, had nothing " but hearsay to trust to."

(*The Dean of the Arches.*) I will communicate with counsel as soon as I can make the arrangements with regard to appointing days for the further hearing of this case.

(Adjourned.)

FIFTH DAY.

Thursday, January 9, 1868.

(*The Dean of the Arches.*) Before the arguments in this case are resumed, the Court has to express its regret at an event which has happened since the last sitting in this case, namely, the death of one of the junior counsel, Mr. Charles, a gentleman of great promise, and of whose future career much expectation was reasonably entertained.

(*Mr. James.*) Perhaps your Lordship will allow me, as one of Mr. Charles's dearest friends, to express my cordial thanks for this expression from your Lordship.

(*Mr. Coleridge.*) My Lord, in this case I am with my learned friend Mr. Stephens for the promoters of this suit, and I have now to invite your Lordship's attention to some further argument on their behalf. My learned friend Mr. Stephens, indeed, has left those who have to follow him in this discussion but the crumbs and fragments of argument. It is not at all by way of praise of my learned friend, which would be very unbecoming and perhaps suspicious in me if I were to presume to bestow it, but as some kind of apology for the brevity and tenuity of my own contribution to this matter, that I say the argument of my learned friend will be looked upon hereafter as the great storehouse of fact and authority upon all the wide range of subjects connected with the matter now under discussion.

My Lord, I certainly am not about to enter into any rivalry with him. I shall not provoke comparison as to his research and my own, or as to his learning and mine, which would be entirely disadvantageous to myself; but, *Biremis præsidio Scaphæs tutus,* I shall endeavour to keep in those shallower waters which are fitter for my little craft, and shall endeavour to address to you a short and I hope an intelligible argument on the various points as to which we ask your Lordship's judgment. The argument will not interfere with, but may, at all events, stand side by side without interfering with, the great argument of my friend, which most of us here have either heard or read with admiration.

Now, my Lord, in order to make as intelligible as I can the observations which I am to address to you, I propose to contend before your Lordship for four propositions, which, if it will be at all convenient to your Lordship, I will hand up.

(*The Dean of the Arches.*) I shall be very much obliged to you for so doing.

(*Mr. Coleridge.*) First of all I shall contend that all the various acts which are charged in these articles against Mr. Mackonochie are either proved or have been admitted to have been done by him in point of fact. Next, I shall contend that these various acts so proved or admitted to have been done in point of fact are each and all of them unlawful. Thirdly, that they are unlawful because they are either prohibited by the law or are unauthorized by the law. And fourthly, that in these matters,—without pretending to commit myself to a proposition more general than I am obliged to contend for,—in these matters the absence of authority is the presence of prohibition.

Those being the propositions for which I shall contend, I propose in the first instance to take the case of the elevation and the prostration. I will read, with your Lordship's leave, the third article: "The said Alexander Heriot Mackonochie has in "his said church, and within two years last past, to "wit, on Sunday the 23rd December, on Christmas "Day last past, and on Sunday, 30th December, all "in the year of our Lord 1866, and during the "prayer of consecration in the order of the administration of the Holy Communion, elevated the paten "above his head, and permitted and sanctioned such "elevation, and taken into his hands the cup and "elevated it above his head during the prayer of "consecration aforesaid, and permitted and sanctioned "the cup to be so taken and elevated, and knelt or "prostrated himself, and sanctioned such kneeling "or prostration by other clerks in holy orders." That is the charge. Mr. Mackonochie, in his responsive allegation, makes this answer to it: He says that whereas it is pleaded that he has on Sunday the 23rd day of December, on Christmas Day last past, on Sunday the 30th day of December, all in the year 1866, during the prayer of consecration in the order of administration of the Holy Communion, elevated the paten above his head, and permitted and sanctioned such elevation, and taken into his hands the cup and elevated it above his head during the prayer of consecration aforesaid, and permitted and sanctioned the cup to be so taken and elevated, and knelt or prostrated himself before the consecrated elements during the prayer of consecration, and permitted and sanctioned such kneeling and prostration by other clerks in holy orders, that it is in part untruly pleaded, for he says that, while he admits that he did on the said two Sundays and on Christmas Day, during the prayer of consecration, kneel and sanction kneeling by other clerks before the Lord's Table, he denies that he did on the said two Sundays and on Christmas Day kneel or prostrate himself before the consecrated elements aforesaid, or permit and sanction such kneeling or prostration by other clerks in holy orders, as in the third article pleaded. He further alleges that he has since a certain time discontinued it.

My Lord, it was difficult to know exactly how much of the charge Mr. Mackonochie admitted, and how much of the charge he intended to say was untruly alleged, and it became, therefore, necessary to call witnesses before your Lordship to ascertain the precise facts of the case, in order that the pleadings might be applied to those facts as proved, and your Lordship will find that the fact in this case as to the elevation and prostration is most material. I will read it from the shorthand writer's note, and I have no doubt that if it varies in any way from your Lordship's you will be good enough to correct me. I cannot read it from my own note, because I examined the witness myself.

(*The Dean of the Arches.*) Whose evidence is it?

(*Mr. Coleridge.*) The Reverend Henry Malin's. "First of all did Mr. Mackonochie, &c." (*The learned Counsel read from the shorthand writer's notes the examination, cross-examination, and re-examination* of the Reverend Henry Malin.) Therefore, we have from Mr. Malin, who was examined and cross-examined and examined by your Lordship at considerable length, an exact statement of what it was that Mr. Mackonochie did and sanctioned others doing, at all events as far as the matter of prostration is concerned, upon the occasion to which Mr. Malin's evidence applies. Mr. Mackonochie does not deny in the responsive allegation, as I understand it, that there is anything untruly pleaded with regard to the elevation of the cup, because as far as that part of the article is concerned, he does admit it in terms, but with regard to the prostration he says he does not admit it. It is difficult, after the evidence that has been given to us, to see in what other terms the article could have been framed, or what part of the article it is that Mr. Mackonochie asserts is untruly pleaded. At all events, there is the evidence given by a thoroughly competent person, and it will be for your Lordship by-and-by to say, when you come to look at the words of the consecration prayer, whether what Mr. Mackonochie has done in this case is not, in fact and in principle, entirely unauthorized, and therefore illegal.

Before I go further I will ask your Lordship just to look at Mr. Mackonochie's own admission, which is to be found at page 83 of this print.

(*The Dean of the Arches.*) Page 83 of what?

(*Mr. Coleridge.*) Of the address.

(*The Dean of the Arches.*) Give me the reference to the book itself.

(*Mr. Coleridge.*) It will be enough for my purpose to refer your Lordship to Mr. Mackonochie's paper, in which you will find there is a distinct admission of the elevation of the cup and of the paten, because he goes on to say that that has been discontinued since a particular period of time to which he refers, but that that less obtrusive elevation which is sanctioned, as he says, by the words of the consecration prayer itself, is quite sufficient for all ritual purposes, and of course that would be continued. Now, my Lord, I say that which is charged in the articles, and which is admitted by Mr. Mackonochie or is proved by the evidence to which I have referred your Lordship, is unlawful.

Of course I am to show your Lordship why I say it is unlawful. First of all, I say there is not a single syllable about it in the prayer of consecration itself.

(*The Dean of the Arches.*) That is the elevation.

(*Mr. Coleridge.*) The elevation and the prostration as well. It will be desirable that I should draw your Lordship's attention to the very words of the prayer of consecration, because a good deal turns upon the variation which has taken place in this portion of the prayer in the various prayer books and service books to which attention has already been called, and to which I will proceed to call your Lordship's attention in a moment. Now this prayer, with which we are all more or less familiar, after the invocation at the beginning proceeds: "Hear us, O Merciful Father, "we most humbly beseech thee; and grant that we, "receiving these thy creatures of bread and wine "according to thy Son our Saviour Jesus Christ's "holy institution, in remembrance of his death and "passion, may be partakers of his most blessed body "and blood, who in the same night that he was be-"trayed took bread" [There the margin is, "here the "priest is to take the paten into his hands"] "and "when he had given thanks [and here to break the "bread], he brake it and gave it to his disciples, "saying, take, eat; [and here to lay his hand upon "all the bread] this is my body, which is given for "you; do this in remembrance of me. Likewise, "after supper he took the cup [here he is to take "the cup into his hand] and when he had given "thanks he gave it to them, saying, drink ye all of "this, for this [and here to lay his hand upon every "vessel (be it chalice or flagon) in which there is "any wine to be consecrated] is my blood of the "New Testament, which is shed for you and for "many, for the remission of sins. Do this as oft as "ye shall drink it, in remembrance of me." Those are the words of the consecration prayer. It will not be perhaps immaterial to look for a moment at one or

two, and only one or two, of the other service books which may be said to throw a light on the present service book of the Church of England, for the purpose of seeing in what respects they differ from the Prayer Book of the Church of England, and that, as the result of that difference, whenever anything like an oblation or an offering up before the people of the representative sacrifice which is said to be performed in the blessed sacrament, when there is anything of that kind to be done, how distinctly it is provided for in the words of the service books themselves. When you find therefore that the service book of the Church of England—all or many of these service books being in existence before its last revision—when you find that there is no distinct oblation, and that there is no provision made for that which is supposed to be symbolized by the elevation, the fair argument, I submit to your Lordship, is that such elevation is not only not authorized, but is distinctly intended not to take place, and is therefore, by clear and necessary inference, forbidden.

I will take first the Savoy conference. I have it in the useful set of reprints of Mr. Hall, the *Reliquiæ Liturgicæ* and the *Fragmenta Liturgica*. This is from the Reliquiæ.

The Dean of the Arches.) Let me see it. That was after the Restoration I think.

(*Mr. Coleridge.*) "Here the bread is to be brought "to the minister, and received by him, and if put "upon the table, and then the wine in like manner, "or if they be set there before, however let him bless "them, praying in these or the like words." I need not trouble your Lordship with that. "Then or "immediately before this prayer, let the minister "read the words of the institution, saying, Hear what "the apostle Paul saith."

(*The Dean of the Arches.*) You are reading the propositions, are you not, which were made by the conference; can you give me any reference to the number?

(*Mr. Coleridge.*) No, my Lord, this is the service book, as I understand it.

(*The Dean of the Arches.*) I think there was no service book before the Prayer Book.

(*Mr. Coleridge.*) The preface is, "To the Right "Reverend Bishops, &c. Having already given you "our judgment of several things in the Book of Com- "mon Prayer, and our desires for the altering of some "parts of it, leaving the rest unaltered, we here tender "you some of the said alterations which in our former "paper we showed to be needful; and some addi- "tional forms in Scripture phrase (as near as we well "could) suited to the nature of the several parts of "worship. The texts are cited in the margin, to "justify partly the matter and partly the phrase. If "any be misapplied (which we hope will not be "found), we shall be willing, upon information, to "retract such misapplication. If some of the prayers "here offered seem of too great a length, the sub- "stance of them being allowed, we shall, upon con- "ference and mutual consideration, endeavour to "contract them;" and so forth. Then they submit it to the bishops. Then there is the Sacrament, which is called, "The order of celebrating the Sacra- "ment of the Body and Blood of Christ."

(*The Dean of the Arches.*) Is it the answer of the bishops to the exceptions of the Presbyterian ministers you are reading from?

(*Mr. Coleridge.*) No, my Lord, it is submitted to the bishops. The title of the book is "Reformation "of the Liturgy, as it was presented to the Right "Reverend Bishops by the Divines appointed by His "Majesty's Commission," to treat with them about the alteration of it.

(*The Dean of the Arches.*) I daresay you will let me look at your copy.

(*Mr. Coleridge.*) Certainly, my Lord. It goes through the service book, and makes certain alterations, and where it alters it sets out a fresh service. This is the service that they propose for the celebration of the Holy Communion.

(*The Dean of the Arches.*) Who proposed it?

(*Mr. Coleridge*) These divines, my Lord; the divines appointed by His Majesty as commissioned to do it. It is the Savoy Liturgy.

(*Mr. James.*) That was in Charles I.'s time, I think.

(*Mr. Coleridge.*) No, it was in 1661, in the time of Charles II.

(*The Dean of the Arches.*) Certain persons were ordered to review the Book of Common Prayer, and to compare the same after the most ancient liturgy used in the Church, and they were to assemble and meet together for that purpose according to the terms of the warrant, if I remember right.

(*Mr. Coleridge.*) It is called by Mr. Hall, who reprints it, the "Savoy Liturgy."

(*Mr. James.*) It is the one which the Puritan divines failed to get.

(*The Dean of the Arches.*) I think it is what the Presbyterian divines suggested. I think that is it.

(*Mr. Coleridge.*) I read it, my Lord, for an object which will appear in a moment, and I only wish to read a very short portion.

(*The Dean of the Arches.*) I have not the least wish to interrupt you, but I only wanted to know what it was.

(*Mr. Coleridge.*) It is headed "the Order for ad- "ministering the sacrament of the body and blood of "Christ." The words of the institution are read from the eleventh chapter of the First Epistle to the Corinthians; and then, after the words of institution are read, no order is given for any direct consecration or holding in the hand of the bread or anything of the sort. "Then let the minister say, This bread "and wine, being set apart and consecrated to this "holy use by God's appointment are now no com- "mon bread and wine, but sacramentally the body "and blood of Christ. Then let him thus pray, Most "merciful Saviour," and so forth. "Then let the "minister take the bread and break it in the sight "of the people, saying, The body of Christ was "broken for us, and offered once for all to sanctify us." "Then shall he say, Behold the sanctified Lamb of "God, that taketh away the sins of the world." "In "like manner let him take the cup and pour out the "wine in the sight of the congregation, saying, We "were redeemed with the precious blood of Christ "as of a lamb without blemish and without spot."

Then, my Lord, there is the Nonjuring Liturgy, which is the one I was going to draw your attention to first, which is called the Communion Office, taken partly from primitive liturgies and partly from the first English Revised Common Prayer Book; I need not trouble your Lordship with anything more. This is taken partly from primitive liturgies and partly from the first English Revised Prayer Book, and was printed in 1718. The preface explains from what sources it was drawn up. They say the greatest part is taken from the first English Prayer Book, and then they conclude. "Upon the whole, here is "nothing introduced without unexceptionable warrant, "nothing of late beginning. Here is no application "to saints or angels, or worship of images; no "praying the dead out of purgatory; no adoration of "the consecrated elements; nothing that supposes a "corporeal presence either by trans- or con- sub- "stantiation; in short, nothing but what is primitive "and agreeable to Scripture, and practised by the "best recommended and enlightened ages."

Your Lordship sees that there is no adoration of the consecrated elements, nothing that supposes a material presence either by trans- or by con- substantiation, and when you come to look at the part where the consecration takes place, the priest is to say—"When his "hour was come to offer the propitiatory sacrifice "upon the cross, when he who had no sin himself "mercifully undertook to suffer death for our sins, "in the same night that he was betrayed, he [here "the priest is to take the paten into his hands] "took bread, and when he had given thanks he [and "here to break the bread] brake it, and gave it to his

" disciples saying, Take, eat, [and here to lay his " hand upon all the bread] this is my body which " is given for you. Do this in remembrance of me. " Then the prayer for the moment ends, and the people " say, Amen." " Then shall the priest say, Likewise " after supper he [here he is to take the cup into his " hand] took the cup, and when he had given thanks " he gave it to them, saying, Drink ye all of this for " [and here to lay his hand upon every vessel (be it " chalice or flagon) in which there is any wine and " water to be consecrated] this is my blood of the " New Testament which is shed for you, and for " many, for the remission of sins: Do this as oft as " ye shall drink it in remembrance of me." Then, my Lord, follows a regular act of oblation. " Wherefore " having in remembrance his passion, death, and " resurrection from the dead, his ascension into " heaven, and second coming with glory and great " power to judge the quick and the dead, and to " render to every man according to his works, we " offer to thee our King and our God, according to " his holy institution, this bread and this cup, giving " thanks to thee through him, that thou has vouchsafed " us the honour to stand before thee, and to sacrifice " unto thee. And we beseech thee to look favourably " on these thy gifts which are here set before thee, " O thou self-sufficient God, and do thou accept them " to the honour of thy Christ; and send down thine " Holy Spirit, the witness of the passion of our Lord " Jesus, upon this sacrifice, that he may make this " [here the priest shall lay his hand upon the bread] " bread the body of thy Christ, and this [and here " upon every vessel (be it chalice or flagon) in which " there is any wine and water] cup the blood of thy " Christ, that they who are partakers thereof may " be confirmed in godliness;" and so the prayer goes on. Now I read that for the purpose of showing that having the English service book before them and desiring to make an act of formal oblation, to make an offering, a sacrifice, they put it in distinctly into their service; and nobody, with this service book in their hands, could doubt that the persons who drew this out intended that there should be an oblation to God of the consecrated elements, whatever that might mean, and that that should be done either by way of sacrifice or as representing the sacrifice that had before been performed.

The next Prayer Book that it is worth while to call attention to at all is the Scotch Prayer Book. Your Lordship will find it in the valuable set of reprints that Mr. Pickering published some years ago of all the service books, if you have it. It is printed from the first Prayer Book of Charles I., and it never had force in England.

(*The Dean of the Arches.*) You are referring to Laud's Prayer Book?

(*Mr. Coleridge.*) Yes, my Lord, I read it from a common Scotch Prayer Book, but I have no reason to doubt that it at all varies, or that the common Scotch Prayer Book is otherwise than perfectly correct.

(*The Dean of the Arches.*) What is the date of the book you are reading from?

(*Mr. Coleridge.*) This particular book is one that I have had some years. It was printed in Edinburgh in 1849, but I may say that I have compared it with the original Scotch Prayer Book, or at least with Pickering's reprint, and that it is perfectly correct.

(*Mr. James.*) No doubt it is correct.

(*Mr. Coleridge.*) In this Prayer Book the order is as follows:—" Then the presbyter, standing at such " part of the holy table as he may with most ease and " decency use both his hands, shall say the prayer of " consecration as follows"—I do not want to read what is unnecessary, such as the early part of the prayer—" did institute, and in his holy gospel command " us to continue a perpetual memory of that his precious " death and sacrifice until his coming again, who in " the night that he was betrayed, took bread [at these " words 'took bread' the presbyter that officiates is " to take the paten in his hand and here to break the " bread] and when he had given thanks, he brake it, " and gave it to his disciples, saying, Take, eat; this " is my body which is given for you. Do this in " remembrance of me. Likewise after supper he took " the cup [at these words 'took the cup' he is to take " the chalice in his hand, and lay his hand upon so much " of the wine, be it in chalice or flagons, as he intends " to consecrate], and when he had given thanks he " gave it to them, saying, Drink ye all of this, for this " is my blood of the New Testament, which is shed for " you, and for many, for the remission of sins. Do " this as oft as ye shall drink it in remembrance of me." Then comes the formal oblation, which is the prayer which is called "the oblation."—" Wherefore, O Lord " and Heavenly Father, according to the institution of " thy dearly beloved Son, our Saviour Jesus Christ, " we thy humble servants do celebrate and make here " before thy divine Majesty, with these thy holy gifts, " which we now offer unto thee" [these words are " printed in a larger type than the rest in all the " books that I have seen] "the memorial thy Son " hath willed us to make, having in remembrance his " blessed passion and precious death, his mighty " resurrection and glorious ascension, rendering unto " thee most hearty thanks for the innumerable benefits " procured unto us by the same. Hear us, O, merci- " ful Father, we most humbly beseech thee, and of " thy Almighty goodness vouchsafe to bless and " sanctify with thy Word and Holy Spirit these thy " gifts and creatures of bread and wine, that they " may be to us the body and blood of thy most dearly " beloved Son." I say there again, when a distinct and definite act of oblation was intended, the compilers of that Prayer Book, who were, if my learned friend will forgive me for once for differing from him, no small men, and men certainly not, as I should venture to think, otherwise than thoroughly sound English divines, when they direct that a formal act of oblation should be made, Laud and those who drew up the Prayer Book and put it into the prayer, were not satisfied—I say not whether they were right or wrong, —but they were not satisfied in point of fact with the condition of the English Prayer Book; thinking, in fact, that a formal act of oblation of the consecrated elements should be made, they put into the service the formal act of oblation, without which nobody can use the service, and which, being in the service, of course is a statement on the part of those who use it, that it is perfectly lawful and right to make a distinct offering before the people of those elements which have just been consecrated, by the words set forth.

(*The Dean of the Arches.*) Then your argument would be that Archbishop Laud and those who compiled the Scotch Prayer Book meant to make a difference between the Scotch Prayer Book and the English.

(*Mr. Coleridge.*) Certainly; it does not follow, of course, that Laud may not have thought the English Prayer Book perfectly sufficient for its purpose, and that he may not have been well content, as many other men have been, to accept the state of things in which he found himself. And we, like him, if we had to frame something for ourselves, to be carried into effect in another country or in a different state of things, might put into that something which was wanting in the service which we are in the habit of administering. It would show, as I apprehend, that we think that there is something which we conceive had better be done and had better exist, which does not exist in the service from which we are making the difference.

I think there is only one other matter, which perhaps is hardly worth while to consider, but if your Lordship is the least curious about it you will find that the same thing is to be found in the service book of the Irvingite persuasion. You will find that very strong views are to be found of a certain kind in their liturgy, which is, at all events, a most interesting book. You will find an order of Holy Communion in which the precedent of the Scotch office is very nearly followed, and that there are distinct acts of oblation

and consecration put in, although in many respects it agrees with our own service book.

What I say then is, that reviewing all these various service books, and I may just enumerate those that I have put before your Lordship—first of all, our own book, then the non-jurors' book, then the Savoy book, and the Scotch book, or the book of Archbishop Laud—it will appear distinctly that neither prostration nor elevation was intended by the service books of the Church of England, because where elevation and offering is intended to be made it is provided for by the distinct words of the service books themselves; some of those service books, being written by persons who had the English service books before them, and who were not desirous, if they could avoid it, of differing at all or altering at all the English service book which was at that time in existence. Now, if your Lordship turns from this row of what may be termed English compilations to the Roman service—and if you look at what the Roman missal prescribes in the canon of the mass—there you will see perfectly plainly that when adoration and elevation are intended, they are set forth in terms as plain as plain can be. Nobody could possibly doubt what is the intention, and in what way that intention is to be carried into effect; and when your Lordship looks at that, and remembers that the persons who compiled the English service book had the Roman service book before them, and compiled it with a view to the Roman service book, and to making such differences from the Roman service book as they considered essential—well, one cannot say in this world that anything in this kind of subject matter is demonstration, but it is as near demonstration as can be—that what they distinctly omitted, not simply as a matter of unauthorized practice, but as distinct rubrical enactment, that what they omitted from their reformation of the Roman service, they omitted because they intended it not to take place, and omitted it for the purpose of forbidding, by clear and necessary inference, its taking place for the future.

Turning for a moment to the Roman missal, if your Lordship looks at the canon of the mass, you will find it as follows: Generally speaking, I think it is about the middle of the book where the act of consecration begins:—"Tenens manus expansas super oblata " dicit, Hanc igitur oblationem servitutis nostræ sed " et cunctæ formulæ tuæ quæ sumus Domine ut placa- " tus accipias diesque nostros in tua pace disponas " atque ab æterna damnatione nos eripe et in electorum " tuorum jubeas grege numerari." Then the rubric, " Jungit manus;" then "Per Christum Dominum " nostrum Amen. Quam oblationem, tu Deus in " omnibus quæsumus."

Then the rubric, "Signat ter super oblata" bene+dictam adscri+ptam ra+tam" (he is to make the sign of the cross at each of these words) "rationabilem " acceptabilemque facere, digneris signat semel super " hostiam et semel super calicem ut nobis cor+pus et san+guis." The sign of the cross is made at corpus and sanguis. Then come the words of institution, " Qui pridie quam pateretur accepit hostiam accepit " panem in sanctas et venerabiles manus suas." The rubric is, "Elevat oculos ad cœlum." So that even the minutest gestures of the priest are distinctly laid down in the old service books. Then, "et elevatis oculis in " cœlum ad te Deum Patrem suum omnipotentem tibi " gratias agens." (Then comes the rubric, "Signat " super hostiam) bene+ dixit fregit deditque discipulis " suis dicens, Accipite et manducate ex hoc, omnes." Then, "Tenens ambabus manibus hostiam inter indices " et pollices profert verba consecrationis, secretè, " distinctè et attentè super hostiam et simul super the omnes, si plures sunt consecrandæ, Hoc est enim

(*The* pus meum. Prolatis verbis consecrationis statim me look am consecratam genuflexus adorat." Your

(*Mr. Co*, may remember Mr. Malin's evidence on this. the service verbis consecrationis statim hostiam consewhere it alters uflexus adorat: surgit, ostendit populo, service that the r corporale, iterum adorat: et non Holy Communion. es et indices, nisi quando hostia " tractanda est usque ad ablutionem digitorum." Now, my Lord, Roman Catholics are fond of saying—and I do not pretend to say with what truth, for I am not antiquarian enough to say—that there is no date which can be given for certain to the antiquity of the canon of the mass; and it is at any rate as old, I believe, certainly as the time of Gregory the Great. The compilers had this regular service before them, with which they are dealing, and here is the very distinct order that after the words of consecration, "Hoc est corpus meum," which your Lordship, I know, is quite aware have been held over and over again to be the emphatic words which create the change, whatever that change may be—as soon as those words are uttered, "Prolatis verbis consecrationis statim hostiam conse- " cratam genuflexus adorat. Tunc detecto calice dicit: " Simili modo, postquam cænatum est, ambabus manibus " accipit calicem accipiens et hunc præclarum calicem " in sanctas ac venerabiles manus suas: item tibi " gratias agens, sinistrâ tenens calicem, dextera signat " super eam Bene+dixit, deditque discipulis suis, " dicens, 'Accipite et bibite ex eo, omnes.' Profert " verba consecrationis secrete super calicem attentè, " continuatè et secretè tenens illum panem elevatum, " 'Hic est enim calix sanguinis mei novi et æterni " 'testamenti: mysterium fidei, qui pro vobis et pro " 'multis effundetur in remissionem peccatorum.' " Prolatis verbis consecrationis deponit calicem super " corporale et dicens secretè, 'Hæc quotiescumque " 'feceritis in mei memoriam facietis.' Genuflexus " adorat surgit, ostendit populo, deponit, coöperit et " iterum adorat. Deinde disjunctis manibus dicit."—

—Now, my Lord, I do not know that it is material to pursue the canon of the mass further, but there are the most particular and exact directions as to what is to be done with the blessed elements in the canon of the mass. Again I call your Lordship's attention very distinctly to the evidence of Mr. Malin, and I ask your Lordship——

(*The Dean of the Arches.*) What part of the evidence of Mr. Malin?

(*Mr. Coleridge.*) I do not desire in the least degree to press anything in this case, or, indeed, in any other case unfairly, but I ask your Lordship this question, If Mr. Mackonochie had before him the Roman ordinal instead of the English, the Roman ordinal, translated into English, could he have more exactly followed the order which is part of the Roman missal, and which, the Roman missal being before them, was expressly left out by those who compiled our Prayer Book. And now, my Lord, see the effect. He says, "After the " consecration of the bread there was a pause, and the " paten was elevated above the head of the consecrating " clergyman, and then a special prostration on the part " of the clergy took place." Now then, "Prolatis " verbis consecrationis deponit calicem super corporale " et dicens secretè, Hæc quotiescumque feceritis in " mei memoriam facietis. Genuflexus adorat." I respectfully ask your Lordship, if these words had been put into our Prayer Book, "as soon as he has conse- " crated the elements, he will kneel down and adore " them," what could a clergyman do but what Mr. Malin says the consecrating priest did on this occasion?

(*The Dean of the Arches.*) Do you contend that both the kneeling and adoring are both offensive? The adoring is not charged.

(*Mr. Coleridge.*) I shall have to deal with that by-and-by, but I am much obliged by your Lordship's reminding me of it. I hoped that I had not said anything which should seem to imply that I thought they were the same. I use it in this way; passing quite away from adoring, if your Lordship pleases. I say he kneels to it.

(*The Dean of the Arches.*) And you say the kneeling is not allowed.

(*Mr. Coleridge.*) I do.

Allow me exactly to convey my meaning to your Lordship. The prayer of consecration is by the service book to be made standing. There is no direction in the English service book that any posture except standing is to be assumed by the consecrating

priest from the beginning to the end of the prayer of consecration. I say that any interruption of the prayer of consecration, for the purpose of kneeling down, I will not say to, but in front of the elements which have been consecrated, is unlawful.

(*The Dean of the Arches.*) Any attitude but that of standing ?

(*Mr. Coleridge.*) That I should say is another way of putting it ; but I prefer to put it, if your Lordship will allow me, in my own way. I say, any interruption of the prayer of consecration by assuming any posture than that of standing, and especially kneeling during the prayer of consecration and rising again, thus interrupting the prayer of consecration for the purpose of kneeling and rising again, and doing that after one and the other element has been consecrated, immediately after and in front of it—I avoid my friend's objection with regard to saying "to it,"—I say that is an unlawful act. I say two very good reasons for showing it to be unlawful are these : When anything of the sort is intended in subsequent books to the English Prayer Book it is put in, and when anything of the sort is intended in a book prior to the English Prayer Book it is put in also in the plainest terms. The English book is written with the Romish missal before it, and with a natural desire, and if I may be permitted to say so, the commendable desire to differ from the established rule that had gone on for 1500 years, as little as conscience will allow the writers of it to differ. Having the Romish missal before them, and having this order before them, the omission of so very special an order as that which does in the Romish missal interrupt the prayer of consecration is, on the part of those who substitute for it another prayer which is to be said standing, an order that such an interruption shall not take place. I venture to put it to your Lordship, and I apprehend that that is the fair mode of putting it ;—I do not in the least desire to deal rhetorically or otherwise than as a lawyer in this case ;—but I do put it deliberately as a legal argument ; supposing this portion of the canon of the mass had been incorporated *in verba* in the English service book, what could Mr. Mackonochie have done to comply with the English service book, having that in it, that he has not done now ? It is, of course, for your Lordship to determine this case, and not for me ; but I respectfully submit that this is a strong and cogent argument to anybody who has to consider it judicially, to bring them to the conclusion that what is omitted is omitted on purpose, and having been omitted on purpose, it is in order that it shall not be done, and if it is done it is a transgression of the order and a violation of the rubric.

There is another observation which, I hope, is well worthy of your Lordship's attention, and which derives its importance from the consideration not of any foreign material at all, but of the *ipsissima verba* of the service books of our own church. Just compare, for a moment, the English service books, the consecration in the first Prayer Book, the consecration in the second Prayer Book, and then the condition in which the consecration prayer stands after the final settlement of it in 1662. Now in Dr. Cardwell's two liturgies you will find those matters stand side by side, so that they can be easily compared.

(*The Dean of the Arches.*) You are now going to the first Prayer Book of Edward the Sixth.

(*Mr. Coleridge.*) Yes. Perhaps it may be convenient to tell your Lordship the conclusion I propose to arrive at, and then you will be able to apply more clearly the passages as I read them. What I say is this, that doing anything whatever to the elements is never ordered after the first Prayer Book, in which Prayer Book there is an express order that there is to be no elevation ; until 1637.

In 1637 the acts of consecration, the manual acts of consecration of the elements, are first replaced in the Prayer Book ; that is in the Scotch Prayer Book, in Laud's Prayer Book ; and in Laud's Prayer Book there is a provision for oblation, and that had no effect in England, as your Lordship knows. The first Prayer Book in which the acts of consecration appear after the first book of Edward, applying to the Church of England, is the Prayer Book of 1661, and in the Prayer Book of 1661, although compiled subsequently to Laud's Prayer Book in 1637, in which there was an oblation, the oblation is left out. That is what I think you will find to be the result of the passages I am about to read to you.

(*The Dean of the Arches.*) Just mention the Prayer Books as you read the passages, as I have not got them together.

(*Mr. Coleridge.*) I will read them, if your Lordship pleases, in order. The first Prayer Book of Edward.

(*The Dean of the Arches.*) That is in 1549.

(*Mr. Coleridge.*) I need only read the operative words : "And did institute, and in his holy gospel "command us to celebrate a perpetual memory of "that his precious death until his coming again. O "merciful Father, we beseech thee, and with thy "Holy Spirit and Word, vouchsafe to bl+ess and "sanc+tify [Then at each of these words the sign "of the cross is to be made] these thy gifts and "creatures of bread and wine, that they may be to "us the body and blood of thy most dearly beloved "son Jesus Christ, who, in the same night that he "was betrayed, took bread [here the priest must take "the bread into his hands], and when he had blessed "and given thanks he brake it and gave it to his "disciples, saying, Take, eat ; this is my body, which "is given for you. Do this in remembrance of me. "Likewise after supper, he took the cup [here the "priest shall take the cup into his hands], and when "he had given thanks he gave it to them, saying, "Drink ye all of this, for this is my blood of the "New Testament, which is shed for you, and for "many, for remission of sins. Do this as oft as you "shall drink it, in remembrance of me." Then follows : "These words before rehearsed are to be said, "turning still to the altar, without any elevation "or showing the sacrament to the people."

Then, my Lord, comes a distinct oblation, which I need not read to your Lordship. It is very much, though they do not appear to have followed it word by word, the same as Laud afterwards adopted in the Prayer Book of 1637. There is a rubric or two at the end of the communion service of that Prayer Book which is worthy of observation, as it shows that at least very high sacramental doctrine was entertained by the persons who compiled that book. Your Lordship will find it in page 314 of Cardwell.

(*The Dean of the Arches.*) I have got the rubrics at the end of this book.

(*Mr. Coleridge.*) At the end of the fourth rubric you will find : "Men must not think less to be received in part than in the whole, but in each of them the whole body of Jesus Christ." And then at the end : "And although it be read in ancient "writers that the people received at the priest's "hands the sacrament of the body of Christ in their "own hands, and no commandment of Christ to the "contrary, yet forasmuch as they many times con-"veyed the same secretly away, kept it with them, "and diversely abused it to superstition and wicked-"ness, lest anything hereafter should be attempted, "and that a uniformity might be used throughout the "whole realm, it is thought convenient the people "commonly receive the sacrament of Christ's body in "their mouths at the priest's hand." Therefore, my Lord, certainly it was not for want of their very strong views that they forbad the priest to offer the sacrament or to elevate it, or to show it in any way to the people, because anything stronger or more decisive upon the question as to the high sacramentalism of their views cannot be well conceived than this passage from the rubric which I have just read to your Lordship. And I say the fair effect of all this is that in the present service book of the Church of England it was never intended that there should be any elevation of the blessed sacrament or prostra-

tion before it, at the time of its consecration, by the consecrating priest.

Further, my Lord, I cannot help submitting that it is excessively important to understand exactly, if one could, what is the contention which my learned friend is going to make on this subject. Here we have, either proved or admitted, that there has been elevation, and that there has been what I call prostration. I do not want to quarrel with my learned friend, —of course I shall not quarrel with him—but I do not want to dispute about a word. There has been this kneeling down in front of the altar immediately after the consecration of the elements: that is either proved or admitted. I want to understand upon what ground, if I can, my learned friend is going to put the doing of these acts which, as I say, are conclusively proved or admitted. He must, I apprehend, take one of two courses. He must either say it is prescribed, or if he does not say it is prescribed he must say it is permitted. Now, I will deal with these propositions separately. Prescribed it undoubtedly is not in terms, because there stands the prayer of consecration before your Lordship, and no such direction is to be found in it, but it is to be found in plain and unambiguous terms in the canon of the mass; therefore it cannot be said that it is in terms prescribed. Is it then prescribed by implication? Is any other service fairly to be taken into account, and to be considered as an authority, and as it were according to the precedents of Acts of Parliament, to be read with this service book? If so, what service book, or what compilation, or what liturgy is to be taken; that is to say—I am merely assuming for the purpose of argument that such a contention is put forth —what service book is it that is to be incorporated and read with the communion office of the Church of England? If we are to go back to very primitive antiquity, if we are to go back to the liturgy of St. Clement or St. Basil (my learned friend Mr. Prideaux is much more learned, and a much better scholar than I am), but I confess I cannot find, with my small amount of Greek, that they contain any orders on the subject. They appear to be perfectly silent. It stands with regard to them, as far as I know, entirely on usage, whatever the usage may be in oriental churches.

Is it to stand upon the canon of the mass? That would be a strange proposition; that having the canon of the mass before them, with these very distinct, plain, unambiguous, excessively definite directions before them, which they had nothing to do but translate, to put the matter beyond all dispute, they left it in this utter doubt. If it is not to stand upon the canon of the mass, that is to say, upon that traditional order of celebration which, as I said just now, is at least as old as the time of Gregory the Great, is it to stand upon any variations of it which were current in England at the time at which these service books were compiled? Your Lordship has been referred to the Sarum Missal, to the Bangor, to the York, and to the Hereford Uses. Is that which was not abolished by inference in those, to be incorporated into the service book of the Church of England, and because it is not abolished is it to be considered that their rubrical orders are embodied in the orders of the Church of England, and therefore may be had recourse to? Two objections seem to me to arise with respect to any such view. I have dealt with the question of the canon of the mass itself, and you will find, if you look at Mr. Maskell's collection of the Uses, as you may expect, that in the canon of the mass, in the actual part which relates to the consecration of the elements, there is extremely little difference between any of the service books. But supposing there were, the difficulty would be to know to which of those four different Uses you are to have recourse, and you come in that case, as it seems to me, distinctly within the very terms of the preface to our own Prayer Book, and are doing the very thing that the preface to the Prayer Book says shall not be done. Because the preface to the Prayer Book makes reference to these very Uses, and points out that an inconvenience having been experienced from the use of various services and various orders of celebration in the Church—those very services being mentioned by name by the writers of the preface—it is said for the future the order of the Church of England embodied in the Prayer Book and that order only shall be used. "And whereas heretofore there has been great diver- "sity in saying and singing in churches within this "realm; some follow the Salisbury use, some the "Hereford use, and some the use of Bangor, some of "York, and some of Lincoln; now from henceforth "all the whole realm shall have but one Use." Therefore it seems to me that it is exceedingly difficult for my friends to suggest what is to be incorporated if you once allow yourself to be taken out of the four corners of the service book itself, and to say that anything is of authority which is not laid down in that service book, and which does not follow by necessary intendment from the words of that service book itself.

But further, I think you will find that what was aimed at throughout the various alterations of the Prayer Book, and what was pointed out in the Acts of Uniformity, to which I shall have to call your Lordship's attention shortly in a moment, was, at all events, an outward uniformity of service. It was intended to curtail and restrain the outward liberty of both minister and people, and to bind down the outward celebration of divine service within the rules which were laid down in the books which were published from time to time by the authority of Parliament. Your Lordship will forgive me for saying by way of parenthesis, that this is not, as your Lordship has more than once pointed out, a question of opinion; and principles which may be very sound and just when we are dealing with questions of liberty of opinion have nothing whatever to do with the question which we are now discussing before your Lordship. It may well be that when you are dealing with a code such as the Thirty-nine Articles, which are expressed to be made for the present time and as articles of peace, that it is a legitimate principle to allow much latitude and variety of interpretation. I express no opinion whether it be so or not; I only say it is not an analogous case to the present. It may be perfectly legitimate to say, "Here are a certain set of definite propositions which "we will not have impugned. We do not mean to put "this forward as an entire abstract of a Christian "man's belief; we do not mean to say that everybody "who holds all this cannot hold anything at all that "is not set down here. All we wish to say is, these "things are to be accepted and not to be disputed "against. If you choose to accept these, what you "may choose to think about this, that, or the other "matter of religion with which we do not deal, we "have nothing to do with. That is a matter for your "conscience; that is a matter to be decided between "you and God, and we do not meddle with it at all; "but we will not have these particular definite propo- "sitions disputed, and you shall not impugn these "Articles without coming under the terrors of the "ecclesiastical law." But when you are considering what a man may hold in private, and even what he may practise in private, as a matter of pious opinion or conscientious obligation, as far as he himself is concerned, and when you are considering what alterations a minister of the National Church may make in the national services which are ordered by Parliament, I apprehend very different considerations arise. No harm is done; no offence is given if a man keeps his conscientious opinions to himself. I may differ with your Lordship upon some matter not in the least treated of in the Thirty-nine Articles. I may instance such an opinion as prayers for the dead, a matter which I apprehend is left open to the Christian liberty of English Churchmen to believe or not to believe as their conscience may prompt them. If I say nothing about it, if I do not preach it, if I simply as a matter of pious opinion think that they are right and proper forms of devotion to employ——

(*The Dean of the Arches.*) Even if you put it on a tombstone?

(*Mr. Coleridge.*) Even if I put it on a tombstone. However, my Lord, I will rather not choose prayers for the dead; I will take something that could not be put on a tombstone; or it is quite enough for my purpose to suggest that there are many matters of that sort which, if I keep to myself, I have a perfect right to believe and practise, and nobody can gainsay them. But it is a totally different matter with regard to the public services of the Church, which being once settled, and every member of the English Church having what I may call a vested interest in the maintenance of its public services as Parliament has determined them,—it is a very different question then as to the principles which are to guide your Lordship's determination of the stringency or the laxity of the formularies or the documents which prescribe such public ministrations. Because, supposing a man to hold, what I apprehend a member of the Church of England may hold with perfect liberty if he likes it, that prayers for the dead are objectionable, and are, if men please to say so, Roman; and I apprehend no English clergyman could introduce them into the services of the Church.

(*The Dean of the Arches.*) You are perfectly aware, Mr. Coleridge, that there is a decision, which would be binding upon me, by my learned predecessor that such an inscription is lawful. It is not a matter of private opinion, it is a decision enunciated by my learned predecessor, and by which I am bound. I wish that there be no mistake upon that matter.

(*Mr. Coleridge.*) Precisely, my Lord. I will not deal further with prayers for the dead; but what I mean to say is, that any strong expression in the writings of Bishop Andrewes or Archbishop Laud—I apprehend whatever a person may choose to say in a book of devotion, or use privately, if he did the same thing in a church, if the gesture, or the act of worship, or the ornament, or whatever it might be that he chose to use in private, were used by him in a church, every English churchman who had a conscientious objection to it would have a perfect right to say, "I have nothing to do with your private opinions; if "you choose to take your crucifix home, and put it up "in your private bedroom, and say your prayers "before it, I have nothing to say about that. I do not "approve of it. I do not do it myself. But Christian "liberty is Christian liberty, and you have a perfect "right to do it. But if you put it in the Church I "object to it, and I will bring you before an Eccle- "siastical Court, and have it abated." Because Parliament has said, not that the crucifix is unlawful, but that you shall not use it in church. It has expressed no opinion upon this or that matter being held as matter of private belief; but it has said, "These are "churches of the nation, in which the people of the "nation have a right to worship, and we put certain "limits to the practices tolerable within those churches. "You shall have so much ceremonial, because there "are a certain number of English people who desire "it; you shall not have more than a certain amount "of ceremonial, because there are a certain number "of English people who disapprove of it. You must "go elsewhere if you want more, or if you want less. "This is what we think a reasonable compromise "upon the whole for the wants of the nation. We "have ascertained it once for all; and by that, as "far as public ministrations are concerned, you must "be bound."

Now, let us test this matter in another way. I presume that the ground upon which the Defendant must put the stopping in the middle of the prayer of consecration to kneel down after he has raised the element, and put it on the table,—to kneel down in front of the table which has the elements upon it—I do not say to them,—I suppose the ground upon which he must put it is that although he can hardly deny it was an addition, it was such an addition as was so indifferent, so little contrary to the general spirit of the prayer in which it is interposed, that it is no offence; that *de minimus non curat lex;* and that just as turning to the east at the Belief, or one or two other things (for they are very few) are to be found sanctioned by very general practice, although not prescribed in the Prayer Book—that this is a matter of decent observance which would not interfere with the general spirit of the consecration prayer which you are bound to use, and that upon that ground it was an unimportant addition, if it be considered an addition at all. But who is to be the judge of the importance or the unimportance of an addition? And my Lord, if the addition is to be made because—I will concede—it is his conscientious belief that it is unimportant, who is to be the judge whether the additions which he chooses to make be important or unimportant? He does not do something or other which is ordered, and it is something very slight, and he says, "Oh, it is substantially the same "as if I did it. I would rather not do it." Could that stand? I apprehend clearly not. Upon what ground then is an addition, however small, to stand. It cannot stand upon a man's conscientious conviction, which I am willing to grant for this purpose, or indeed for any purpose. He cannot be the judge of it. Who then is to be the judge? Why, the law has prescribed once for all what is to be done. Those who are bound to obey the law must obey it, and if they do not like it, they must go where the law will cease to have authority over them. That is the answer. Your Lordship knows the common story which, whether true or not, is perfectly good as an illustration, which is told of Wesley. Wesley heard one of his ministers reading the Litany, and changing the word "sudden" into "unprepared," and instead of "sudden death" saying "unprepared death." Wesley objected. Said the minister, "I think 'unprepared' better expresses "the idea, because there is no reason to pray against "sudden death if you are ready for it. The thing you "pray against is being taken when you are not "ready. 'Unprepared' is the better word." Wesley is reported to have said, "That is not the question. "It may or may not be a better word; but if you "take to altering 'sudden' into 'unprepared,' some- "body else will be altering something else into some- "thing else, and we shall have all the beauty and "order of the service destroyed." It may be in that particular case the alteration might be correct. I have heard persons again, who, because they did not like to pray for the Roman Catholics, turned the words "Catholic Church" into "Universal Church." I confess I never heard that alteration made without a certain shudder, because I do not see why one should not pray for everybody. But, independently of that, I think no one has a right to change the words of our liturgy. There are the words set down for us, and those words the clergy are bound to use. We, the laity, have a right to require that the clergy shall use them, and no others, and any clergyman can be brought to book if he does alter or add in any way to them.

(*The Dean of the Arches.*) Do you put the use of a gesture not prescribed by the Prayer Book on the same footing as the alteration of the language of the Prayer Book?

(*Mr. Coleridge.*) Well, my Lord, it would depend a good deal upon the gesture. If your Lordship asks me whether a man raising his hand in reading scripture, as I have seem men dramatise the scene between St. Paul and Festus, commits an offence, I should say no. As a matter of taste I think they had better leave it alone, but I do not think it would be very sperate to bring such a gentleman before your Lordship to have him admonished. Therefore in the abstract I would rather not answer the question. But if your Lordship asks me if I do gravely contend whether such a gesture or such an interruption as is charged in this case would stand in that position, then I say I do.

(*The Dean of the Arches.*) I only wanted to know to what extent your argument went.

(*Mr. Coleridge.*) Your Lordship knows that in practical matters it is extremely difficult to lay down a proposition which shall be universally true; because, in the case I have put, it would be absurd to say

that such a gesture, or every gesture which is not authorized by the Prayer Book, is an offence. But at the same time I think you would equally admit that it is perfectly clear there are some gestures which would be distinct offences. Therefore the only answer I can make to your Lordship's question would be that it must depend upon the circumstances of the case, and that in some cases undoubtedly it would be so.

(*The Dean of the Arches.*) This particular gesture you put upon that footing.

(*Mr. Coleridge.*) I do distinctly.

(*The Dean of the Arches.*) That is only what I wanted to arrive at.

(*Mr. Coleridge.*) Now very shortly allow me to draw your Lordship's attention to two or three passages of the Acts of Uniformity themselves, because the proposition I am now upon is this:—that it was the distinct intention of the Legislature to limit the public ministrations within certain strict and definite rules; and that the words of the Acts of Parliament themselves will show that the principles, which I admit may be fair and legitimate principles to apply to matters of opinion, do not apply to external matters of practice.

(*The Dean of the Arches.*) I understand you to say that any addition or omission not warranted by Act of Parliament in the words of the Act of Uniformity and the Prayer Book, is illegal.

(*Mr. Coleridge.*) I do. First of all, let me draw your Lordship's attention to the Act of Uniformity of Elizabeth,—the 1st Elizabeth, cap. 2, section 3: "Be "it enacted by the Queen's Highness, with the assent "of the Lords and Commons,"—because it seems all the bishops dissented, "in this present Parliament "assembled, and by the authority of the same, that all "and singular ministers in any cathedral or parish "church or other place within this realm of England, "Wales, and the marches of the same, or other the "Queen's Dominions, shall from and after the feast "of the Nativity of St. John Baptist next coming "be bound to say and use the mattens, evensong, "celebration of the Lord's supper, and administration "of each of the Sacraments, and all the common and "open prayer, in such order and form as is mentioned "in the said book so authorized by Parliament in the "said fifth and sixth years of the reign of King "Edward the 6th, with one alteration of certain "lessons, to be used on every Sunday of the year, and "the form of the Litany altered or corrected, and two "sentences only added in the delivery of the Sacra-"ments to the communicants, and none other or "otherwise." What words can be more definite and express to show that uniformity was aimed at, and that the public celebration of the Sacrament was to be distinctly according to that form, and according to that form alone?

In the Prayer Book of Elizabeth the only addition, as far as the Holy Communion is concerned, to the second Prayer Book of Edward, was, as your Lordship well knows, an addition of the first half of the words of administration to the whole of the communicants, making the administration of each of the elements consist of two sentences instead of one. If your Lordship looks at that book of Elizabeth's you will find that no act of consecration was to take place at all. Could Mr. Mackonochie, if he had lived in the time of Elizabeth, have consecrated by laying his hand on the bread, the paten, or the wine? It was not forbidden. It had stood in the first Prayer Book of Edward; it was distinctly omitted in the second Prayer Book of Edward; and under the statute of Elizabeth the second Prayer Book of Edward, with the addition of those two sentences, was to be used, and none other or otherwise. Could it have been gravely contended by any priest of the Church of England in the time of Elizabeth that he could have consecrated as under the first Prayer Book of Edward? I apprehend most clearly not; and yet that is *idem per idem*, as it seems to me. If he could not have used the manual acts of consecration prescribed in the first Prayer Book because they were distinctly omitted upon consideration and for a reason in the second, why, upon what ground, can Mr. Mackonochie put any devout gesture, any act of devotion at all, any outward act of devotion, not prescribed, in the course of the service? It is apart entirely from matters of private devotion,—upon what grounds can he put it that would not have been available to him, under this Act of Elizabeth, to justify him in going through the act of consecration sanctioned by the first Prayer Book of Edward? I apprehend that is one way of testing the validity of the contention which my learned friends will be driven to in this case.

Now I pass from this Act of Uniformity to, I think, the next—at all events to our present Act, the 14th of Charles II.

(*The Dean of the Arches.*) Yes, that is the next.

(*Mr. Coleridge.*) I believe there was none between the one to which I have drawn attention and the 4th Chapter of the 14th of Charles II. The second section is this: "Now in regard that nothing conduced "more to the settling of the peace of this nation (which "is desired of all good men), nor to the honour of our "religion and the propagation thereof, that an uni-"versal agreement in the public worship of Almighty "God; and to the intent that every person within this "realm may certainly know the rule to which he is "to conform in public worship and administration of "sacraments and other rites and ceremonies of the "Church of England, and the manner how and by "whom bishops, priests, and deacons are and ought to "be made, ordained, and consecrated; be it enacted "by the King's most Excellent Majesty, by the advice "and with the consent of the Lords spiritual and "temporal, and of the Commons, in this present Par-"liament assembled, and by the authority of the same, "that all and singular ministers in any cathedral, col-"legiate or parish church or chapel, or other place "of public worship within this realm of England, "dominion of Wales, town of Berwick-on-Tweed, "shall be bound to say and use the morning prayer, "evening prayer, celebration and administration of "both of the sacraments, and all other the public and "common prayer, in such order and form as is men-"tioned in the said book annexed and joined to the "present Act, and intituled 'The Book of Common "'Prayer and administration of the sacrament and "'other rites and ceremonies of the Church, according "'to the use of the Church of England, together with "'the Psalter or Psalms of David pointed as they are "'to be sung or said in churches, and the form or "'manner of making, ordaining, and consecrating of "'bishops, priests, and deacons;' and that the mor-"ning and evening prayers therein contained shall "upon every Lord's day, and upon all other days and "occasions, and at the times therein appointed, be "openly and solemnly read by all and every minister "or curate, in every church, chapel, or other place of "public worship within this realm of England and "places aforesaid." Now the object is, that there shall be an uniformity of public worship, that those who have to perform it may certainly know the rule by which they are to be governed. Then it is indicated, (discharging ourselves at present of all that does not apply to the present case,) that the holy communion shall be administered in every church and chapel in such form and order as is set down in this prayer book. Now, my Lord, I say, as to the services which we have had described,—either described in the Articles, or described by the evidence,—can it be said that that is in such form and order as is set down in the prayer book? What is set down in the prayer book, no doubt, is done; but a good deal that is not set down in the prayer book is also done; and can anybody say that if he do more than what is set down in the rule to which he is to conform, that is keeping the rule? The rule is a rule of length and breadth; a canon,—and a canon is equally broken by adding to it, as by diminishing from it, and if you add a solemn observance, of whatever character it may be, which is not prescribed in the book, you break the rule, and you violate the uniformity of public worship.

Now, my Lord, the 17th section, I think, will throw more light upon what was intended. They thought it necessary to have a special section,—which at the moment I cannot put my finger upon, but no doubt your Lordship knows it perfectly well,—to authorize the use of Latin prayers in the chapels of universities.

(*The Dean of the Arches.*) That is the 17th section, I think. They might use the Latin prayers in the colleges of Westminster, Winchester, or Eton, or any of them.

(*Mr. James.*) The 17th section applies entirely to the universities.

(*Mr. Coleridge.*) "Provided always, that it shall "and may be lawful to use the morning and evening "prayers, and all other prayers and services pre-"scribed in and by the said book in the chapels or "other public places of the respective colleges and "shall, in both the universities, in the colleges of "Westminster, Winchester, and Eton, and in the con-"vocation of the clergy of either province, in Latin, "anything in this Act contained to the contrary not-"withstanding."

(*The Dean of the Arches.*) That is the 18th section.

(*Mr. Coleridge.*) Yes, my Lord, the 18th. They thought it necessary to make a special provision for places where, as I remember a friend of mine, and I daresay a friend of your Lordship's, said, with a certain amount of satire, he presumed they were permitted to be read in Latin because that was a tongue understanded of the people. Still they thought it necessary to put a special clause in the Act of Parliament to justify the reading of the Book of Common Prayer in Latin. One would have thought that certainly if the people understood Latin they might have read it in Latin; but, however, they thought that a special clause in the Act was necessary.

The 17th section, I think, is important for this purpose. My learned friend, if he is very astute,—and he is very astute in following language,—may say that the words of the Act of Charles II. are not identical with those of the Act of Elizabeth. Nor are they, because whereas in the section of the statute of Elizabeth to which I have drawn attention, the words "none other or otherwise" occur, no such words occur in the first or second section of the statute of Charles, and it might be said that it made a difference between the two. Now the 17th section corrects that, because the 17th section clearly shows that it was not intended to impose upon the Universities or upon the scholars of Westminster or Winchester or Eton any heavier burden with respect to uniformity than was imposed upon all the rest of the world. So far as anything was intended, it was that greater liberty was intended to be enjoyed by them; and, I say, that in that section which follows that of the Universities and deals with the schools, the words are substantially identical with the words of Elizabeth. There the words are not only that the order of the Book of Common Prayer shall be used, but that none other shall be; and, therefore, putting the 17th section together with the second section of the statute of Charles, it really brings the enactment of Charles substantially to exactly the same force and strength as exists in the words of the statute of Elizabeth.

In truth, my Lord, I cannot help thinking that they meant and aimed at an agreement, a rigid agreement, in public acts of worship. They left other matters to Christian liberty; but there was to be a rigid uniformity in the acts of public worship. And if it were not so, my Lord, it is difficult to see where this notion of insertion is to stop. Mr. Mackonochie kneels down and says a prayer, keeping the whole congregation waiting, the rubric being that he is to say the prayer of consecration standing. He stops in the middle, and kneels down in front of the table on which the elements are, for a perceptible and appreciable time. He takes the paten and cup, and elevates them above his head for the purpose of making an offering of them to Almighty God. I do not say that is charged, but I presume the only use of elevating them is to offer them to Almighty God. Well, it is defended, I suppose, on the ground that it is not forbidden. But see how many things might be defended on the same ground, and how entirely the whole feeling and aspect of the service of the church might be changed. Hymns are not forbidden. As a matter of taste, if I might be permitted to express myself on the subject, I might say that there are some very beautiful hymns and short anthems which are to be found in the old service books, and they are not forbidden. Many of them, no doubt, were put in for distinctly ritual objects,—put in at particular periods in the old services with distinctly symbolical and mystical intention. They are not forbidden. Might they be put in?

(*The Dean of the Arches.*) What is the authority for any hymns being put in?

(*Mr. Coleridge.*) None that I know of.

(*The Dean of the Arches.*) Do you say that all hymns are illegal?

(*Mr. Coleridge.*) In the sense that they are not authorized; but your Lordship knows the rubric, "In "quires and places where they sing, here followeth "the anthem." I suppose that may be a hymn if they like.

(*The Dean of the Arches.*) Of course my object is to see the extent of the argument; whether the argument would or would not be against the introduction of all hymns.

(*Mr. Coleridge.*) I suppose the ground upon which hymns as generally sung are defended and are defensible, is that they are sung between one service and another, and are no parts of the service at all. It would be a strong thing to say that a number of persons meeting together in church might not praise God by singing.

(*The Dean of the Arches.*) Might not the object of the Act of Uniformity be entirely defeated by their singing hymns entirely in contradiction to the doctrine of the Church.

(*Mr. Coleridge.*) One would hardly like to suppose that people would go in crowds into church to sing such doctrines.

(*The Dean of the Arches.*) I only mean that it is possible to introduce by hymns matter at variance with the structure of the Church Prayer Book.

(*Mr. Coleridge.*) Exactly; and, beautiful as many of these hymns are, they are inconsistent with the doctrines of the Church.

(*The Dean of the Arches.*) You will excuse me for interrupting you. I am listening with a great deal of attention to your argument, and I am attending with real anxiety to every part of this case. I understand your argument as almost going to the extent of saying that the introduction of any hymns, except between the services, as you say, would be illegal.

(*Mr. Coleridge.*) I am not aware that there are any introduced except between the services, with the exception of the anthem. Where the choir is not of sufficient strength to sing an elaborate counterpoint anthem, they sing a hymn.

(*The Dean of the Arches.*) If hymns may be introduced because they are between the services, might not prayers be introduced between the services also?

(*Mr. Coleridge.*) That is not what we are now considering.

(*The Dean of the Arches.*) No; I only draw it from your argument.

(*Mr. Coleridge.*) If I am pressed with it, I should say myself certainly, that hymns were not admitted, and that probably for a length of time hymns were not sung, but that gradually they crept in. If you ask me for a sensible answer, I should think that services without singing were found to be so cold and dead, that the whole devotional feelings of mankind rose against it, and consequently hymns were introduced, and nobody thought it worth while to interfere about the matter. If I were asked to advise as a lawyer whether you could as a matter of law sing a hymn, I have not been paid to give an opinion, and therefore it would be a very bad one if I gave it now. I should think there would be a good deal to be said for the affirmative,—that it was illegal; but the

substantial answer, I apprehend, is that it has gone on by general consent, that it is found to be a good and pious thing to do, and that persons having accepted it nobody thinks it worth while now to dispute it. But if you ask me as to the strict law, I apprehend it would not be lawful.

But allow me to draw attention to this, that it is not the same question, as I apprehend. In point of law the holy communion and the morning service are two separate services, and at the end of the evening prayer the sermon is a thing that has been engrafted rather by the implied effect of Acts of Parliament, which have spoken about two full services with sermons, and as there was no other time to preach the sermons they were preached then,—but really the services are distinct. And I think your Lordship will find,—at least it is so, as far as my experience goes,—there is not in fact any singing of hymns, so far as I know, at all events as a general rule or practice, so as to give it the semblance of a general practice, except between the services,—between what are two distinct services in the Prayer Book. They take place at the same time, or rather one after the other, and hymns are interposed between the two. By common consent a hymn has been sung, and there is a hymn sung now very often, after the third collect in the evening prayer, where some singing is provided for in the Prayer Book, and where, if they cannot sing an anthem, they sing what is most like an anthem, that is a hymn. But that is not the case here. I am supposing that any of the old Catholic hymns, fine and impressive as they are, which are to be found in the old service book had been interposed during the administration of the Holy Communion. That, I apprehend, would stand on a very different footing; and whether I am right or wrong in the answer which I have given your Lordship about hymns, that does not appear to me to touch this question, because they would stand on a totally different ground. They would alter the character of the services; they would be a distinct alteration of what is distinctly prescribed in the service book itself. Therefore whatever may be said about the singing I apprehend it does not apply to them.

Now, my Lord, I take again (I shall have to deal with it separately presently, but not at any great length) "incensing." Censers are not forbidden, that I know of, in terms. Then take the case of ringing a bell at the elevation of the Blessed Sacrament. That, we are all familiar with,—at least those of us who have ever been present at a Roman Catholic ceremony. To my own mind, it is particularly impressive at particular periods to hear a bell ring, followed by an intense silence. Everybody knows what that means; and that is not forbidden. Is it to be contended that an English priest could elevate what he might call possibly the Host, and that there should be a ringing of the bell, and an universal prostration of the congregation in a marked and distinct manner, because it is not forbidden? So, my Lord, the holding forth of the Blessed Sacrament to the people, that is not forbidden. It is plain that if all these various things which are not forbidden, and which may, for aught I know, have, to those who are brought up under different forms of religion, a devout and elevating effect—I am not here to dispute about these matters at all,—but if all this is to be introduced into the celebration and services of the Church of England because it is not forbidden, all I can say about it is, that the whole character of the services may be entirely and absolutely altered, and that that which was distinctly written and has been adopted for 300 years, in one sense may by these unforbidden ceremonies,—if by unforbidden is meant not expressly forbidden,—by the introduction of all these not expressly forbidden ceremonies, be turned into a totally different service; and into a service, which although some persons may like it, a great number of persons would find excessively offensive to them, a service which they have just as much a right as members of the National Church to say is offensive to them as any person who is interested in it in a foreign church has a right to say that as a matter of devotional feeling he is pleased and interested with it. The Reformers in the Parliament of England have drawn a line of compromise between these two classes of persons. They have laid down a certain ceremonial, and no more, and they say that is a sufficient ceremonial. It is not a question whether this, that, or the other ceremony is of itself impressive or striking, but whether it can be added without an entire alteration. Because what is good for one is good for twenty, and it is quite plain that by the addition of twenty you may have the whole character of the service entirely changed. That cannot be; one's common sense revolts from it, and is offended by the conclusion to which one would be brought by acceding to such a proposition. After all, we are to use our common sense to construe these things, and I am quite satisfied that your Lordship is the very last person in whose hands it is at all likely to be proved that common law is not common sense. The law is the perfection of common sense; at all events we lawyers are anxious to maintain that it is so.

I said I would carefully attend to what your Lordship threw out upon the subject of doctrine; and in what I am about to say, I beg your Lordship to believe that I am not going to offend against your Lordship's canon. I not only accept it, but I am heartily glad that it is so, and that we are not here upon matters of doctrine, but upon matters of fact and practice. We have nothing to do with these solemn questions in this case. But, my Lord, I have a right to use the argument upon doctrine to this extent. I do not say that Mr. Mackonochie does these various things as intending to convey or to symbolize by them a particular doctrine. I do not assert it; but I have a right to assert this, that at all events they *may* do so, and that persons who go to Mr. Mackonochie's church, or to any church where these things are practised, and see a ceremonial of this kind forced upon their attention, may legitimately and honestly believe that they are having forced upon them a view of the sacrament, and a view of doctrines connected with the sacrament, which they utterly repudiate. I do not at all say that the view which these rites and ceremonies may symbolise (I put it no further),—as a matter of private opinion is untenable in the Church of England,—I neither affirm nor deny it,—it may be so,—but I say it is not the *only* doctrine which is tenable in it; and I say that a minister of the Church of England has no right in the public ministrations of the Church of England to force a congregation to join in a ceremony, or by any putting in of any gesture or addition of his own, he has no right to give a tone to the public ministration of the church, which is inconsistent with the universal belief and universal acceptance of the Church in which he ministers. There are two lines of belief, I say not which is right or which is wrong, but as a matter of fact there are two lines of belief with respect to an important ceremony, co-existing in the Church, and which have co-existed for more than 200 years; and I hold strongly that the minister of the Church of England who holds either view has no right so to conduct the public ministrations of the Church of England as to make it impossible for any *bonâ fide* member of the Church of England to join in them. I say that if Mr. Mackonochie unintentionally,—for I do not go into the question of intention at all,—if Mr. Mackonochie unintentionally conducts the service of the holy communion so that a large body of the members of the Church of England believe that, if they join in it, they join in an adoration of the elements, or in something that cannot be distinguished from the Roman doctrine of transubstantiation, that is a good reason for saying that Mr. Mackonochie should be prevented from doing those things if they are not set down in the Book of Common Prayer. If they are set down in the Book of Common Prayer, then the man who does not like them must go somewhere else; but if they are not set down in the book, the individual

opinion of a minister of the Church of England is not to narrow the Christian liberty which for the wisest purposes the Parliament of England and the Church of England have hitherto maintained on these matters.

Thus far, my Lord, and only thus far (I hope keeping within your Lordship's canon) do I touch upon the question of doctrine. Now, I say it is quite plain from the words of Parliament itself that this view of accommodating to the general assent of the people of England the services in which they were to join was present to the mind of Parliament, and actuated the Parliament of England in what it did. I say it is clear from the words of one of the Acts themselves, the Act of the 5th and 6th of Edward VI., Chap. I. Sections 1 to 5. The first section is this. This is the Act of Parliament, as your Lordship knows, that enforced the second Prayer Book. "Where there " hath been a very godly order set forth by the autho- " rity of Parliament for common prayer and ad- " ministration of the sacraments to be used in the " mother tongue in the Church of England agreeable " to the Word of God and the primitive Church, " very comfortable to all good people desiring to live " in Christian conversation, and most profitable to the " estate of this realm, upon which the mercy, favour, " and blessing of Almighty God is in nowise so " readily and plentcously poured as by common " prayers, due using of the sacraments, and often " preaching of the Gospel, with the devotion of the " hearers; and yet this notwithstanding a great " number of people in divers parts of this realm, " following their own sensuality, and living either " without due knowledge or due fear of God, do " wilfully and damnably before Almighty God abstain " and refuse to come to their parish churches and " other places where common prayer, administration " of the sacraments, and preaching of the Word of " God, is used upon Sundays and other days ordained " to be holy days." I pause there for a moment. Parliament says the first Prayer Book of Edward was a most godly order, set forth by the authority of Parliament, agreeable to the Word of God and the primitive church, very comfortable to all good people, and most profitable to this realm. That is the opinion that Parliament expresses on the first Prayer Book. Then again in the 5th section: "And because there hath " arisen in the use and exercise of the aforesaid " common service in the Church heretofore set forth, " divers doubts for the fashion and manner of the " ministration of the same, rather by the curiosity of " the ministers and mistakers than of any worthy " cause, therefore as well for the more plain and " manifest explanation thereof, as for the more perfec- " tion of the said order of common service in some places " where it is necessary to make the same prayers and " fashion of service more earnest and fit to stir Chris- " tian people to the true honouring of Almighty " God," then the second Prayer Book shall have authority. My Lord, that is the recital; that is the statement of Parliament itself as to the motives which guided it in setting forth the second Prayer Book.

Your Lordship perfectly well knows that the great difference in spirit between the first and second Prayer Book, the difference in spirit with respect to the Communion Service, with which we are now particularly concerned, can hardly be overstated. What says Parliament? We do this, not that we think the other wrong,—the other is a very godly order, exceedingly useful to all good Christian people, and most profitable to this realm, but people do not like it, and therefore we are going to alter it. People would not use it, it was found to give offence, and therefore, for the general benefit of the realm, Parliament authorized the second Prayer Book. Now I am not saying whether they were right or wrong, whether that was a good or bad principle at all; I only say that was the principle on which they acted, as appears from their own words. Not that these things were at all in themselves to be objected to, but the people did object to them; and Parliament says, In order that there may be uniformity, and that persons may all be compelled to use the same prayers, and that there may be no diversity, therefore we have altered the book into the shape in which it now is.

Therefore, my Lord, I think I am justified in saying that the principle for which I am now contending has not an indirect, but has the direct and explicit sanction of the Parliament of England itself. And indeed, apart from the particular phraseology of this statute, can anyone doubt who reads the history of the times, that, directly or indirectly, more or less substantially a spirit of compromise in the good sense of that word, and a spirit of reasonably attending to the honest scruples and doubts of the people of England, did actuate, as it ought to have actuated, those who from time to time revised our service books? Can any man doubt who considers it at all as a man of the world,—I mean in the good sense of that phrase,—with a recollection of what the facts were, and what men are, —can any man *bonâ fide* doubt that there always has been, and probably always will be, very broad differences in the minds of men; and that as long as there is a National Church that professes to deal with the whole of the nation, there must be what I must call for plainness the Catholic element and the Protestant element in it too; that if the Church is to remain the National Church there must be room in it for both? Can anybody seriously doubt that? Can anybody doubt either that that was directly or indirectly the object of a great deal of the compromise which is to be found, no doubt, from one end to the other of the service books that I have been reading from.

So much upon the point of its being prescribed. There is another mode, and I will take it very shortly. Is it permitted? I hope I have said sufficient, and I can say no more, to show that it is monstrous to say that it is prescribed; but are these things permitted? Surely that is even more difficult to contend, because if that which was not forbidden was permitted (it can only be on that ground) where is that to be stopped? Where is to be the end of the uncertainty that will arise upon the construction of an Act for the uniformity of public worship? If an Act for the uniformity of public worship is to be construed upon the principle that everything that is not forbidden in it may by reasonable people be practised, there is no end to the diversity that may arise, and to the uncertainty that may be introduced into the administration of the law.

I once heard it gravely contended by no inconsiderable man that because all the old penitential discipline of the Church of England,—the *penitentials* of Theodore, the *excerpta* of Egbert, have never been repealed, and because Confession is, under some very limited and strict limitations, allowed in the Church of England, and as these things have never been abolished, therefore all these old things are of authority upon members of the Church of England now. It may be all very well to pass time in society in discussing these interesting questions, but to think of arguing such a thing before a judge is quite monstrous; yet, my Lord, what intelligible and substantial line is to be drawn if these things are to be defended upon the legal ground that they are not forbidden, and therefore they are permitted?

I am happy to say that I have done with what I have to say with regard to the elevation and prostration.

(*The Dean of the Arches.*) Are you about to leave that subject, Mr. Coleridge?

(*Mr. Coleridge.*) Yes, my Lord.

(*The Dean of the Arches.*) Before you do so, let me call your attention to the pleadings "that such " elevation was discontinued long prior to the institu- " tion of the suit." If you wish to say anything upon that point, do so.

(*Mr. Coleridge.*) I am very much obliged to your Lordship. I think I should make the same answer in substance, though probably not as well, as my learned friend has already made.

(*The Dean of the Arches.*) I only wanted to know if you had forgotten it.

(*Mr. Coleridge.*) As I understood him, I entirely concur with what he said. We do not seek in this case, at all events not upon this matter, for anything more than a declaration at your Lordship's hands that these things are improper. Mr. Mackonochie has only withdrawn from them, as your Lordship knows, in a way which gives us only more reason to desire to have that declaration, if we can get it. Because, says Mr. Mackonochie, the bishop, and the Act of convocation, and the opinion of counsel,—I suppose that of my learned friend,—tells him, he had better not do it, therefore, says he, under protest, I will not do it; but I must be forgiven for saying, the moment I think it right I shall do it again, and I therefore cannot regard that as more than temporary.

(*The Dean of the Arches.*) I only wanted to know if you had any particular view upon that point, or whether you held exactly the same view as your leader.

(*Mr. Coleridge.*) I do not desire to add anything to what my learned friend has said on that point.

(*The Dean of the Arches.*) If you have finished that part of your argument it will be a convenient time to adjourn.

(Adjourned for a quarter of an hour.)

(*Mr. Coleridge.*) My Lord, I am now coming to the second charge which we make against Mr. Mackonochie, with respect to the two lights on the altar, and I had better read to your Lordship the charge and the answer. We say that on the days pleaded he "used lighted candles on the Communion "table during the celebration of the Holy Com- "munion at times when such lighted candles were "not wanted for the purpose of giving light, and "permitted and sanctioned such use of lighted "candles." Mr. Mackonochie's answer to that is somewhat peculiar. He says that it is "in part untruly pleaded," but he says "that on the said three "Sundays and Christmas Day in the said fifth article "mentioned, the lighted candles were not placed "on the Communion table, but on a narrow move- "able ledge of wood resting on the said table, and "that the said candles were so placed and kept "lighted, not during the celebration of the Holy "Communion only, as falsely alleged in the 5th "article,"—which it is not by the way,—"but also "during the whole of the reading of the Communion "service, including the Epistle and Gospel, and "during the singing after the reading of the Nicene "Creed, and during the delivery of the sermon." Now, I really do not know what he means by that. I suppose that the Holy Communion is, in the ordinary sense of the word, being celebrated during the whole time that the service appointed for the Holy Communion is being read. I do not apprehend you can distinguish between one part of the service and the other. Baptism is being performed while the service is being read. Marriage is being performed while the service is being read. Therefore I do not understand what Mr. Mackonochie means by saying, that when we state the candles were lighted during the celebration of the Holy Communion, we state it untruly, because they were lighted during the whole the service. I suppose that is what he intended to say; and, however that may be, let him have the benefit of it. But let me draw your Lordship's notice to the curious, astute, and special pleading sort of distinction he draws with respect to their being placed on the communion table. He says they "were "not placed on the communion table, but on a narrow "moveable ledge of wood resting on the table." I do not know that that makes any difference; but I cannot help observing upon the singular distinction. If you put a candlestick on a plateau on your dining table, is it less upon your dining table? If you put a book on a reading stand on your table, is the book the less on the table? It appears to me to be special pleading, and for no practical purpose. The candles were clearly on the communion table, and were put there for the purpose of doing honour to what was going on; and it is not denied that they were not needed for the purpose of giving light. The charge, I apprehend, is clearly admitted, because I believe we only meant to state exactly what he says is the truth and what we meant to be the truth, that the candles were lighted during the communion service, and that it is plain they were standing on the table. Now, what I say to that is, that these candles are absolutely unauthorized. They are certainly not authorized by the words of the Prayer Book as it stands. They are certainly not authorized by the words of the first Prayer Book. They are certainly not authorized, as far as my reading and research has enabled me to judge, by any of the old liturgies, because, as far as I know, the old liturgies are, generally speaking, silent. Whenever they are spoken of, and so far as the practice enables us to judge of them, a great many more than two are spoken of; and your Lordship knows that in the service of the Tenebræ, and many of the other services we are familiar with in the Romish books, a great many more than two candles are necessary for such services in such books. Everybody who has been in a Roman Catholic Church knows there are six or eight or more candles always burning, and at all events more than two. And so far as the words are concerned, and any direct authority goes, if it is to depend upon the words of any service book that I know of, the argument entirely fails, because they will not be found to be authorized, as far as my experience enables me to go, by the words of any service book whatever. The only service books that authorized any, authorized more. But, my Lord, they are said to be authorized by the Injunctions of 1547. In dealing with this question, I considered my learned friend had exhausted the matter of these Injunctions; and independently of that I preferred as far as I could to keep myself strictly to the matter of the service books, and the Acts of Parliament. I have not troubled your Lordship with any observation upon a single Injunction, and I only trouble you with observations upon this particular Injunction because, as I understand from something that passed elsewhere, it is upon this Injunction mainly that this practice is supposed to stand. Therefore it becomes material to look at this single Injunction, and it is to be found in the 1st volume of Cardwell's Documentary Annals, page 7.

(*The Dean of the Arches.*) I should have been very glad, if it had been convenient to you at any period of your argument, to have heard your opinion upon the legal effect of any of these Injunctions.

(*Mr. Coleridge.*) In the course of what I am going to say on this particular Injunction I will say what I have to say, as applying to all the rest: *ex uno disce omnes.* If we see what the authority of this is, we shall see what the authority of all the rest is. These are "Injunctions given by the Most Excellent Prince "Edward the VI., by the grace of God, King of "England, France, and Ireland, defender of the Faith, "and in earth, under Christ, of the Church of "England and of Ireland the supreme head. To all "and singular his loving subjects, as well of the clergy "as of the laity."—"Item, That such images as they "know in any of their cures to be or have been so "abused with pilgrimage or offerings of anything "made thereunto, or shall be hereafter censed unto, "they (and none other private persons) shall, for the "avoiding of that most detestable offence of idolatry, "forthwith take down, or cause to be taken down, and "destroy the same, and shall suffer from henceforth "no torches, nor candles, tapers, or images of wax to "be set afore any image or picture, but only two lights "upon the high altar before the Sacrament, which, "for the signification that Christ is the very true "light of the world, they shall suffer to remain, still "admonishing their parishioners that images serve for "no other purpose but to be a remembrance whereby "men may be admonished of the holy lives and con- "versation of them that the said images do represent, "which images, if they do abuse for any other intent,

" they commit idolatry in the same, to the great " danger of their souls." Now, my Lord, what are these two lights? They are "two lights upon the " high altar before the Sacrament, which, for the " signification that Christ is the very true light of the " world, they shall suffer to remain still."

I will not attempt to repeat (because I should only weary you by doing so) the argument my learned friend has addressed to you upon that Injunction. The statute of the Six Articles was at that time in force, and there is no doubt that the view of the sacrament which included the practice of reserving the sacrament upon the high altar was at that time in full operation. That, I think, my friend made out to demonstration, and I do not propose to trouble your Lordship further with it. But, my Lord, as a supplement to the argument of my learned friend, I venture to submit this, upon the very words of the Injunction itself, that the word " sacrament " expresses it without any further historical argument at all. The historical argument appears to be in this case irrefragable; but, to my mind, a great deal better than the historical argument stands the language itself. It appears that these Injunctions were issued by the Council of the King, which was a body of 28 persons, 16 left as a council and guardians of his son by the will of King Henry VIII., and 12 added to it, apparently by Parliament, I think. There were 28 in all, and amongst those in the Council were Cranmer, Archbishop of Canterbury, Tunstall, Bishop of Durham, and Wooton, Dean of Canterbury. Those distinguished persons understood the meaning of language; they did not use language loosely or idly; and in their mouths "sacrament" meant "consecrated element;" it meant that which had become the sacrament of the body of Christ; and, therefore, when the Injunction speaks of two candles on the high altar before the *sacrament*, it means, *ex vi terminorum*, the consecrated host reserved upon the high altar; and in the language of Cranmer, Tunstall, and Wooton, could mean nothing else. How does the Injunction, whatever the force of it may be, to keep two lights upon the high altar before the consecrated host, justify the lighting of two candles upon the altar which has ceased to be a high altar, and not before the consecrated host? Therefore, I say the words of the Injunctions, whatever may be the power of the Injunctions themselves, do not justify the usage which the language is brought forward to support.

Further, my friend has proved, I think to demonstration, that very shortly after this there was a general destruction of candlesticks; there has certainly never since been any restoration of them by law. There has certainly never since been any authority that I am aware of to compel the restoration of candlesticks as part of the furniture of the Church. If this Injunction was supposed to retain by force of law two candlesticks upon the high altar to be lighted, as part of the law of the land, just as much as a basin for the alms, or a surplice for the clergyman, or bread and wine for the administration of the Holy Communion to be provided at the charges of the parish, how upon earth does it happen that from 1547 to the present hour there never has been the slightest attempt on the part of any clergyman whatever to compel any parish, however willing, to put candlesticks upon the altar at their expense as part of the furniture of the Church?

(*The Dean of the Arches.*) That argument would apply to many other things,—a credence table, for instance.

(*Mr. Coleridge.*) A credence table has been sanctioned as accessory to and subsidiary to the use of the elements, and the ground, as I have always understood,—your Lordship knows it better than I do,—the legal ground upon which, as I have understood, the Privy Council decided that question was this: the rubric, which is an Act of Parliament, prescribes that at a certain time, and not before a certain time, the bread and wine shall be placed upon the altar or communion table. It does not describe where they are to be before, but they must be somewhere before, and it is only decent that there should be a table or some shelf or something or other for them to be upon. I think the Privy Council rather carefully avoided the expression "credence table," they say it is a shelf.

(*The Dean of the Arches.*) I think the expression is used by them.

(*Mr. Coleridge.*) I mean in legalizing it they avoided the expression "credence table"; they say it is to be a shelf or side table.

(*The Dean of the Arches.*) The term does not signify. It is simply a side table.

(*Mr. Coleridge.*) In the report of the judgment I find this: "Now what is a credence table? It is " simply a small shelf on which the bread and wine " are placed before the consecration, having no con- " nexion with any superstitious usage of the Church " of Rome. Their removal has been ordered on the " ground that they are adjuncts to an altar; their " Lordships cannot but think that they are more " properly to be regarded as adjuncts to a Communion " Table."

(*The Dean of the Arches.*) All I mean is this: there has been no instance perhaps of churchwardens having been compelled to furnish a table of that kind; it is a question of trying the validity of the argument that because churchwardens have not been compelled, or cannot be compelled to make or provide a certain thing, therefore the restoration of it would be illegal. I put it for your consideration, and for my own advantage, may there not be ornaments in churches lawful, and yet which the parishioners are not bound to supply?

(*Mr. Coleridge.*) No doubt, my Lord, as a proposition of law I should say that might be so. But your Lordship will observe that if this injunction is good for anything, it is good for this, that these candlesticks shall be preserved as part of the regular furniture and public worship of the church, for a particular object, namely, to set before the people a most important and religious truth, and your Lordship knows that in hundreds of churches without credence tables there is some niche or shelf, or something or other for the purpose of putting the bread and wine upon. It was not a very seemly thing, but some people used to put it under the table, and occasionally got over the difficulty by putting it on the table at first, and covering it with a cloth, and letting it be there during the whole of the service. Various ways were adopted for the purpose of getting over the difficulty. The question then was whether the particular mode in which this credence table had been put up was illegal, and whether it ought to be removed. Where there are a great many ways of doing a subsidiary office it may well be that one particular mode could not be enforced upon a parish by mandamus or by writ; and as my learned friend suggests, it might be a matter for the discretion of the bishop. But your Lordship sees that if this injunction is good for anything it is a universal injunction, that throughout the realm, for the purposes of the subjects of the realm having a solemn religious truth preached to their eyes, as well as their understandings, two candlesticks should remain upon every high altar. It is certainly an astonishing thing, if that is considered to have the force of law, that there has been no single instance that can be adduced in which a parish has ever been even asked to provide candlesticks for the purpose of that which by hypothesis is a necessary portion of divine service, as necessary as the altar itself, as necessary as the blessed elements themselves, as necessary as any portion of the ornaments or furniture which goes to the administration of the Holy Communion. I do not put it as conclusive; I only say it is a difficulty in the way of anybody who attempts to maintain that it has the force of law. Then I say there has been no user; no historical evidence can be laid before your Lordship, I will venture to say, that can come within the definition of a general user, so as to show that there has been such an interpretation of the statute as might possibly result from it. But

really, and in truth, the whole of the service and the whole of the order of administration in the Church, and the character of the service, was changed after 1547, and the altar being gone, and the reservation of the sacrament being gone, and the view of the sacrament which was enforced by the Six Articles being gone, all that which formed part of the same view, and which was intelligible and indeed defensible only as forming part of that view, disappeared of course when that view itself was abolished by Act of Parliament; namely, when the Six Articles ceased to be law, when the altar ceased to be a high altar, when the sacrament ceased to be reserved. Whatever, therefore, may have been the force of this Injunction prior to such a change in the law, the accessory fell with that which it was accessory to; and the light being only a portion of the worship and outward observance due to the altar and the sacrament upon the altar, when the altar went and the sacrament went, the light went too.

And, my Lord, that is really the common sense and broad answer to any argument which may be founded upon these Injunctions.

(*The Dean of the Arches.*) I do not want to interrupt you, but you may like to deal with it. The Judge of the Consistory Court, Dr. Lushington, allowed the legality of candlesticks.

(*Mr. Coleridge.*) Yes, my Lord, as a matter of ornament, no doubt. I apprehend nobody can dispute for a moment that you have a right to light candles in the church for the purpose of giving light, and as the altar is a very seemly and proper place for the purpose of having light upon it, when you want to get light, as it would be most unseemly to stick candles on the altar without something to stick them into, it is no doubt perfectly proper that there should be candlesticks if people choose to give them, to stand on the altar, to be part of the church furniture, but it makes the whole difference *quo intuitu* those things are done. It is one thing to say you have a right to have candles for giving light, and it is another thing to say you have a right to have candles not to give light, but to stand before the blessed sacrament as part of religious worship to teach the people, in the language of the Injunction, that Christ is the true light of the world. It does not at all follow that because the former proposition is true the latter proposition is true, and all that has been decided by Dr. Lushington is that the former is true.

(*The Dean of the Arches.*) Certainly.

(*Mr. Coleridge.*) I apprehend they are quite distinguishable propositions, and I think the answer to the second proposition is a complete answer; they were accessories to the sacrament when it was very differently regarded; they were parts of an altar when the altar was very differently regarded; and when the altar and sacrifice ceased the light ceased also. What I was going to say is that these Injunctions, as far as I am able to understand them, stand simply upon the Act of Parliament which gave authority to the Injunctions of Henry VIII., and afterwards continued that authority to the son of Henry VIII., and made his Injunctions issued in a particular way, and the Injunctions of the Council, to have the same authority which the king's proclamation had.

(*The Dean of the Arches.*) Then the Injunctions of Queen Elizabeth you would put upon the same footing, that they had no force of law?

(*Mr. Coleridge.*) The same force of law as a king's proclamation. Now, could a king's proclamation at any time have enforced, with the force of law, such observances as these? I apprehend clearly, not; and if they could not, then the Injunction which had no more force than the king's proclamation, could not. ——It is difficult to say, in point of fact, what was the force of an intimation of the will of the Sovereign in those times.

(*The Dean of the Arches.*) A very difficult thing indeed.

(*Mr. Coleridge.*) But that is a very different thing from having force of law. Whether, in point of fact, an intimation of Henry VIII., however made, might have had, if not the force of law, the effect of law is another matter; but I say, looking at the matter as a lawyer, and having to construe it in this year of our Lord 1868, I apprehend that the king's proclamation could not alter or add to, or in any way affect, the provisions of an Act of Parliament.

(*The Dean of the Arches.*) The stone altars appear to have been removed by virtue of an injunction, independently of any Act of Parliament.

(*Mr. Coleridge.*) No doubt, my Lord, a great many things were done—people were put in the Tower in those days.

(*The Dean of the Arches.*) Ay, but then that has been held to be legal by the Privy Council—the removal of the stone altars.

(*Mr. Coleridge.*) Does it go further than this—your Lordship knows more about these things than I do—that Sir Herbert Jenner Fust refused to grant a faculty for a stone altar?

(*The Dean of the Arches.*) It goes further than that. Perhaps it may not be worth your attention; but if it should be necessary for the Court hereafter to consider whether any of those injunctions at all are legal, I should be glad of the assistance of counsel in arguing that question. It may be necessary to distinguish this injunction that you are quoting from the other injunctions, unless it is assumed that all are illegal. You are perfectly aware that the ecclesiastical injunctions issued by the sovereigns were acted upon, whether they were legal or not. The injunctions and advertisements of Elizabeth correspond with the injunctions of other times.

(*Mr. Coleridge.*) No doubt, my Lord, all I should submit to your Lordship as a clear proposition is, that at no time could a proclamation of the king interfere with the effect of an Act of Parliament. If I am correct in saying, as I do say, that by the effect of the Acts of Uniformity and the service books issued in compliance with them, the altar and the reserved sacrament were abolished, I say that the lights were abolished, because they are not mentioned. But if the whole subject matter with which the Injunction dealt is afterwards changed by Act of Parliament, although the Act of Parliament does not mention the Injunction, yet as being inconsistent with it, it must override it, and the Injunction would have no force at all against it. Therefore my answer is twofold; first of all, looking at the words of the Injunction, the words of the Injunction do not justify the practice which they are supposed to support; and secondly, I say, even if they did, they are contradicted by an Act of Parliament, and cannot support therefore that which an Act of Parliament has destroyed.

My friend has drawn my attention, and I wish to draw your Lordship's attention to what Dr. Lushington says with regard to candles upon candlesticks. "I hold that all lighted candles on the Communion "table are, from the premises I have already stated, "contrary to law, except when they are lighted for the "purpose of giving necessary light, and I think that "this exception must necessarily be engrafted upon the "positive prohibition to set lights on the Lord's board "at any time; but the exception must be confined to "the necessity, and the use of lighted candles on the "Communion table limited to that necessity, when it "arises from the deficiency of the requisite light from "natural causes, and it may be, the peculiar structure "of the edifice. Secondly, as to the candlesticks and "candles unlighted on or near the Communion table, "I acknowledge I have got much more doubt; I "have none indeed that the use of costly massive can-"dlesticks, with enormous candles, connected originally "with Popish associations, but on such merely my own "opinion I do not feel at liberty to act. If they are to "be considered as ornaments merely, I should hold their "use to be not reconcilable with law. But I cannot "deny that it is lawful to have such articles on the "Communion table, or near it, for necessary purposes, "and, therefore, I cannot say, though I believe that "such necessity arises very seldom indeed, that it is

" contrary to law to have them so placed ready for " use should occasion require."

(*The Dean of the Arches.*) He goes on to specify the King's chapels and college chapels where they have been used for time immemorial, and said he should have great difficulty in making his decision without cutting at these at the same time.

(*Mr. Coleridge.*) Those are more in the nature of private chapels.

(*The Dean of the Arches.*) No doubt.

(*Mr. Coleridge.*) Therefore I do not wish to be driven beyond what is necessary to my argument. If, unfortunately, it should ever be my lot to argue about candlesticks, then I should have to address myself to that question and say what I have to say about candlesticks. For the present I am on the subject of lighted candles, and candles not for the purpose of giving light as admitted, but for the purpose of doing honour to the sacrament of the Lord's Supper. It is these lighted candles so lighted and for such a purpose that I say are first of all contrary to the Act of Parliament, because they are nowhere mentioned, and, secondly, they are not justified by the Injunction, because the words of the Injunction do not justify them if they are looked at properly ; and even if they did, the Injunction has no force of law at the present time.

The supposed practice of Queen Elizabeth has been mentioned. I have no wish either here or elsewhere to indulge in any scandal against Queen Elizabeth or against anything that Queen Elizabeth did any more than the man in the *Critic ;* at the same time I cannot help observing that what Queen Elizabeth did in her private chapel cannot have anything to say to the legality of a usage of this kind in a common parochial church to which all persons of whatever opinions within a certain ambit have an equal right to go, and are therefore equally interested in having the strict letter of the law adhered to with regard to any practices carried on there. As far as Queen Elizabeth's chapel is concerned, I do not know any reason why, if she thought it right, she should not put up a crucifix or a dozen crucifixes, or a dozen candles; people might observe upon it and might object to it, but I do not know of any form of law to put it down in this country, and Queen Elizabeth, if she had chosen, probably would have done it without the smallest consideration of whether it gave offence or not. But how can that be brought to bear upon a question of this sort, where it is not what a particular person who has a right to do what she pleases in her own private room may do,—what, I ask, has that to do with the question before your Lordship? It may show, no doubt, that Queen Elizabeth was a person who liked a good deal of these usages, and a person who at a period of her reign was not so well inclined towards Protestant usages as she became afterwards under the presence of political and other causes. But it cannot be drawn beyond its fair and legitimate bearing any more than the use of this, that, or the other particular act of worship by some great Bishop it may be, who may have liked this or that form and may have used it in his own private chapel and his own private devotions; an authority, no doubt, in a certain sense, to persons who respect him, and a very good reason why people who agree with him should practise the same devotion, and an excellent good reason why there should be private liberty for them to do so, but having nothing to do with the question now before your Lordship.

I have said all that I propose to say about the question of lights ; and now I come to the charge of using incense. I will cite again the charge and the answer with respect to that matter: We say that he has used incense for censing persons and things in and during the celebration of the Holy Communion, and permitted and sanctioned such using of incense. His answer to that is, that he did on those days that are here mentioned use incense for censing persons and things in and during the celebration of the Holy Communion. But he alleges that since the 30th day of December 1866, the said A. H. Mackonochie, as was well known to the promoter of this suit prior to the institution thereof, desisted from doing so, and has ever since discontinued the ceremony, on being apprized by the opinion of counsel that such usage was of doubtful legality, and that he has never since re-introduced the ceremony, as appears in the published address of A. H. Mackonochie to his parishioners dated January 7th, 1867, and exhibited and appended to the articles brought in in this cause. That the said A. H. Mackonochie has in his church on Sunday the 13th January 1867 caused and allowed incense to be burnt during the reading of the Prayer of Consecration and afterwards, until the time for the administration of the Communion, and permitted and sanctioned such use of incense, but denies that he used it unlawfuly, or that such use is unlawful. And he denies that such use of incense as in the 7th and 8th articles alleged are an unlawful addition to, and variation from the form and order prescribed and appointed by the said statute and Book of Common Prayer, and administration of the Sacraments, and other rites and ceremonies of the Church, and are contrary to the statutes and to the 13th, 36th, and 38th canons, as in the 9th article alleged. If your Lordship looks at this statement, you will see he says that he has ceased to cense the Gospel and those different things, but that the thuribles (I believe that is the correct word) have been brought in at a particular time, and that incense has been put in them, and that that will continue to be done. We say that what Mr. Mackonochie did up to a certain time which is charged in the articles is admitted by that answer to have been done ; and the case is undefended upon that. With regard to that particular use of incense, I suppose my friend cannot deny that judgment must go against his client for that, and that he must be admonished in due form of law to abstain for the future from repeating that offence against the Ecclesiastical law. But he does it in the same way as in some of the former cases. He say that he has doubts—well, we wish that those doubts should be cleared up and dissipated from his mind, and that if he has any doubts they should be removed by the judgment of your Lordship. But further, we say that if what he proposes to do, indeed what he admits that he does, is unauthorized, it is matter which calls for the interference of this Court.

I can only repeat what I said just now that with regard to the examples of Laud and of Andrewes which have been brought forward to show that those great and distinguished men occasionally used incense, or approved of the use of incense, no doubt to those to whom Laud and Andrewes are authorities, and I do not shrink from saying that Laud as well as Andrewes to me is an authority upon many matters, I cannot see that that has any bearing or authority upon the question we are now discussing. Laud and Andrewes, even if they had ever decided the question in any way which could be equal to a judicial decision that these things were as a matter of law tolerable in all the churches of their dioceses, still I say, would be subject to the revision of this Court. But what does it all come to ? Here is a mode of administering the Holy Communion which is put forward by Mr. Mackonochie as part of the legitimate ceremonial of the Church of England, and it is justified, as far as I can make out, or intended to be justified, on the ground that these men are found, doubtfully, and upon one or two occasions, either to have consecrated a censer, or to have used a censer, or to have intimated some opinion in favour of the use of censers. And I think I can show your Lordship in a moment from one authority which escaped my friend, if it did escape him—that there was an excellent reason why a private individual might have had his censor pot, or a bishop might have had his censer pot, without having anything whatever to do with putting two

thuribles down in front of the altar, and letting them send up fumes of incense during the celebration of the Holy Communion.

(*The Dean of the Arches.*) As I understand, they are placed there at a particular time and removed at a particular time.

(*Mr. Coleridge.*) Placed there at a particular time and removed at a particular time, as part of the regular celebration of the Holy Communion.

Now, my Lord, in the first place, I say there is no direction,—though certain things are distinctly ordered to be provided in the rubric,—for the provision of censers. There is no direction at all that what is now put forward as a part of the ordinary and recognized ceremonial of the Church of England, in the administration of the highest act of christian worship, is to be provided,—not a word. There is no direction to be found in any service book of the Church of England for the use of censers. In the Roman Missal where censers form part of the recognized ceremonial, there is the most distinct provision for their use. There is rubric after rubric, pointing out at what period they are to be brought in, when the incense is to be put in them, who is to put it, what persons and things are to be censed with it, how many times the incense pot is to be thrown up, and all the rest of it, with the most particular, minute, and definite directions. Of course a Roman priest celebrating his mass, according to the order of his Church, not only legitimately uses his censer, but he knows exactly what to do with it, and he has the most definite distinct directions, just as the particular directions in the Marriage and other services of the Church of England point out to an English priest what he is to do in performing the ceremonies of our Church. But the English Prayer book is entirely without such directions with regard to the use of incense.

I have heard it suggested that they are authorized by the rubric at the beginning of our Prayer Book. It is said that 'the ornaments of the Church and of the ministers thereof at all times of their ministration shall remain and be in use as were in this Church of England in the 2nd year of King Edward the Sixth,' and it is argued, the rubric says, that all ornaments shall remain which were in use by authority of Parliament at that time; censers were in use by authority of Parliament at that time; censers must be retained. I do not know whether my friend will put it in that way, but I have heard it so put, and therefore I must deal with it. Now, your Lordship knows that, after some argument it has been held (and it seems to me to be only common sense) that "by authority of Parliament" means what it expresses—by the enactment of Parliament—it does not mean what may have been in existence and not interfered with by Parliament, but it means what is to be found enacted in an Act which is referred to. And the Privy Council go on to say the Act which is referred to is the Act authorizing the First Prayer Book of Edward VI. which, although it came out after Parliament had been adjourned or prorogued, yet, inasmuch as Parliament authorized it, is to be taken like our own Prayer Book now attached to the Act of Uniformity to have the force of law because it is authorized by the statute of Edward. That is what the Privy Council decided. We look therefore to the First Prayer Book of Edward, to see whether, within the canon laid down by the Privy Council for the construction of this expression, censers were in use by the authority of Parliament, and we find they were not. We find there is no mention from one end of the service book to the other of censers. That, therefore, will not do. Well, is there any other ground which will do? My friend has shown, by an elaborate examination of authorities, that there is no ground for saying, that at any time censers were permitted or tolerated. On the other hand, he has read authority after authority to show that the great men of the Church of England always, whenever the question came up, decided against censers; and even with regard to one of them who was accused of being a Papist because he used some incense to perfume his church when it was extremely dirty, he thought it necessary to defend himself from that charge.

There is one curious piece of information which I do not suppose escaped my friend, but, possibly, he thought it unnecessary to mention it, and which I will afford to your Lordship as bearing on this point. George Herbert wrote a book about the Church, and the ornaments of the Church, and so forth. He wrote his book about 1638, and it was first published by Izaak Walton, in 1652. In that book there is a chapter "The Parson's Church," and we see what George Herbert says about incense in the "Parson's Church," we will see whether that does not account for any doubtful expressions about the use of incense. He says, "The Country Parson hath a "special care of his church that all things there be "decent and befitting His name by which it is "called. Therefore, first, he takes order that all "things be in good repair; as walls plastered, "windows glazed, floor paved, seats whole, firm, and "uniform, especially that the pulpit and desk, and "Communion table and font be as they ought for "those great duties that are performed in them. "Secondly, that the church be swept and kept clean "without dust or cobwebs, *and, at great festivals, "strewed and stuck with boughs, and perfumed with "incense.* Thirdly, that there be fit and proper "texts of Scripture everywhere painted, and that "all the painting be grave and reverend, not with "light colours or foolish antics. Fourthly, that "all the books appointed by authority be there, and "those not torn or fouled, but whole and clean, "and well bound; and that there be a fitting and "sightly Communion cloth of fine linen, with a "handsome and seemly carpet of good and costly "stuff, or cloth; and all kept sweet and clean in a "strong and decent chest, with a chalice and cover, "and a stoop or flagon, and a basin for alms and "offerings; besides which he hath a poor man's "box conveniently 'seated to receive the charity "of well-minded people, and to lay up treasure for "the sick and needy. And all this he doth, not as "out of necessity or as putting a holiness in the "things, but as desiring to keep the middle way "between superstition and slovenliness, and as following the Apostle's two great and admirable rules in "things of this nature; the first whereof is: 'Let all "'things be done decently and in order;' the second: "'Let all things be done to edification,' 1 Cor. xiv. "For these two rules comprise and include the "double object of our duty, God and our neighbour. The first being for the honour of God; the "second for the benefit of our neighbour. So that "they excellently score out the way and fully and "exactly contain even in external and indifferent "things what course is to be taken; and put them "to great shame who deny the Scripture to be "perfect."

Your Lordship sees the church is to be perfumed with incense on great festival days; but when he is to provide things decent to be done decently and in order, not a word is said about a censer: there are stoups, and flagons, and a chalice, and a cover, a basin for alms and offerings, a small carpet, and so on, but not a word about a censer.

(*The Dean of the Arches.*) There are various instances in churchwardens' accounts in which incense was used for fumigating purposes; it was used for such purposes extensively, particularly after the Plague.

(*Mr. Coleridge.*) No doubt, my Lord; and I have no doubt George Herbert on high days and holy days perfumed his church, and made it sweet. He may or may not have done so. Your Lordship says you do not know; neither do I. But supposing it to be so, I say it is plain that his account of the matter gives a key to a great deal that you may find about incense, namely, that it was a seemly thing used by a great

number of persons; it made a pleasant smell. There was no objection to the House of God smelling with a pleasant smell, and people did it without the slightest mystical intention, and without any view whatever to using it as a ceremonial.

(*The Dean of the Arches.*) It was used for sweetening and purifying the church according to that account.

(*Mr. Coleridge.*) Just so; and I draw your Lordship's attention to this statement of it in George Herbert's book because it seems to me to throw light on a great deal that is said about it. He seems to treat it as a matter that a decent man would do on high days and holy days; and in speaking as he does speak of the decency and reverence with which Holy Communion should be celebrated, he being, as your Lordship knows, a man of high sacramental views, as his poems show, there is not one single word about incense for the Holy Communion in the very passage in his book where, if any such practice existed, or had been supposed to be a seemly or proper practice, you would certainly have found it.

Now, before I go to the last point, perhaps it may be convenient to say just a single word upon a question which your Lordship put to my friend, and which, unless I have unfortunately missed it, I do not perceive that he dealt with.

(*The Dean of the Arches.*) Allow me to say I hope that counsel will understand, that in putting these questions I express no opinion of any sort or kind, it is only for the purpose of following the argument.

(*Mr. Coleridge.*) If I may say so, my Lord, it is a very pertinent question, and one which must be dealt with sooner or later. It is in that part of my friend's address where he was dealing with this part of the rubric of the Book of Common Prayer, and what draws it to my mind is that I have just been reading that rubric. I allude to the fact that that rubric on ornaments does not appear in the Irish Prayer Book. It would be great presumption for me to interfere in the matter at all, or to express any opinion how that omission arose.

(*The Dean of the Arches.*) It is merely a fact; how it happened we none of us know.

(*Mr. Coleridge.*) Precisely; and that led your Lordship to this pertinent observation, if I may say so, how would it have been if the matter had been left out of the English Prayer Book as well?

Now I respectfully contend, after some consideration, that it would have been exactly as it is now, and would have made no difference whatever, because what the rubric says is this, that what is now legal shall remain so. There has been no order as to any of these matters since the first Prayer Book of Edward. Vestments and ornaments, and all those things have never been mentioned since; various practices may have grown up. What the framers mean to say is this, If we say nothing the law remains as it was before; but the law has in many cases been violated, and there may be differences and doubts about it, we will say once for all, we will consider the law to have been established then.

(*The Dean of the Arches.*) In the 2nd year of the reign of King Edward VI.?

(*Mr. Coleridge.*) Yes; and I say it is merely a declaration on their part, a declaratory enactment, so to speak, of what would have been the law, even if that declaratory enactment had not existed. I think your Lordship will find that is the case. I do not mean to say it does not clear the matter, because it does.

(*The Dean of the Arches.*) Your argument is, that the absence or presence of this rubric as to ornaments, makes no difference?

(*Mr. Coleridge.*) Yes; that is so, my Lord, that it does no more than ascertain distinctly what, even if it had not spoken, would have been the law to be ascertained less distinctly, and with more difficulty.

(*The Dean of the Arches.*) Then it declares the common law?

(*Mr. Coleridge.*) It does, my Lord. I apprehend it introduces nothing new.

(*The Dean of the Arches.*) That is your view of it.

(*Mr. Coleridge.*) Yes, my Lord; I venture to say this, because it is in answer to a question which your Lordship put; but of course it is only my own opinion.

(*The Dean of the Arches.*) It was a matter which suggested itself to my mind in the course of the argument. I forget now how. Dr. Stephens suggested that this rubric was not to be found in the Irish Prayer Book, and you will remember that we had the question discussed before the Ritual Commission, and then it occurred to me to put that proposition to Dr. Stephens.

(*Dr. Stephens.*) Your Lordship will remember that I respectfully declined to express any opinion on the subject of the Church in Ireland.

(*The Dean of the Arches.*) Yes, and you were perfectly justified. I once heard an eminent Lord Chancellor say: "It is for us to put the question and for the bar to answer it if they think proper."

(*Mr. Coleridge.*) A learned judge now on the bench used to say, "He had not been instructed to argue that point," when he did not quite see his way. However, my Lord, I apprehend you will find what I have stated really to be the legal effect of this rubric. But do not let me forget to remind your Lordship that we are not now upon the question of the use of ornaments but of ceremonies, which is a very different thing.

(*The Dean of the Arches.*) Yes, that is Dr. Stephens' argument throughout, that this is not a matter of ornament but a matter of an additional rite or ceremony.

(*Mr. Coleridge.*) Precisely. Now I come to the last question—the question of the mixed chalice.

(*The Dean of the Arches.*) I believe it is admitted that wine is mixed with the water; there is no dispute about it.

(*Mr. Coleridge.*) I believe not. Upon that subject the first thing that occurs to one to observe is that it could hardly have failed to have been part of the requirements for Holy Communion if it had been intended to be permitted or authorized by the Church of England; I mean that there would have been the existence of a rubric authorizing or requiring cruets or something or other, I care not what. There is a decent basin for alms, a stoup or flagon for wine, and a chalice and paten for the sacred elements. The various requirements for the administration of the Holy Communion are set out in great detail in the rubric, and are to be provided by the parish.

(*The Dean of the Arches.*) Is that so in the First Prayer Book of Edward VI., in which you know wine is ordered to be mixed with water; is there any provision there for a cruet?

(*Mr. Coleridge.*) I am not aware of it. I am only saying, with regard to the present Prayer Book. Of course where it is plain from any usage or words of the service book that water is to be used, as water must needs be kept in something, the existence of something to keep it in would be by necessary intendment part of the lawful and necessary ornaments of the Church.

(*The Dean of the Arches.*) Just like the credence table.

(*Mr. Coleridge.*) Like the credence table; something to hold water must needs have been provided. Of course a book which distinctly ordered the use of water, it would as a matter of necessity imply that something to keep the water in must be in existence—that would be a matter of necessary intendment. But it would equally follow, I apprehend, that where in a subsequent book the various materials and the various instruments or ornaments, or whatever you please to call them, for the administration of the rite, are set out in great detail, and are to be provided by the parish, and everything but this is set out,—I say it is the strongest possible legislative declaration on the part of those who with the earlier service-books before

hem, which justified the employment of water, omitted anything which would show that water was to be employed ; it was the strongest possible declaration on their part that it was not to be used.

On what ground then is it put? Can it be said that this is tolerated in the Church of England, in the face of the rubric at the end of the present Communion Service, where everything except water is provided for. What argument of common sense is to be addressed to your Lordship's mind, as a man of common sense, to explain how it came about that if water, as a habitual and usual ingredient in the administration of the Holy Communion, was intended to be allowed,—how in the name of common sense came it that when they were dealing with everything else necessary they left out that? Well, upon this subject my friend Mr. Stephens has collected a mass of authorities which I have gone through, and to which I feel myself unable to add. The only thing I will mention to your Lordship is that the whole of the English learning upon the subject is to be found in Maskell's book at page 128 and some following pages of his preface to the Liturgies of the Church of England.

(*Dr. Stephens.*) I read it to his Lordship.

(*Mr. Coleridge.*) You read some part, but not the whole, I think.

Now, my Lord, a good deal has been said, and a good deal will be said hereafter, I daresay, about the usage of the Primitive Church and about exactly imitating the solemn occasion upon which the Holy Communion was first instituted ; and I observe that Basnage in his history of the Jews seems to assume that at the passover water was used, and indeed there seems to have been warm water used. The Bible Dictionary says the same thing ; and, my Lord, there might be something to be said if we were set free from the direct authority of these Acts of Parliament, and these service books, upon a great many questions which the Church of England has decided. Your Lordship will find, if it is at all a matter which interests you, you will find it discussed extremely well on both sides by Mr. Maskell. He gives the authorities which there are for saying that it probably was mixed in early times, and what authorities there are for saying that it is extremely doubtful whether it was mixed and so forth ; all this will be found collected with great care in an extremely brief compass and very ably by Mr. Maskell. But that matter is not open to us. The Church of England has spoken upon it. It is like many questions which your Lordship had to argue once in a case when I had the honour to be your junior in this court. There are many things which are capable of discussion, no doubt, and about which you may raise argument, but they are not open to the Church of England. The Church of England, for good or evil, has settled them ; she has left certain questions definitely open, she has closed as distinctly certain other questions, and I submit she has distinctly closed this questien of the mixed chalice. There is a curious instance which possibly may be in your Lordship's recollection of the truth of what I am contending in the history of a person whom neither here or elsewhere will I permit myself to name except in terms of gratitude and reverence, I mean Dr. Newman. When he was a priest of the Church of England he was the vicar of St. Mary's, Oxford, and one of the charges against him was that he had made use of the mixed chalice. In his letter to the Bishop of Oxford, Bishop Bagot of that day, there is a very famous passage in which he deals with the question. Now Dr. Newman was a person who was not in the habit, certainly not in his former Church, or I may say in his present Church, of disguising what his opinions were, of shrinking from the proclamation of anything if he thought it right, however unpopular it might be ; and if he had thought that he could have defended the use of the mixed chalice upon any ground which would have been ecclesiastically tenable, there is no question that Dr. Newman would have been the man to defend it. This is what he says,—

(*The Dean of the Arches.*) Are you reading from his "Apologia"?

(*Mr. Coleridge.*) No ; it is from his letter to the Bishop of Oxford ; it was published when I was at Oxford, and I have it bound up among a number of pamphlets relating to Tract XC. He says: "And "here, with your Lordship's leave, I will make "allusion to one mistake concerning me which, I "believe, has reached your Lordship's ears, and which "I only care to explain to my bishop. The explanation, I trust, will be an additional proof of my "adherence to the principle of acquiescing in the "state of things in which I find myself. It has been "said, I believe, that in the Communion service I am "in the practice of mixing water with the wine, and "that, of course, on a religious or ecclesiastical "ground. This is not the case. We are in the "custom at St. Mary's of celebrating the Holy Communion every Sunday, and most weeks early in the "morning. When I began the early celebration, "communicants represented to me that the wine was "so strong as to distress them at that early hour. "Accordingly I mixed it with water in the bottle. "However, it became corrupt. On this, I mixed it "at the time. I speak honestly when I say that "this has been my only motive. I have not mixed "it when the service has been in the middle of the "day."

That is the whole of the passage, and it is strong argument to show that a great and learned man did not venture to put it upon any ground which would have been tenable in the Church of England, because he put it upon what his people told him, true or untrue, of the effect of mixed wine upon them at an early period of the morning. Archbishop Whately permitted himself to make use of expressions with reference to that passage which I do not think he had a right to make, but whether they were right or whether they were wrong Dr. Newman does not need any defence from me, and I merely put it as a statement of a man who certainly would have based his defence upon other grounds if he could. There is another observation which is suggested by Mr. Maskell. It is his argument, not mine; he decides upon the whole, as your Lordship knows, against the practice ; he says he does not think it can be maintained consistently with the rubric, and he puts it upon this exceedingly good ground, as it seems to me ; says he, "The practice is defended upon mystical grounds, "that is to say, it is supposed to symbolise certain "other things, either the two Sacraments or the issue "of the blood and water from the side of our Lord "on the cross, or because our Lord mixed it at the "Last Supper." It is done for a religious reason.

(*The Dean of the Arches.*) There are a great variety of reasons.

(*Mr. Coleridge.*) There are a great variety of reasons, but all of them are religious reasons, and suggest some fact, to celebrate or to commemorate which it is done. Now, says Dr. Maskell: "The "true essence of it therefore is that it should be "done as a ceremony, that it should be done openly "that the people's attention should be drawn to the "fact, and that the fact which it symbolises or "represents should, by means of the outward ceremony, be suggested to the minds of the people to "whom it is represented by the person who uses it;" and, says he, "If you cannot do it openly (and nobody "says you can do it), if you are obliged to mix it "before you come in, or mix it at the time without "any ceremony, the whole object of the mixing ceases, "because it is not for the purpose of making the "wine weaker, but for a mental and religious reason, "and if you cannot draw the attention to those "reasons, the whole object of the ceremony, be it right "or wrong, ceases." Now, nobody says that can be done. In the Roman ordinal we have distinct orders given for it.

(*The Dean of the Arches.*) You see in the First Prayer Book of Edward VI. "And putting the wine "into the chalice, or else in some fair and convenient "cup prepared for that use, putting thereto a little "pure and clean water." It seems to have been openly done in the church according to the rubric of Edward VI., whatever be the force of it.

(*Mr. Coleridge.*) Certainly, and I daresay at that time the old practice, founded upon whatsoever ground it may be founded, existed, and the old Communion, be it right or wrong, existed at that time.

That, therefore, is what I have to say to you upon the subject of the mixed chalice; and now I have only a few words to add, and I hope to prove to your Lordship the fourth proposition with which I set out. You will observe that I have tried to keep steadily in view with regard to all the articles with which I have dealt, the three first propositions with which I set out. The facts took place as we say they took place. The acts are unlawful, and they are unlawful because they are directly forbidden, or at all events unauthorized by the words of the service books with which we have to deal. My fourth proposition was that in matters of this description the absence of authority is in truth the presence of prohibition. Now I will not do more upon this subject than remind your Lordship of the words to which I have already drawn your attention in the Statutes of Uniformity, I say that the Statutes of Uniformity plainly contemplated that what they laid down should be exclusive, and should be imperative and not merely directory. The whole object is uniformity, the whole object is, whereas there had been divers uses, to establish one use. But if one man may introduce one ceremony and one rite, another man may introduce another, and the whole object of the statute is defeated. But further you must consider the state of things upon which these statutes are framed. Your Lordship must recollect that when these Acts of Uniformity, beginning with the Act of Edward VI., first came into operation, the mass was the great devotion of the Church, and transubstantiation was its leading and distinctive tenet; indeed a man can hardly overrate the importance of the mass, or the importance of the doctrine of transubstantiation, which was in existence when these service books were first put forth. In much better language than any I could use, I will read you two short passages from two very different persons upon this subject. This is what Dr. Milman, the Dean of St. Paul's, says upon the subject of the mass in his "Latin Christianity," vol. 3, page 20: "This Sacrament, the "Eucharist, from the earliest times had been with- "drawn into the most profound mystery, it had been "guarded with the most solemn reverence, shrouded "in the most impressive ceremonial. It had become, "as it were, the Holy of Holies of the religion, in "which the presence of the Godhead was only the "more solemn from the surrounding darkness. That "presence had, as yet, been unapproached by profane "and searching controversy, had been undefined by "canon, neither agitated before council, nor deter- "mined by Pope. During all these centuries no "language had been thought too strong to express "the overpowering awe and reverence of the wor- "shippers. The oratory of the pulpit and the horta- "tory treatise had indulged freely in the boldest "images; the innate poetry of the faith had worked "those images into realities: Christ's real presence "was in some indescribable manner in the Eucharist."

Dr. Lingard, in his "Antiquities of the Anglo-Saxon Church," vol. 1, page 288, states it another way:—"In every Christian society which dates its "origin from the more early ages, the Eucharistic "sacrifice, commonly called the sacrifice of the mass, "has been considered the most solemn and sacred "form of religious worship. Under other forms of "devotion the Christian might offer to God the feel- "ings and aspirations of his own heart; but under "this he was believed to offer the very body and "blood of the Lamb, that took away the sins of the "world; of Him who had promised, that whatever "was asked in His name should be granted by his "heavenly Father. Hence, everywhere, both in the "east and the west, we meet with the priest who "officiates at the sacrifice, the altar on which the "victim is offered, and the liturgy, or form of prayer, "with which that offering is accompanied. The "Britons, before the arrival of the Saxons, had 'their "'altars, the seats of the heavenly sacrifice,' and 'their "'priests, who stretched out their hands over the "'most holy sacrifices of Christ:' and the Scots, in "the remote isle of Icolmkille, 'celebrated the sacred "'mysteries of the Holy Sacrifice, and consecrated "'according to custom the body of Christ.' It is, "indeed, true that in the arrangement of the cere- "monies and the composition of the prayers, distant "churches, as was to be expected, frequently fol- "lowed different models; but the variations were "accidental and unimportant, and the form of the "service was substantially the same, both in the "anaphora of the Greeks and the canon of the "Latins, each carefully preserving the trisagion or "ter sanctus, the invocation, the consecration of the "elements, the commemorations of the living and "the dead, the fraction of the Host, and the com- "munion of the faithful."

Then he goes on, and he says, "Whenever they "speak of it they appear to want language to express "their notions and feelings. It is 'the celebration "'of the most sacred mysteries,' the 'celestial and "'mysterious sacrifice,' the 'offering of the victim "'of salvation,' 'the sacrifice of the mediator,' 'the "'sacrifice of the body and blood of Christ,' 'the "'memorial of Christ's great passion,' and 'the "'renewal of the passion and death of the Lamb.' "Thus it is termed when they speak of it in general, "but when they refer to that part of the canon called "the consecration they tell us that 'the elements of "'bread and wine are through the ineffable hal- "'lowing of the spirit made to pass into the "'mystery of Christ's flesh and blood'; that 'the "'bread and wine are then consecrated into the sub- "'stance of his body and blood; that 'the angels "'hover around in respectful silence;' and that "'the holy body and the precious blood of the Lamb, "'by whom we have been redeemed, are again "'immolated to God for the benefit of our salvation.'

"From this belief in the supernatural excellence "of the sacrifice proceeded the numerous canons and "rubrics concerning the manner of its celebration."

No one, I think, can read these passages, and the passages may be multiplied wholesale, without feeling that the mass and the doctrine concerning the mass was the great centre of devotion for hundreds of years to the Western Church of Christ. So the view or opinion upon the subject of that great sacrifice was the turning point of the Reformation, and of the religious revolution which took place at that time. With some hesitation, and of course not always following the same steps without deflecting to the right hand or to the left, but going sometimes on one side and sometimes on the other, according as the influence of this or that religious party prevailed for the time; still upon the whole, the Church of England and the Parliament of England spoke upon the Protestant side in that matter, and your Lordship will find that very distinctly expressed in the 28th Article of the Church of England: "Transubstantiation (or the change of "the substance of bread and wine) in the supper of "the Lord cannot be proved by holy writ, but is "repugnant to the plain words of Scripture, over- "throweth the nature of a sacrament, and hath given "occasion to many superstitions. The body of Christ "is given, taken, and eaten, in the supper, only "after an heavenly and spiritual manner. And the "means whereby the body of Christ is received and "eaten in the supper is faith. The sacrament of the "Lord's Supper was not by Christ's ordinance "reserved, carried about, lifted up, or worshipped."

Now, that being the state of the case, a consider- able advance in the Protestant direction is to be

found even in the first Prayer Book of Edward. But, when your Lordship looks at the second Prayer Book of Edward, the complete Protestantism, so to speak, of that service book cannot possibly be disputed. The idea of the sacrifice, the oblation, the manual consecration, the words of administration, all disappear from the second service book of Edward. And although it is true that, as the Parliament expresses itself in the passage which I read to your Lordship just now, the first Prayer Book was a "godly book, and very useful," the immense change in substance that was made, at all events so far as the Holy Communion was concerned, between the first and the second Prayer Book there can be no dispute about.

By the joint effect therefore of the first Prayer Book and the second Prayer Book, the whole of the ancient view of the importance of the sacrifice, and all that appertained to the mass was, as far as regards the outward celebration of it, entirely swept away; and so the matter remained from the time of the second Prayer Book of Edward to the first Prayer Book of Elizabeth.

In the first Prayer Book of Elizabeth, as your Lordship knows, a certain compromise took place, but a compromise which left the essential Protestant character of the service book of that day entirely beyond dispute, because the only change of substance which took place in the administration of the Holy Communion was the addition of the first sentence out of the two which now compose the words of administration to the communicants when they receive it. The whole of the view of the priesthood had undergone, as your Lordship cannot help seeing, a great modification. It is true, as we have it now in the service book of Charles II., that here and there, and very often in places where you would least expect it, you find that the minister is called a "priest;" but, on the other hand, you find that in places where if the sacerdotal theory were intended to be countenanced you would most expect it, you find the priest is called the "minister." Whether "priest" and "minister" were intended to be synonymous I know not. This is certain, that in some of the most solemn parts of the administration of the Holy Sacrament where, as I say, if the sacerdotal theory was to be maintained, you would most have expected to see the word "priest" used, you most commonly find the word "minister" used. Whereas auricular confession, and all that part of the priestly office, had been maintained in full vigour in the early time of the Reformation, you find confession preserved only under very special circumstances and maintained under limitations remarkable for their extent and precision in the latter service books, and in the latter authorities of the Church of England; and I cannot help thinking your Lordship will see that the general effect of these service books from the first Prayer Book of Edward to the second Prayer Book, from the second Prayer Book of Edward to the first of Elizabeth, and afterwards to the final reconstruction of it in the time of Charles II., the great effect is entirely to destroy the ancient church idea of the mass, the sacrifice, and of the priest, and to substitute for it something with the truth or falsehood of which we are not now concerned happily, but the difference of which I think no one who reads a Romish service book, and no one who reads an English service book, can, if he has common sense, for a single instant deny.

Now, my Lord, at all events this is clear, that outwardly the whole form of administration was changed. I again draw your Lordship's attention to the specific directions given in the Roman book. The Roman book, or a book like the Roman, was throughout England the guide to the devotions of the people when the Reformation began; and again I say, that no man in his senses looking at the Roman book and looking at ours can doubt that the object of those, who, with the Roman book before them, settled our book, was, to make an alteration, if not in doctrine,—at all events in the means of the outward celebration of the mystery of the Lord's Supper. And it certainly would be a strange proceeding if we, who have gone through the Reformation, should have cut ourselves off from the communion of the rest of Europe; if we, who have undergone the necessary evils, counterbalanced, I admit, by great good, but the necessary and positive evils of isolation, should only have obtained—what? A worship which is hardly to be distinguished from the Roman worship; a doctrine which is difficult by the utmost ingenuity of man to be distinguished from the Roman doctrine as laid down in the Tridentine decrees, and a priesthood, which I, for my part, consider very much worse than its enemies describe the Roman priesthood as being. For, if all these things are to exist, if the authority and the view of the priesthood is to be maintained, which these matters symbolise, far, rather, let it be a priesthood which is recognized, which is understood, which comes down with some historical authority, and the limits and the principles of which you can find in books, and which you can deal with, than a priesthood which is limited, as far as I can make out, by nothing, and the claims and privileges of which are to be found in no book and in no code that I have ever heard of to this day. Now, my Lord, what we contend is this, that there has been on the part of the Church and Parliament a careful moderating of the opinion and a careful moderating of the practice of outward worship; and that in the Prayer Book, and in the Prayer Book only, is to be found what the Church of England sanctions, and if it is not found in the Prayer Book it is *ipso facto* prohibited. Now, I do not deny that in such a matter as turning to the East, in the Belief, in such a matter as the ascription of glory to God when the Gospel is given out, I really do not know if there be any third matter generally practised which is not to be found prescribed in the Prayer Book; but as regards those two small matters, the answer as to them, I presume, is the same kind of answer which is given with regard to hymns. If you come to the legality of hymns, possibly they are not authorized by the Prayer Book, and they are so small, and so little interfere with the feelings of any human being, that no one has ever thought it worth his while to question or to interfere with, or agitate the matter in any way whatsoever.

Now just let me take the description given by Hooker of the celebration of the Holy Communion, and let us see in what language he speaks. It is to be found in the 5th book, which is a sort of perpetual commentary on the Prayer Book; in the 68th chapter: "In administering the Sacrament of the "Body and Blood of Christ, the supposed faults of "the Church of England are not greatly material, "and therefore it shall suffice to touch them in few "words. The first is that we do not use in a gene- "rality once for all to say to communicants 'take, "'eat and drink,' but unto every particular person, "'eat thou, drink thou,' which is according to the "popish manner, and not the form that our Saviour "did use. Our second oversight is by gesture. For "in kneeling there hath been superstition; sitting "agreeth better to the action of a supper; and our "Saviour, using that which was most fit, did himself "not kneel. A third accusation is for not examining "all communicants, whose knowledge in the mystery "of the Gospel should that way be made manifest, "a thing everywhere, they say, used in the Apostles' "times, because all things necessary were used, and "this in their opinion is necessary, yea, it is com- "manded, inasmuch as the Levites are commanded "to prepare the people for the Passover, and exami- "nation is a part of their preparation, our Lord's "Supper in place of the Passover. The fourth thing "misliked is that against the Apostles' prohibition to "have any familiarity at all with notorious offenders, "papists being not of the Church are admitted to our "very communion before they have by their religious "and gospel-like behaviour purged themselves of "that suspicion of popery which their former life hath

" caused. They are dogs, swine, unclean beasts,
" foreigners and strangers from the Church of God,
" and therefore ought not to be admitted though
" they offer themselves. We are fifthly condemned
" inasmuch as when there have been store of people
" to hear sermon and service in the Church we suffer
" the communion to be ministered to a few. It is
" not enough that our book of Common Prayer hath
" godly exhortations to move all thereunto which are
" present. For it should not suffer a few to com-
" municate; it should by ecclesiastical discipline and
" civil punishment provide that such as would with-
" draw themselves might be brought to communicate
" according to the law of God and the ancient church
" canons. In the sixth and last place, come the
" enormity of imparting this sacrament privately
" unto the sick.

" Thus far accused, we answer briefly to the first,
" that, seeing God by sacraments doth apply in par-
" ticular vnto every man's person the grace which
" himself hath provided for the benefit of all man-
" kind, there is no cause why administering the
" sacraments we should forbear to express that in
" our forms of speech which he by his word and
" gospel teacheth all to believe. In the true sacra-
" ment 'I baptize thee' displeaseth them not; if
" 'eat thou' in the other offend them their fancies
" are no rules for churches to follow.

" Whether Christ at his last supper did speak
" generally once to all, or to every one in particular,
" is a thing uncertain. His words are recorded in
" that form which serveth best for the setting down
" with historical brevity what was spoken; they are
" no manifest proof that he spoke but once unto all
" which did then communicate, much less that we in
" speaking unto every communicant severally do
" amiss, although it were clear that we herein do
" otherwise than Christ did. Our imitation of him
" consisteth not in tying scrupulously ourselves unto
" his syllables, but rather in speaking by the heavenly
" direction of that inspired divine wisdom which
" teacheth divers ways to one end, and doth therein
" control their boldness by whom any profitable way
" is censured as reprovable only under colour of some
" small difference from great examples going before.
" To do throughout every the like circumstances, the
" same which Christ did in this action, were by
" following his footsteps in that sort to err more
" from the purpose he aimed at, than we now do
" by not following them with so nice and severe
" strictness.

" They little weigh with themselves how dull, how
" heavy, and almost how without sense the greatest
" part of the common multitude every where is, who
" think it either unmeet or unnecessary to put them
" even man by man especially at that time in mind
" whereabout they are. It is true that in sermons we
" do not use to repeat our sentences severally to
" every particular hearer; a strange madness it were
" if we should. The softness of wax may induce a
" wise man to set his stamp or image therein; it
" persuadeth no man that because wool hath the like
" quality it may therefore receive the like impression.
" So the reason taken from the use of sacraments in
" that they are instruments of grace unto every
" particular man may with good congruity lead the
" Church to frame accordingly her words in admi-
" nistration of sacraments, because they easily admit
" this form, which being in sermons a thing impossible
" without apparent ridiculous absurdity, agreement of
" sacraments with sermons in that which is alleged
" as a reasonable proof of conveniency for the one
" proveth not the same allegation impertinent because
" it doth not enforce the other to be administered in
" like sort. For equal principles do then avail unto
" equal conclusions when the matter whereunto we
" apply them is equal, and not else.

" Our kneeling at Communions is the gesture of
" piety. If we did there present ourselves but to
" make some show or dumb resemblance of a spiritual
" feast it may be that sitting were the fitter ceremony;
" but coming as receivers of inestimable grace at the
" hands of God, what doth better beseem our bodies
" at that hour than to be sensible witnesses of minds
" unfeignedly humbled? Our Lord himself did that
" which custom and long usage had made fit; we
" that which fitness and great decency hath made
" usual."

My Lord, consider the description which has been given of the service of the Holy Communion as performed at St. Alban's, and then consider, after reading that passage of Hooker in which he vindicates the kneeling of persons at Holy Communions, and thinks it necessary to vindicate it,—compare it with the description of Mr. Mackonochie's ceremonial, and then read the administration of the Holy Communion in the Prayer Book, and then let anybody say whether the service which is described as taking place at St. Alban's agrees more with that reasonable service which Hooker vindicates, and which is to be found set forth in the Prayer Book, or whether it is not much more like that service which is to be found rather hinted at than described by the mediæval bishop in the well known poem of a great living writer where he says he is —

" To lie upon his tomb for centuries,
And hear the blessed mutter of the Mass,
And see God made and eaten all day long,
And feel the steady candle flame, and taste
Good, thick, strong, stupefying incense smoke."

Now with which sort of ceremonial does that which is described as taking place at St. Alban's most properly agree?

I do not know that I should usefully occupy your Lordship's attention at any greater length upon this subject. I have endeavoured to put before you, shortly and clearly, the various points upon which I have to invoke your Lordship's judgment. This is not a matter, as I said once before, of feeling or of taste; it is not a question of whether we can or cannot yieldto individual wishes; but even if it were, I cannot help thinking that whatever love a cultivated mind may have for beauty of ornament and splendour of service, the same mind, if it was only moderately manly, would feel that there is a certain want of manliness in all these questions of acolytes and thurifers; in all this millinery and posture making; in all these solemn discussions upon points of Ecclesiastical dandyism which we have had in "The Ritual Reason Why," and other books which my friend has brought under the attention of your Lordship. I believe these things do an incalculable amount of mischief; they raise a wall between the Church and the people, they give rise to a feeling of hostility wide in extent, and intensely deep in its character; and if it should turn out that practices such as these are really within the law and sanction of the Church, I seriously apprehend that the Establishment itself may be in danger of revolution and overthrow.

I do not dispute for a moment about the character of the defendant in this case. He may be as self-devoted as he says he is in these pleadings, although as matter of taste I wonder he deals so largely in self praise. I have lived long enough in the world to know that there are no limits, absolutely none, to honest self-deception; but I cannot help saying that all this earnestness about maniples, and acolytes, and thurifers, and what not, does savour to my mind of a certain foppery and personality that is excessively unlike St. Paul.

My learned friend concluded his address by reading two passages to you from modern and I believe living writers; and I will venture to read to your Lordship a passage from a very ancient writer, the last of the Fathers, a priest, a monk, an abbot, a Catholic of the Catholics, but a true Christian if ever there was one on this earth; I mean St. Bernard. There were ecclesiastical dandies in St. Bernard's time as well as now; men who were extremely fond of splendid ritual, of magnificent altars, and blazing churches; and this is what St. Bernard said of them: " Ostenditur

" pulcherrima forma sancti vel sanctæ alicujus et " eo creditur sanctior quo coloratior. Current homines " ad osculandum ; invitantur ad donandum et magis " merentur pulchra, quam venerantur sacra. Ponuntur " dehinc in ecclesia gemmata, non coronæ sed rotæ " circumseptæ lampadibus, sed non minus fulgenter " insertis lapidibus. Cernimus et pro candelabris " artifices operæ fabricatas, nec magis coruscantes " superpositas lucernis quam suis gemmis. Quid, " putas, in his omnibus quæritur, pœnitentium com- " punctio, aut intuentium admiratio? O vanitas " vanitatum sed non vanior quam insanior! Fulget " Ecclesiæ in parietibus et in pauperibus eget. Suos " lapides induit auro et suos filios nudos deserit. De " sumptibus egenorum servitur oculis divitum. In- " veniunt curiosi quo delectentur et non inveniunt " miseri quo sustententur. Quid hæc ad pauperes, " ad monachos, ad viros spirituales ?"

But, my Lord, after all it is not a question of fancy or of yielding to opinion ; it is a question of law. Are we, as matter of law, to have imposed upon us a service such as these articles and this evidence describe ; a service not Roman, which is historical and impressive in its way ; not Greek, which is historical and impressive too ; not English, which is simpler but has its own noble and even majestic severity ; but something made up out of all three and yet different from each ; something which is all made out of the carver's brain ; something which displays more the ingenuity of man than sets forth, as all public worship ought to set forth, the honour and glory of Almighty God ? My Lord, that is the short and simple question which is before you, and I hope your Lordship by your judgment will answer No.

(*Dr. Swabey.*) I fear your Lordship will think me very whimsical after what has passed, if I ask your Lordship's leave to trouble you for a few minutes on one of these points. When I intimated that I should not say anything on this case, it certainly was not because I thought it a trivial matter, but because (and I drew attention to the fact at the time) it seemed to me that the same points were involved in the next case in which I am also counsel, and whatever weight my few words might have, and whatever effect they might have, would be just as great if I reserved my arguments until the second case, in which I shall have the honour to occupy a more exalted position than I do in the present one, and at the same time saving unnecessary repetition. But it has occurred to me to-day, after coming into court, that the question of incense does not arise in the second case, and I think it would be more respectful to your Lordship, and more in accordance with my duty to my client, if, confining myself to that one point only, I made a few observations upon it.

Now, I will not trouble your Lordship by reading the charge over again ; my learned friend who has preceded me has gone through it, but it will not escape your Lordship's attention that the use of incense is laid and admitted to be during the celebration of the Holy Communion, and not at any other part of the service.

(*The Dean of the Arches.*) That is what I understand.

(*Dr. Swabey.*) And your Lordship will also see that all the other points brought before the notice of the Court have reference to one part of the divine service, namely, the celebration of the Holy Communion. And what I should put to your Lordship with respect to the use of incense is this, that it is the use of an ornament (in the sense in which the Privy Council have determined the word " ornament " ought to be used) in and as part of the Communion service, which is unauthorized by the present Book of Common Prayer, or by any other law which is known to the Church in this country.

Now, is there any rule of law applicable ? If there is any rule of law applicable, and if it has been laid down by a Court superior in authority to this, it must, as I humbly submit, be the duty of this Court to follow that rule of law ; and no discussion here can be allowed if the rule of law is clearly laid down. We know, that before the case of *Westerton* v. *Liddell*, there would probably have been a great discussion as to the meaning of the rubric at the beginning of the Prayer Book of 1662. But that is by the judgment of the Privy Council settled in that case of *Westerton* v. *Liddell ;* and, with all submission, it appears to me to be pretty clearly laid down, and it is a matter on which your Lordship can have little doubt, that that rubric refers to all ornaments which were in use in this Church under the first Prayer Book of Edward VI. We will come to the meaning of the word " ornaments." I will not go into the question which my friend has generally gone into, that where there are certain things laid down, the other matters are by that rule excluded, because, in point of fact, that is rather the second part of the rule of law laid down in *Westerton* v. *Liddell ;* and I find in page 134 in the copy of the judgment in that case by Dr. Bayford under the head of " Credence table " this ; their Lordships say : " Here the rubrics " of the Prayer Book become important. Their " Lordships entirely agree with the opinions expressed " by the learned Judges in these cases, and in " *Faulkner* v. *Lichfield*, that in performance of the " services, rites, and ceremonies ordered by the " Prayer Book, the directions contained in it must be " strictly observed." Of course, I might say, so far as this rubric of the Prayer Book of 1662 goes, it makes good the first Prayer Book of Edward VI., except in any cases where there are special rubrics in the Prayer Book of 1662 which affected particular matters, although those matters may appear in the first Prayer Book of Edward VI. For instance, I might liken that to the case of a will and codicil ; the codicil confirms the will, and makes the will speak from its date. But if the codicil varies any of the particular provisions of the will, although the will is confirmed and made to speak from that date by the codicil, of course the codicil overrules the original will, and the two are made to read as one instrument. And so with regard to the rubrics of the two books, if there should turn out to be any variance between them. And as to omissions or additions in the performance of the service, their Lordships go on to say, " That in the performance of the services, rites, " and ceremonies ordered by the Prayer Book, the " directions contained in it must be strictly ob- " served ; that no omission and no addition can be " permitted." Then, of course, as your Lordship has already pointed out to-day, they go on, having laid down that general proposition, to justify, in that particular instance, the use of a credence table as a necessary or proper adjunct to the Communion table.

(*The Dean of the Arches.*) " Necessary " means necessary for obeying the rubric.

(*Dr. Swabey.*) Yes. The way in which they limit their first general proposition which I have already read, is this, that they are not prepared to hold the use of all articles not expressly mentioned in the Rubric, although quite consistent with, and even subsidiary to the service, is forbidden ; and then they introduce the organs, the seats, the pulpit, the pulpit cloths, and so on, and then they go on to the credence table ; so I take it as a binding rule upon your Lordship, that nothing can be used in the Church in addition to the present book, the Prayer Book of Edward VI., as far as that is applicable, unless they are subsidiary matters consistent with and belonging to the articles which are expressly mentioned and directed to be used.

Now, I certainly wish to avoid any discussion on the intention of the use of these things ; but I do want to show as clearly as possible that they are used in this case as laid in the articles, and as admitted and come within the word " ornament " as defined by the Privy Council, and as opposed by them to mere decoration. It is not a mere decoration, but something used as part of the service ; and that I understand to be the distinction which they intended to be laid down between the legal meaning which they give to the

word "ornament" in the rubric of the present Prayer Book, and the word "decoration." Your Lordship is aware of the meaning they give to the word "ornament."

(*The Dean of the Arches.*) Perfectly; they took the Latin word "ornamentum" in the Forcellini Dictionary, and that was the argument of counsel.

(*Dr. Swabey.*) Yes; ornament used in any part of the service; and they distinguish that from any mere decoration; and that is the way I think they apply it. They distinguish, for instance, between the use of certain crosses. They said, "If a cross were to be "carried about and used as part of the service, we should "hold it would be illegal. But a cross used a sa decora- "tion on the wall would be perfectly legal; in other "words, it does not come under the words in the rubric "on ornaments." I think they instance that particularly.

(*The Dean of the Arches.*) I remember that part of the judgment very well; in fact, I remember the whole judgment.

(*Dr. Swabey.*) Now bearing in mind that distinction between the ornament and the decoration, I turn to Mr. Mackonochie's pamphlet, which is part of these articles, or annexed to these articles, and which is referred to in his answer by himself at the top of the third page, "The use of incense will now be discon- "tinued at the introit, gospel, and offertory." So that fully bears out what I said, that the meaning of the articles was that it was used as part of the Communion service, and that is what Mr. Mackonochie says is still legal. "The use of incense will now be "discontinued at the introit, gospel, and offertory. "Before the consecration prayer the censer will be "brought in. At the consecration, incense will be put "into it by the thurifer, but it will not be used, as at "present, for 'censing persons and things.' This is "a mode of using incense allowed by the ecclesiastical "opinion, and not disallowed by the legal one." Before leaving this part of the case I must say one word more about the meaning of "incense." Then, at page 4 in my copy, he goes at considerable length into the meaning which he ascribes to incense. I am not going to say whether that is right or wrong, but I say that incense, in the way it appears to be used in St. Alban's, is used as a part of the Communion service; and that being so used, if I am right in that, there is no warrant of any sort for its being so used in any of the rubrics of the present Prayer Book.

(*The Dean of the Arches.*) You say it is not brought in merely for the purpose of fumigation, but for the purpose of being an additional rite or ceremony?

(*Dr. Swabey.*) Just so; and that as such it is not warranted by the rubrics of the present Prayer Book, or by those parts of the rubrics as to ornaments in the Prayer Book of Edward VI. which form part of the present Prayer Book by implication.

Now a great deal has been said about the first Prayer Book of Edward VI., and how that first Prayer Book was changed to a certain extent from the previous service books which had been in use in the Church of England.

Now I hold in my hand a translation of the Liturgy of the Church of Sarum; it is apparently quite a recent translation. There is an introduction to it by a well-known author, bearing date 1866. It is translated from the Latin, with explanatory notes, by Charles Walker. It is printed by Hayes, of Lyall Place, Eaton Square, and bears date 1866. It is in one volume, and at page 46 the Court will find elaborate directions about incense. "At the end of the Alleluya "Sequence or Tract, the deacon, before he goes to the "lectern to read the gospel, incenses the altar in the "midst only, for he shall never incense the lectern "either at mass or matins before he reads the gospel."

(*The Dean of the Arches.*) They are not very different from the Roman missal, are they?

(*Dr. Swabey.*) I presume not; I have not read them.

(*Mr. Coleridge.*) In the canon there is, I believe, hardly any difference.

(*The Dean of the Arches.*) I believe not.

(*Dr. Swabey.*) "Then the deacon passes through "the midst of the choir, solemnly holding the text in "his left hand, the taper bearers and thurifer going "before; and if it be a double feast the cross also "goes before, which will be held opposite to the "deacon." Then at page 51. "Having done which "he receives the censer from the deacon, and incenses "the sacrifice thrice in the form of a cross, and round "the chalice and sacrifice; and then he incenses the "place between himself and the altar." And there are various other directions in the course of the canon with regard to incense which, although I have not compared it with the Roman canon now in use, I have no doubt are very much the same.

Now, that being so, and there being no particular directions as to the use of incense in the Liturgy of the Church of Sarum, which is one of the very liturgies mentioned in the preface to the first Prayer Book of Edward the VI., as one intended to be departed from to a certain extent, when we find, even in that first Prayer book of Edward VI., much less in the later ones, there is no direction whatever as to the use of incense in any part of the Communion service, it appears to me to be an irresistible conclusion that it is an addition to our present authorized Communion service which their Lordships of the Privy Council say is unlawful, unless it could be shown that it is merely subsidiary to something which the Prayer Book directs to be used.

(*The Dean of the Arches.*) The question is, whether it was not an ornament in use in the second year of Edward VI.

(*Dr. Swabey.*) Yes.

(*The Dean of the Arches.*) That is the whole question.

(*Dr. Swabey.*) Now I really do not know that I can add anything more to that. I will only just make this remark that, although I am trying to avoid as much as possible the casting of any imputation upon anyone, yet I cannot help asking myself, how comes it, that in this year 1868, I hold in my hand this very recent translation of the Liturgy of the Church of Sarum? Of course, it is a matter of curiosity, as an historical inquiry, and it is a matter deeper than that, as showing the real vein of identity of feeling and so on which exists between ancient liturgies and our own. That may be all very well, but if such a suggestion as this may be made: "The study of ancient "liturgies re-awakened amongst us of late years, has "been one of the truest and most valuable results "of the profounder view and more vivid apprehension "of eucharistic doctrine; as in return they form "the most important aids in elucidating and maintain- "ing the doctrine, which is the most blessed among "the many signs of God's good hand upon us," and many remarks in that strain. If that is the object, then I ask, is there any difference in that respect between the Liturgies of the Church of Sarum and our own present Prayer Book? If there is not, our own present Prayer Book gives us all we need; but if there is a difference, I submit it is the bounden duty of this present Court to adhere to our present Prayer Book, and to reject whatever may be endeavoured to be interpolated into that, whether it is on the authority of the usage of the Liturgy of the Church of Sarum, or any other authority whatsoever, not within the four corners of the Acts of Uniformity. I do not know that I can add anything more, according to my humble views of the matter, on the question of incense; but one remark fell from the Court to-day, upon which, perhaps, I might be pardoned for adding a word, and that is on the question of the Injunctions in the reign of Edward and of Elizabeth. I had not the advantage of hearing what my learned friend said upon that.

(*The Dean of the Arches.*) The question I put is one which the Court thinks is an important question, and it is, What legal authority have the Injunctions not only of Edward VI. but also Queen Elizabeth, if any?

(*Dr. Swabey.*) The answer I should be inclined to

give to that would be this, that it is immaterial to inquire now, at this time of day, whether at the time they were put forth they had statutable authority, or had not. Because, it seems to me, whatever authority they had at the time they were put forth, they have been swept away by the Act of 1662, which speaks of course from its own date; and whatever authority the Injunctions had during the intermediate time, assuming, for the sake of my present position, that the Injunctions when they came out did really vary, and had authority to vary the provisions of the Prayer Book, the plain legal effect of the Act of Uniformity of 1662, and the Prayer Books and rubrics, which form a part of that Statute and Act, is entirely to do away with these Injunctions of Edward and Elizabeth, as regards any legal and statutable effect.

(*The Dean of the Arches.*) Where the Prayer Book is at variance with them, no doubt. But where the Prayer Book is not at variance with them—that is the question.

(*Dr. Swabey.*) It is. If we take the interpretation of the Privy Council as to the rubric, it seems to me, with submission, it is hardly a question of variance, because the Act of 1662 says, "we will henceforward "use such things as were in use by authority of Par- "liament in the 2nd year of the reign of Edward VI." We now know that that means the first Prayer Book of Edward VI., so that the effect of our present Prayer Book is therefore to reinstate the first Prayer Book of Edward VI. quite independently of any Injunctions of Edward and Elizabeth. That is the view I would venture to take of that matter. I do not wish to take up your Lordship's time further, because I understand your Lordship does not intend to give judgment in this case before hearing the argument in the next case, in which I shall have another opportunity of addressing your Lordship.

(*Mr. James.*) I may be permitted to say, now that my friends have done, that it seems to me there is already a most conclusive answer to the case against Mr. Mackonockie, in the fact that it has taken five days to prove that he has violated one clause of an Act of Parliament of five or six lines.

(*Mr. Coleridge.*) Your Lordship knows the true answer to that is, that it is easier to commit an error than to refute one.

(*The Dean of the Arches.*) I remember hearing that when Lord Eldon was Attorney General, and had to conduct a proceeding against Horne Tooke, it was said that if it took twenty-four hours to bring home a charge of high treason against a man, he could not be very guilty.

(Adjourned till 11 o'clock to-morrow morning.)

SIXTH DAY.

Friday, January 10th, 1868.

(*Mr. James.*) My Lord, it is now my turn to make some observations in this case on the part of the Defendant. I shall not occupy your time very long, for I do not think it is necessary that one should travel into all that mass of archæological learning which has been thought necessary by my friends to be brought forward for the purpose of proving that a minister of the Church of England—who probably has had no opportunity of ever seeing, or even hearing, in a remote way, by hearsay, a hundredth part of it—has been guilty of an offence against the laws ecclesiastical, and against the statute law of this realm, by reason of conclusions to be drawn from that mass of documentary evidence.

My Lord, I cannot help feeling that there is a very painful view of this case: that, having regard to the state of this metropolis, to the great amount of practical heathenism which prevails here, and which would require to be dealt with by the united force and strength of all parties in the Church of England, that a minister should be brought before you as a Defendant to answer a *quasi* criminal charge, if not a criminal charge, because he has felt with many persons that in a luxurious and wealthy metropolis like this, it is fitting and right that some of the luxury, some of the wealth, some, it may be, of the ostentation of the city itself, should be expended in offerings for the purpose of making the service of Almighty God more ornate and more magnificent, —because he has felt, in common with many persons in the Church of England, that these things, however indifferent they may seem to some, and however little weight they may have with persons of strong intellect and sternly disciplined minds, that they have a very powerful effect upon a large mass of the people of this city and of this country; that they do bring within the temples of our Lord many who would never otherwise be attracted there, and that persons who come there to gaze, perhaps to scoff, remain to pray, their stony hearts being softened by the religious atmosphere in which they find themselves, perchance for the first time. My Lord, he does belong to a party in the Church, if it may be called a party, he does in common with many persons entertain a hope, the hope that was expressed in the encyclical of that synod which was called the Pan Anglican Synod, the other day,—that was expressed in the singularly able letter that was written to the Greek Church, particularly on behalf of that synod, that the time may come when all the severed branches of the Church Catholic may be united,—united upon the basis of the primeval doctrine, the primeval discipline, and the primeval services of the Church Apostolic.

My Lord, while that is a painful view of it, it is at all events very satisfactory to the Counsel who have to address your Lordship on behalf of Mr. Mackonochie to know this, that there is no charge against him apparently, closely as he has been watched by that *odium theologicum* which knows no charity, and which is always suspicious,—that, watched and dogged as he has been for years by that evil spirit, it is not imputed to him that he has ever in teaching or preaching uttered one word, one single word, of false doctrine, or one word that is inconsistent with his duty as a faithful son of the Church of England; that all the charges against him are reduced to this, —I think it will be found, if your Lordship looks at them,—that he used a gesture or a posture of too much reverence, or of reverence in a wrong place, to an unnecessary light, to an unnecessary ornament, to the use of a sweet scented drug or mixture of drugs, and to adding to the sacramental wine a few drops of pure water, to which, as it seems to me, it is utterly impossible to attach any objectionable doctrine or view of any kind whatever.

My Lord, I did not intend to have read to your Lordship the first plea which has been put in in explanation of Mr. Mackonochie's conduct; but after the invidious reference that was made by my friend Mr. Coleridge in his concluding observations to the works of St. Bernard, and after the quotation that he made from that author, (the last of the fathers, I think, he was described as being,) I think I ought, on behalf of Mr. Mackonochie, to read to you Mr. Mackonochie's own account of what he has done in his district, and then see whether that which is there done is what St. Bernard would have described in the terms which he applied to the greedy clergymen and the greedy churches which were the subject of

his vituperation." My Lord, Mr. Mackonochie says, that "to supply the spiritual wants of the inhabitants "of the said parish or ecclesiastical district the said "Alexander Heriot Mackonochie has, since he "became incumbent thereof, and with a stipend of "only 150*l.* per annum, provided for his parishioners "on every Sunday three separate services in the said "church, two sermons and a catechising of the "children, also two celebrations of the Holy Commu-"nion, and since the 15th November 1863 three such "celebrations, and since Advent Sunday last past four "such celebrations, and since the said Advent Sunday, "an address to the children in addition to the "catechising above mentioned. That on every "festival of the Church he has provided since he "became incumbent thereof for his parishioners two "daily services, namely, the morning and evening "prayer in the said church, with one sermon, and "usually two sermons, and two celebrations of the "Holy Communion, and since the 25th day of "January 1867 three such celebrations. That on "other week days he has provided throughout the "year, as directed by the Book of Common Prayer, "two daily services, namely, the morning and evening "prayers, and one celebration of the Holy Communion; "and that on every Wednesday and Friday, besides "morning and evening prayers, he has provided "the litany and two celebrations of the Holy "Communion. That the services so had and cele-"brated in the said church on Sundays are attended "by a crowded and devout congregation, amongst "the numbers of which there are a large and increas-"ing number of poor persons, the greater portion of "them being inhabitants of the said parish, and very "few of whom, before the nomination of the said "A. H. Mackonochie to be incumbent of the said "parish, ever attended any church or other place "of religious worship. That the said services so "had and celebrated on the festivals of the Church, "and on the other week days, are also attended "by a numerous and devout congregation, consisting "principally (more especially the early and late "services) of poor persons resident in and about the "said parish. That on Easter Sunday 1867 the "Holy Communion was administered to 515 per-"sons in the said church, and that during the year "last past there have been no less than 17,392 "communicants. That the collection made at the "offertory amounted to 2,000*l.*" Then he goes on to state what is done besides. That I need not read. "That from the time he became incumbent of the said "parish up to the present time neither of the two "churchwardens of the said parish, one of whom "is appointed by the said A. H. Mackonochie, and "the other by the inhabitants of the said parish "in vestry assembled, has presented or made any "complaint against the said A. H. Mackonochie to "the Lord Bishop of the diocese at his visitation, "nor have they presented or made any complaint "against him to the archdeacon of the archdeaconry "wherein the said parish or ecclesiastical district is "situated, for having in any degree violated or "infringed, or for neglecting to conform to any of "the laws, canons, and constitutions of the Church "of England."

Now, my Lord, that is a picture of the services that have been rendered in this church; rendered to the satisfaction of a crowded and devout congregation of members of the Church of England; and this is the gentleman, and these are the services, in respect of which my learned friend Mr. Coleridge thought it becoming to talk of the miserable man-millinery, or whatever it was, of his proceedings. I really forget the exact term he used, but it was a term of considerable disparagement of the manner and mode in which Mr. Mackonochie was performing his duties. My Lord, I venture to say that if this story had been told to St. Bernard, St. Bernard would not have addressed to Mr. Mackonochie that reproach which he did address to so many of his fellows at that time, but he would have said, "Go on, thou faithful servant." I thought it right to say this, which I should not have attempted to say if it had not been for what I conceive to be the uncalled-for attacks upon Mr. Mackonochie with which my learned friend Mr. Coleridge thought it right to conclude his address to your Lordship. Having said this, I will also say, that I think it appears in the pleadings,—Mr. Mackonochie pleaded it, and Mr. Martin has not denied it,—that Mr. Martin is, in truth, practically an entire stranger. He seems to have no connection with the district, except that he is the secretary to some schools there; I think that is the only connexion which he has with the district. He does not in any way appear to have frequented the services of this church, or to have had any occasion to do so. He is a mere stranger who has put himself forward for the purpose of raising this question. I think therefore, my Lord, the matter does not come before your Lordship (I do not put it higher than that) in any favourable view for a prosecution of this kind; a prosecution brought without the sanction of any of the persons who really are interested in the services of that church, and brought simply upon the technical theory, which was relied upon by my learned friend, that every member of the Church of England has a vested right in securing observance of the laws ecclesiastical in every church in the kingdom. It would seem to be a strong proposition, probably it may be right in point of law, that the whole thing belongs to the whole body of the Church, and that every churchman has a right to say everywhere, I will interfere, if necessary, for the purpose of setting right what I think wrong in the details of the ministrations of any clergyman whatever.

My Lord, having said this, I will ask your Lordship to consider what is exactly your jurisdiction in this matter. Now, your jurisdiction, as far as this case is concerned, is a statutory jurisdiction. You are here, I think, sitting entirely under "The Church Discipline Act." The Church Discipline Act authorizes the bishop to send a charge by letters of request, to the Judge of this Court, who is then to proceed with it according to the practice of this Court.

(*The Dean of the Arches.*) That might have been done without the statute.

(*Mr. James.*) Yes; but "The Church Discipline Act" has provided now, that no charge in effect can be brought except with the preliminary sanction of the Bishop.

(*The Dean of the Arches.*) The great difference, as you are aware, is, that before the Chancellor of the diocese signed the letters of request, and in cases of this description the Bishop himself sent the letters of request. As far as I am aware, this is the very first instance of the Bishop sending letters of request to the Dean of the Arches. He has always, hitherto, tried it in his own court.

(*Mr. James.*) I think I am warranted in saying this, that your jurisdiction is really a statutory jurisdiction, that is to say, that the Church Discipline Act has given the Bishop certain powers and certain rights to make a preliminary investigation—has given him clearly, as I understand, a discretion.

(*The Dean of the Arches.*) Certainly.

(*Mr. James.*) As to whether he will or will not sanction any charge being brought against a clergyman, for the purpose of preventing the clergyman from being harassed by a vexatious and malicious prosecution. It seems to me that that is a very salutary proceeding indeed. That is to say, according to the Church Discipline Act, it must be brought within two years of the time of the alleged offence, and no clergyman is to be brought to the bar of any court unless the Bishop should think fit to authorize his being so brought, and thereupon the Bishop sends letters of request with the charge,—sends the charge to this court to be tried instead of trying it himself. And the charge which your Lordship alone, as it seems to me, can try at all is the very charge—the *ipsissima verba*—which the Bishop has so sent to be tried, and

as to which the defendant has been cited to appear and to answer,—and you cannot in any way alter, or add to, or aggravate that charge. It is upon that charge alone that any ecclesiastical censure or admonition can be passed or founded, and that you cannot alter in any way by the articles that are afterwards given in.

(*The Dean of the Arches.*) The articles must be consistent with the citation, and not go beyond it.

(*Mr. James.*) What I understand is the legal effect of the articles is this. My analogy, of course, will be drawn from the courts with which I am more acquainted, from the courts of common law and the Courts of Chancery. The articles, in fact. answer exactly the position of the particulars of demand given in an action at law, to the particulars of breaches in an action of covenant; and perhaps they are still more strictly analogous to the overt acts in an indictment for treason, or an indictment for conspiracy; that is to say, all overt acts by which the prosecutor pledges himself to prove the charge which is to be brought. But still, whatever the acts may be, whatever they may say, whatever the articles say, you must always fall back upon the original charges, and the original charges must be sustained here. That is to say, the defendant must be made out to be guilty of the offence *secundum allegata*, that is to say, *allegata*, in the original charge, *secundum probata*, the *probata* being what the articles allege, the mode of proving them.

(*The Dean of the Arches.*) Probably those analogies may be a little misleading. The state of the case is this. The jurisdiction of this Court in this matter is founded upon the letters of request sent to me from the Bishop of London. The charges are cited in these letters of request, and they are there in the form of a decree, which is the same as a citation served upon the party accused, who comes here to answer these charges specified in that decree of citation and no other. The articles are an expansion of the circumstances stated in the charge cited in the decree.

(*Mr. James.*) There is a case which is very strong upon that point, with which, no doubt, your Lordship is perfectly familiar. I only mention it to your Lordship because it is so very familiar to all persons who are acquainted with these cases. It is the case of *Breeks* v. *Woolfry*—the Prayers for the Dead case—in which Sir Herbert Jenner Fust positively refused to accept a consent by Dr. Adams, and to allow the articles to be proceeded with, which alleged a fact which was not in the citation.

(*The Dean of the Arches.*) I remember the case perfectly.

(*Mr. James.*) There was an article that the prayer there had been put upon the tombstone without the consent——

(*The Dean of the Arches.*) Just so; and Sir Herbert Jenner Fust said he had no power to try that question, but simply to try whether the inscription was or was not contrary to the law of the Church of England. He decided that it was not, and he did not consider what the decision might have been if the letters of request had enabled him to try the legality of putting up an inscription on the tombstone without the consent of the incumbent. He stated that that was another thing which he had no power to enter into.

(*Mr. James.*) That being so, I think, if you look at the charges, it is very difficult indeed to make out, according to the rules of law, that there is any change at all alleged in the manner in which a charge ought to be alleged in a case of a criminal offence in the original charges.

(*The Dean of the Arches.*) It is rather late, is it not, Mr. James, to take an objection of that kind?

(*Mr. James.*) I think not.

(*The Dean of the Arches.*) You see, if the articles did not contain the averment of the offence against the ecclesiastieal law, they ought to have been opposed upon that ground. I do not mean to say this, that if it should turn out at the hearing that the articles do not contain the offence against the ecclesiastical law the court will be barred from considering it, but strictly speaking they ought to have been objected to. If the articles alleged matters over which this Court has no jurisdiction, at any time the Court might hold its hand.

(*Mr. James.*) Precisely.

(*The Dean of the Arches.*) Is that your contention now?

(*Mr. James.*) My contention is that the matter is a matter which is not alleged as required by the law; that is to say, at common law it would be the subject of a writ of error after verdict.

(*The Dean of the Arches.*) I will listen with the greatest attention to any argument on this point, but at the present I am quite at a loss to understand how it is to be maintained that these matters which are charged are not ecclesiastical offences.

(*Mr. James.*) I am going to tell your Lordship why I say that. Of course the offences must either be offences against the common ecclesiastical law, or against the statute law. I shall not be long in making your Lordship understand what I mean.

(*The Dean of the Arches.*) I will attend to everything you say.

(*Mr. James.*) The offence must be either against the common law of the Church, or against the positive statute law. Now, against the common law of the Church none of these things can be offences, because it is quite clear that the common law dates from pre-Reformation times. Of course the common law of the Church also renders it the duty of every minister to comply with every lawful statute that is passed subsequently; but that is like a misdemeanor; the common law of the land makes it always a misdemeanor for any person to disobey or not to obey a statute. Now, as one of the fixed rules of law is, that whenever a statute has created an offence, the offence must be charged in words or in substance——

(*The Dean of the Arches.*) Do I not understand your argument to be, that if these are offences at all they are offences against the statute law?

(*Mr. James.*) Against the statute of Uniformity. I do not understand how it can be put in any other way. They are offences against the Act of Uniformity. I will refer to a case upon this particular statute, the existing Act of Uniformity. The existing Act of Uniformity provides this, and this only: "That all and singular ministers in any cathedral, "collegiate, or parish church, or chapel or other place "of public worship, within this realm of England, "dominion of Wales, and town of Berwick-upon-"Tweed, shall be bound to say and use the morning "prayer, evening prayer, celebration and administra-"tion of both the sacraments, and all other the public "and common prayer in such order and form as is "mentioned in the said book annexed, and joined to "this present Act, and intituled 'The Book of "'Common Prayer and administration of the sacra-"'ments and other rites and ceremonies of the "'Church, according to the use of the Church of "'England,'" and so on. All that the Act says is, that he shall be bound to say and use the morning prayer, evening prayer, and so on; that is to say, he shall be bound to say and use the book in the order and form therein prescribed. Now, my Lord, upon that there is a very early case.

(*The Dean of the Arches.*) That is the case about *alias preces*. Is that the case?

(*Mr. James.*) That is the case,—Sparkes' case.

(*The Dean of the Arches.*) Give me the reference to it?

(*Mr. James.*) It is in the second Shower's Reports, *The King* v. *Sparkes*; and the order was on indictment, for using other prayers than in the liturgy; and the words were *alias preces, alio modo*. The "error "was to reverse a judgment given at the quarter "sessions of the peace held for the county of Devon, "for the payment of one hundred marks fine against "the defendant, he being there convicted by verdict

" on an indictment, for that, being minister or curate " of such a place, he did on the Lord's day use other " prayers than according to the Book of Common " Prayer, &c. Several errors were assigned upon " record, as that the justices of the peace had no " cognizance of the offence, &c. But the errors in- " sisted on by Mr. Pollexfen and myself—[that is the " reporter]—were these :—(1) that the justices of the " peace had no jurisdiction of this crime, it being a " new offence created by statute, and none but justices " of oyer and terminer or judges of assize could " examine and punish these offences." That was overruled. Another was " that if on the statute of " 6 Edward 2 and 3, c. 1. the first offence is forfeiture " of the net benefice, and imprisonment for six months; " and on 1 Elizabeth, c. 2. it is like, but in no sort " fineable ; which was agreed. But Mr. Coryton, for " the prosecutor, urged, that this was an offence " against the 14 Car. 2. c. 4. where there is a general " prohibition not to use any other form, and then a " fine may be set. To that we answered, that this " indictment could not be made good upon that law, " because it does not set forth what the prayers were " that we did use, so that *non constat* to the Court, " though it might to the jury, that they were different " from the Book of Common Prayer. Which objection " Herbert Chief Justice and Holloway took, saying " that it might be a prayer before sermon, and yet " he might use the common prayer (and so in truth " the fact was) ; and therefore they held it no offence, " unless it had been alleged that he did not read the " common prayer. But *Wythens Justice hæsitavit.* " Then I urge that in truth they could bring this " indictment within none of the statutes concerning " these matters ; but if they insisted on this of the " 14 Car. 2. c. 4., then the statute 23 Elizabeth, c. 1., " which gave the justices a jurisdiction, could not " reach this ; which, as they themselves contend, is " an offence made by a subsequent law, viz. 14 Car. 2. " *Coryton* not being ready to answer this, *Wythens* " *Justice* said, let it be reversed for that, and says " Lord Herbert for the other too. And so we had " judgment reversed. Note.—This was a malicious " prosecution, for it was only a prayer in the pulpit, " and the common prayer was constantly read, and " it had a fate accordingly ; for, no doubt, if it had " been an offence within this Act of Uniformity, the " justices would have had some cognizance of it ; for " by the twenty-fourth section all statutes concerning " the former book of Queen Elizabeth are quoted to " be in force as to this book now used. This prose- " cution alarmed most of the clergy, but the Lord " Chief Justices' opinion gave them satisfaction. " which in truth was founded on a great deal of " reason."

(*The Dean of the Arches.*) How do you use that case ?

(*Mr. James.*) It appears to me that your Lordship will find that the offence under the statute is not using the Book of Common Prayer in the order and form, as to which there is no allegation and no charge whatever that every word of the common prayer was not used, that every prescription of the common prayer was not complied with. Let us see what the charges are : " Elevated the paten above his head, " and permitted and sanctioned such elevation, and " took into his hands the cup and elevated it above " his head during the prayer of consecration." Now, my Lord, there is no charge there of any kind whatever. And the same thing applies to all the others, that is to say, the use of candles, the use of incense, the mixing of water with the wine. There is no allegation that he did not use the Common Prayer in order and form,—the order and form being simply, you are to do that. I will show you presently how it ought to be dealt with, if a person does something more than is prescribed by that book ; but all that the statute of Charles in that section requires is that every minister, every priest, shall use and say that book in order and form. But that being the provision of the statute of Charles, it goes on in the 24th section to refer to the statute of Elizabeth : " And be " it further enacted by the authority aforesaid, that " the several good laws and statutes of this realm " which have been formerly made and are now in " force for the uniformity of prayer and adminis- " tration of the sacraments within this realm of " England and places aforesaid shall stand in full " force and strength, to all intents and purposes " whatsoever, for the establishing and confirming of " the said book, intituled ' The Book of Common " ' Prayer and Administration of the Sacraments and " ' other Rites and Ceremonies of the Church ac- " ' cording to the use of the Church of England ; " ' together with the Psalter or Psalms of David, " ' pointed as they are to be said or sung in churches ; " ' and the form or manner of making, ordaining, " ' and consecrating of Bishops, Priests, and Deacons,' " herein-before mentioned to be joined and annexed " to this Act,"—that is to say, the new book which they refer to,—" and shall be applied, practised, and " put in ure for the punishing of all offences contrary " to the said laws, with relation to the book aforesaid, " and no other." They shall use that form. That is all that is said in the enacting part ; and then they say that all existing good laws and statutes of the realm which are in use for the existing book shall be applied to this new book which they have now established. Then we refer to the statute of Elizabeth, which is incorporated by this section with the statute of Charles. The statute of Elizabeth, following in that respect the former statutes of Edward, says, " use the same things." The enacting part of the third section of that Act is the same as the one of Charles, with the exception that the one of Charles left out the words " none other or otherwise," which were contained in all the previous Acts of Uniformity. The statute of Charles does not use the words " none other or otherwise ;" and, I think your Lordship will find, for a very sufficient reason. Then it says: " And that if any manner of parson, vicar, or other " whatsoever minister that ought or should sing and " say common prayer mentioned in the said book, or " minister the sacraments, from and after the feast of " St. John the Baptist aforesaid, refuse to use the " said common prayer, or to minister the sacraments " in such cathedral or parish church, or other places " as he should use to minister the same, in such " order and form as they be mentioned and set forth " in the said book,"—if he refuse to use it, that is a statutory offence,—" or shall wilfully or obstinately " (standing in the same) use any other rite, ceremony, " order, form, or manner of celebrating of the Lord's " Supper openly or privily, or mattens, evensong, " administration of the sacraments, or other open " prayers as mentioned and set forth in the said " book " ——

(*The Dean of the Arches.*) What section is that of Elizabeth ?

(*Mr. James.*) That is in the second section of Elizabeth. All the Acts of Uniformity were dealing with two classes of persons and two classes of things. One was persons who would not use that which was prescribed for them there, that is to say, who would do less than that ; and as to them, they say you shall use that ; and of course it is an ecclesiastical offence at Common Law if a person refuses to use it in order and form as therein directed. Then there is another class of persons, who might be innovating or introducing other rites or ceremonies, or using any other order, form, or manner ; and with regard to those there are the two special provisions, the statutory provisions, one of which says if you refuse to use that which is prescribed for you, or if you use anything else, then you are liable to penalties. But then of course these are the offences ; and it really is of the essence, as it seems to me, not only the form but the essence of justice, that you should do what is always laid down in common law cases ; and in this particular case exactly the same rule ought more strictly to apply to offences under the Act of Uniformity, because your Lordship will recollect that in the Act this is provided also,

that the party may be prosecuted either in this Court or in a Common Law Court; that is to say, the prosecutor has the option of prosecuting him either in the Common Law Court or in the Ecclesiastical Court; but then the proceeding in one is to be a bar to the proceeding in the other. Of course, therefore, it is absolutely essential that the offence should be charged in exactly the same way in both courts; for otherwise there would be a manifest defect of justice. If a person be prosecuted here without it being said that he has violated the statute, and then is prosecuted there for violating the statute, there would be no means of saying, this is the very offence for which I was charged and dealt with in the Ecclesiastical Court. Therefore, my Lord, I say that in this case the rule that is laid down in books of Criminal Law ought to be applied in exactly the same manner as it is applied there. If your Lordship will permit me, I will refer to a book in which it is very nicely summed up, Archbold's book on Criminal Pleading. I am reading from the eighth edition, the edition by a late Lord Chief Justice of the Court of Common Pleas.

(*The Dean of the Arches.*) Jervis's edition.

(*Mr. James.*) Jervis's edition, page 48. "Lastly, " as to indictments for offences created by statute, the " statute contains a definition of the offence; and the " offence consists of the commission or omission of " certain acts under certain circumstances, and in " some cases with a particular intent. An indictment " therefore for an offence against the statute must " with certainty and precision charge the defendant " to have committed or omitted the acts under the " circumstances and with the intent mentioned in the " statute; and if any one of these ingredients in the " offence be omitted, the defendant may demur, move " in arrest of judgment, or bring a writ of error. The " defect will not be aided by verdict, nor will the " conclusion '*contra formam statuti*,' cure it." Then he gives several instances. Then "In an indictment " upon the repealed statute of Elizabeth (which makes " it high treason to clip round or file any of the coin " of the realm 'for wicked lucre or gain's sake,') it " was necessary to charge the offence to have been " committed for the sake of wicked lucre or gain, " otherwise it would be bad, 1 Hale, 220. So an " indictment on that part of the Black Act (now " repealed) which made it felony 'wilfully and " maliciously' to shoot at any person in a dwelling " house or other place, was holden bad, because it " charged the offence to have been done 'unlawfully " and maliciously,'" and so on. Then there are a number of other instances given, showing this, and bearing out the proposition he has stated in the first instance,—that where the offence is created by statute the indictment for an offence against the statute must with certainty and precision charge the defendant to have committed or omitted the act under the circumstances and with the intent mentioned in the statute; and if any one of these ingredients be omitted, the defendant may demur, move in arrest of judgment, or bring a writ of error. And then, in conclusion, as to the whole law, which it may be material perhaps to read also, he says, "In conclusion, if all the ingre- " dients of the offence, whether it be an offence at " common law or one created by statute, be not set " forth in the indictment, or if any of them be not " stated with sufficient certainty, the defendant may " in like manner demur, move in arrest of judgment, " or bring a writ of error." My lord, there is a case which illustrates this, a case of prohibition from this Court, as to that latter proposition, — *Francis* v. *Steward*—in the 5th Adolphus & Ellis, New Series, page 984. "A citation stating only, as the matter of " charge, that the party cited (a parishioner of G), " wilfully and contumaciously obstructed, or at least " refused to make or join or concur in the making of " a sufficient rate for providing funds to defray the " expense of the necessary repairs of the parish church, " does not show an offence cognisable by the Ecclesias- " tical Court. To a citation as framed above, the " parishioner appeared under protest. The Judge of " the Ecclesiastical Court overruled the protest, and " ordered the party to appear absolutely. He there- " upon declared in prohibition, setting forth the cita- " tion and the other proceedings. On demurrer to " the declaration, held, that the declaration was good, " the citation being insufficient to give jurisdiction. " And that the suit in prohibition was not premature."

(*The Dean of the Arches.*) That had nothing to do with the statute.

(*Mr. James.*) No; that was as to the last part.

(*The Dean of the Arches.*) The case of *Francis* v. *Steward* is not a case of statutory offence, if I remember rightly, because it proceeded against the churchwardens for obstructing the making of a church rate.

(*Mr. James.*) For wilfully and contumaciously obstructing and——

(*The Dean of the Arches.*) There was a discrepancy, was there not, between the citation and the articles in that case?

(*Mr. James.*) No, I think not. I think I am quite right in giving it merely upon the citation. One of the points that was decided there was exactly that which your Lordship relieved me from pursuing. Your Lordship referred there to what had been determined in that case of *Breeks* v. *Woolfry*. It was said the right time would be before the articles were framed, because in fact if the citation does not mention the offence, it never can be cured by any subsequent proceedings.

(*The Dean of the Arches.*) What was the ground of prohibition in that case?

(*Mr. James.*) That the words "wilfully and maliciously obstructing" do not amount to a sufficient statement; that is to say, that all the facts ought to have been alleged, showing that the legal offence was constituted. I think it is very important, and perhaps I had better read it.

(*Mr. Prideaux.*) I have another copy of the book, which I will hand to your Lordship if you will look at it.

(*The Dean of the Arches.*) Was it a declaration of prohibition?

(*Mr. James.*) A declaration of prohibition, my Lord. It is in page 995. Lord Denman gives the judgment of the Court:—"No question was made " whether a citation must not contain the charge of " an ecclesiastical offence. In the ancient constitu- " tions a remedy is applied to many abuses of process " by citing persons out of the jurisdiction wherein " they reside, and finally the Act of Henry VIII. " (commonly called the Bill of Citations) was passed " to prevent this great and frequent oppression, " whereby persons often found themselves excom- " municated and ruined without notice of the pro- " ceedings against them. But it is constantly as- " sumed that they set forth on the face of them a " spiritual offence. Many such offences were well " known by their proper descriptions; heresy, incon- " tinence, brawling, subtraction of the various kinds " of ecclesiastical dues, &c. It was not urged that " there can be no offence where the acts charged are " incapable of technical designation, but that, if the " offence consist of special circumstances, these should " appear on the citation; not unlike the proceedings " of our own courts, where writs were provided in " common form for known causes of action, but an " action on the case might be founded on special facts, " converting what might have been innocent in itself " into an injury to the party complaining, and a writ " was framed for the occasion. The Solicitor General " maintained that the words of charge which I have " just read from the citation impute a spiritual offence. " Not denying the right of every parishioner to refuse " to make or join or concur in making a church " rate, nor even the right to vote against the im- " position of a rate, he still urged that to do either " 'wilfully or contumaciously,' is a spiritual offence, " and that the wilfulness and mode of refusing, and " the accompanying acts, inferring that contumacy " which thus became the essence of it, need not be " farther particularised in the citation, but may be

" introduced for the first time to the knowledge of the " accused as evidence in support of the charge. In " the proceedings of any court, where an accusation " is preferred, the minimum of allegation is the max- " imum required in proof." I shall ask your Lordship's attention to that, " The minimum of allegation " is the maximum required in proof: the prosecutor " in several counts (as the charges in the præsertim " are called by learned ecclesiastical Judges) must be " entitled to succeed if he establish any one of them, " and, consequently, if this citation is good, the pre- " sent plaintiff will incur spiritual censures, though " convicted of no other fact than that of a refusal to " join in making a church rate. We are by no means " satisfied that the refusal to join in making a church " rate can be an offence in a parishioner," and so on. Then it goes on in the next page:—" But, farther, " the sufficiency of this charge in its more cogent " terms, that the plaintiff wilfully obstructed the " making of a church rate, may well be questioned. " It might be the duty of a parishioner wilfully to " obstruct it. A parish meeting being convened to " consider of granting such a rate, (though even that " is not stated in the present citation), the parishioners " go to the meeting to take part in its deliberations " and exercise their judgment on the question raised. " Must they not exercise it with freedom?" Then he deals with that. " There is an answer indeed " to this and every other objection, which sweeps " them all away. The acts of the plaintiff denounced " in the citation are therein alleged to have been both " wilfully and contumaciously done. Now the first " of these two words adds nothing to the charge of " refusing; all refusal is wilful. It may be doubtless " a word of great force when connected with acts of " obstruction, for these may be unconsciously done by " a person ignorant of their tendency, and can never " be criminal without the knowledge of it. Can then " a wilful refusal, possibly an act of duty and per- " fectly innocent, be transmuted, by the mere addition " of a reproachful term, into a crime? It conveys no " idea to the hearer's mind but that the speaker dis- " approves or resents the conduct to which he applies " it; he may perhaps deem that conduct in itself con- " tumacious, or may consider it as deserving the " epithet from other facts antecedent or contempo- " raneous. Can anything be more easy than to " describe these facts, or more dangerous than to treat " another as a criminal, without informing him how " he is supposed to have become so? Our own forms " of indictment and declaration have been constantly " held defective, where, the facts averred falling " short of the legal definition, an attempt has been " made to eke it out by adverbs, either vituperative " or commendatory. The courts refuse to infer guilt " from them on the one hand, or a due course of legal " proceeding within lawful jurisdiction on the other. " Nor is this strictness imposed by technical rules, it " grows out of the first principles of justice." Now, my Lord, I ask you how is it in this case that the charge is alleged in the original citation? How is it in any way alleged? Where is the allegation, which I say is necessary to constitute the offence? Where is the allegation that Mr. Mackonochie has not said and used (those are the words) the Prayer Book in order and form?

(*The Dean of the Arches.*) That is your objection, that it is not stated in the decree. We will say it is the citation, because the citation takes the form of a decree.

(*Mr. James.*) It is the same thing.

(*The Dean of the Arches.*) It is not stated in the decree that Mr. Mackonochie omitted——what are your words?

(*Mr. James.*) That Mr. Mackonochie did not use and say the Book of Common Prayer in order and form. That is the first provision. That is what I say is the substance of the statute. Then that it does not, following the statute of Elizabeth, which is the only other statute, say that he being the minister there refused to use that form. The words there are " refused to use the common prayer, or " minister the sacraments."

(*The Dean of the Arches.*) I do not know that I catch your objection rightly. As I understand it, it is not that there is a discrepancy between the decree and the articles, but that the decree does not found the jurisdiction of the Court.

(*Mr. James.*) That is what I mean. I am not come to the articles yet; I am now upon the original charge.

(*The Dean of the Arches.*) At present your argument is that the decree or citation does not contain in it a sufficient statement of an ecclesiastical offence.

(*Mr. James.*) Of a statutory offence, which, as I say, is the only offence that can be charged here. That it does not, either in words or substance, follow any sections either of the statute of Charles or of the statute of Elizabeth, which alone constitute the statutory offences. I think your Lordship has caught the proposition which I mean to bring forward.

(*The Dean of the Arches.*) As I understand you, you are not at present on the question whether the articles are bad, because there are material discrepancies between them and the decree; but you are upon the proposition that the decree does not set out, with due particularity, the ecclesiastical offence.

(*Mr. James.*) What I say is this, that if this had been an indictment at Common Law, it would be clearly bad, under this very statute, for this very offence; that there is no distinction between this Court and a Common Law Court in that respect in the certainty with which the statutory offences ought to be alleged; that there is not that certainty that there ought to be.

(*The Dean of the Arches.*) Mr. James, you have applied for a prohibition in this case, have you not?

(*Mr. James.*) Yes, my Lord.

(*The Dean of the Arches.*) Was this matter urged?

(*Mr. James.*) I will tell your Lordship what occurred. Very few words indeed were said upon any part of it; and my Lord Chief Justice Cockburn and Mr. Justice Lush, who were there, said they thought the matter was an ecclesiastical matter, and did not hear those objections which I suggested I was going to take; for they were not argued at all, because their Lordships' opinion was that this Court would be competent to deal with, and would deal with, every objection of the kind.

(*The Dean of the Arches.*) Have you got a *bonâ fide* report that I can look at to see what passed? Have you got the shorthand writers' notes, upon which you can both agree?

(*Mr. Stephens.*) Here is a copy, my Lord, of the short-hand writers' notes (*handing it up*).

(*Mr. James.*) It came to this, that the judge said that it would be for this Court to determine whether it was an ecclesiastical offence or not.

(*Mr. Prideaux.*) That was all.

(*Mr. James.*) Really the matter dropped with that. They thought, of course, that every objection being open, as I submit it is, because I am now contending that your Lordship will deal with it exactly in the same way as a Court of Common Law would deal with it?——

(*Mr. Prideaux.*) That certainly, my Lord, was all that was said. They thought it was for the Court to determine whether it was an ecclesiastical offence or not. The case was not argued, because my friend had such a strong point upon the other ground, and therefore he did not argue it.

(*The Dean of the Arches.*) The case was not argued on the other side at all.

(*Mr. Prideaux.*) Nor was it argued by Mr. James, because he felt so strong on the other ground.

(*The Dean of the Arches.*) All I meant to say was, that the prohibition was granted *ex parte*.

(*Mr. James.*) It was granted *ex parte*. I think the ground probably upon which the prohibition was not resisted, or at all events the ground upon which Mr. Stephens ultimately agreed, was, that if it were a decision by your Lordship's Delegate, that would be a decision which would not be binding upon your

Lordship, and there would still be an appeal to your Lordship, *ex delicto judiciæ*, upon that point.

(*The Dean of the Arches.*) I shall have a word, perhaps, to say upon that point in giving judgment. I will look at what Lord Chief Justice Cockburn says. You say :—"Every word of this charge would "in point of law be made out by showing that he "took it in order to give it to the communicants. "*Lord Chief Justice Cockburn.*—No; because raising "the cup would be necessary to the handing of it to "the persons who are to partake of the wine it "contains; but that is not what I understand is meant, "or indeed what I think is the plain meaning of "the charge. It is not that he elevated it to a sufficient "degree to enable him to hand it to persons to partake of it, but that he elevated it in a manner not "consistent with the old-established form of the "Church of England. Really in substance we know "what it means, that it is a departure from the established form in which the rites of the Church of "England in that respect are administered."

(*Mr. James.*) I think it is due to myself to say that what took place is not to be considered as a decision of any kind, because I did not press the matter. I was going for a prohibition upon the other ground.

(*The Dean of the Arches.*) I agree that it cannot be considered as an argued case ; a case decided *ex parte* cannot be considered as a decision. I do not understand, however, why the application was not made for the prohibition on the ground that the letter of request did not contain an ecclesiastical offence.

(*Mr. James.*) Well, my Lord, the fact is there is not the same jealousy now-a-days that there used to be of this Court, because, if there should be any miscarriage in this Court, or in any other Court, there is an appeal to probably the highest Court in the world. There is not the same jealousy with respect to the jurisdiction of the Ecclesiastical Court as there formerly was.

(*The Dean of the Arches.*) You seem to have taken an objection :—"Our case is this, that it ought to aver "a departure from these things in terms. *Lord* "*Chief Justice Cockburn.*—Surely that depends upon "the procedure of that particular court, and is not "for us. It depends upon what are the forms in "which the charges are made in that court. Suppose that in doing what this reverend gentleman "has done in elevating the cup to a greater degree, "far beyond that which has been practised for many "years in the ministry of the Church of England,—"suppose that in using certain forms of prostration "unknown to the simpler worship of the Church "of England, but which he thinks proper to introduce, "he is in point of fact departing from the directions "of the Book of Common Prayer, and it is an "offence according to the statute and cognisable by "that particular court,—it may be that the form in "which the offence is charged is not regular, such as "could be fairly made the ground of exception; but "that is something to be urged and heard before "the court itself which has jurisdiction, and I think "we ought not to interfere, at all events in the present state of the case."

(*Mr. James.*) I have not got the short-hand writer's notes here, but my memory is quite sufficient on that point. Their Lordships' opinion was this : "We shall not go into those objections; you had "better argue them in the Court which has naturally jurisdiction over the case ;" because, of course I take it any offence alleged against a clergyman in the performance of his clerical duty is a matter for this Court ; that is to say, if a person used language in the pulpit, or in the ministration of the Church, which is improper, that is a matter for the jurisdiction of this Court ; and then what the particular circumstances of the offence are, and what constitutes the offence, is a matter to be dealt with in this Court. And then this Court will consider whether the charge is stated in a manner that it ought to be.

(*The Dean of the Arches.*) You say they did not consider it as being placed on the same footing as an indictment, or otherwise they would have taken cognizance of it.

(*Mr. James.*) They can hardly be said to have considered at all about it; but what they said was in substance this :—"You had better make the "objections to the Court which has cognizance, which "has seisin of the jurisdiction over the case ; then "you will see there what the thing is, and will know "more about the procedure." I do not think it would be fair, even to the judges, or to the case at all, to suppose there was anything said which in the slightest degree amounted to deliberate and considered opinion. It was simply a conversation for a few minutes on the first day of term after we had all met at the Lord Chancellor's.

(*The Dean of the Arches.*) I am quite ready to hear all that you have to urge upon this point.

(*Mr. James.*) I say it does not contain any description of the statutory offence. But let us see what it is that the Promoter does say. That he "elevated "the paten during or after the prayer of consecration "to a greater degree or otherwise than by merely "taking the same into his hands as prescribed by "the Book of Common Prayer, and to a greater "degree than is necessary in order to conform to "the requirements of such book, and by permitting "and sanctioning such elevation, and by taking into "his hands and elevating the cup during and after "the prayer of consecration aforesaid, contrary to the "said book, and by permitting and sanctioning such "taking and elevating, and by bowing, kneeling, "or prostrating"—*or*, in the disjunctive—"before "the sacred elements"—mark the next words—"during or after the prayer of consecration." Of course as against the pleader one is entitled to take any one of these alternatives.

(*The Dean of the Arches.*) Then you are reading the citation now ?

(*Mr. James.*) Yes. "Kneeling or prostrating himself "before the sacred elements during or after the prayer "of consecration." Now it is quite consistent with that that he knelt after the prayer of consecration in the act of communicating himself. Of course, the *minimum* of allegation is the *maximum* of proof, according to the decision of this case, Grant *v.* Francis. Therefore, to sustain this charge as made here, all the evidence that would be required in regard to that part of it, is that he knelt in communicating after the prayer of consecration. Then, my Lord, going back now, "By elevating the cup during or "after the prayer of consecration aforesaid, contrary "to the Book of Common Prayer." Where is there anything in the Common Prayer about elevating the cup—elevating it contrary to the Book ; the Book has said nothing about elevating. The allegation is, elevating the cup contrary to the Book of Common Prayer, and permitting and sanctioning such taking and elevating. Now, my Lord, is it possible to say that any offence whatever in any Court is created by permitting and sanctioning ? What is meant by permitting and sanctioning ? There is no statutory offence in that, it ought to say that it was done by his direction. A person may be doing it by himself, or he may be doing it by another, but how is permitting and sanctioning ever to be made an offence ? You must show how he could have prevented it. What idea does the law apply to permitting and sanctioning ? Is it any offence to permit and sanction ?

(*The Dean of the Arches.*) Suppose an incumbent of a church, being present, allows another minister to do something which is contrary to the laws and ceremonies of the Church of England, is not that an ecclesiastical offence ?

(*Mr. James.*) It is, "by permitting and sanctioning "such elevation." "By taking into his hands and "elevating the cup, and by permitting and sanctioning "such taking and elevating." Of course there is always the remedy. If another minister does it, he himself would be liable.

(*The Dean of the Arches.*) No doubt ; but is not the incumbent himself who permits directly or in-

directly a violation of the Ecclesiastical Law to take place in his own church liable ?

(*Mr. James.*) I find nothing about that. Of course it would be the two together. It ought to be charged in a manner to show that he was an abettor or party to it. But where is the offence ? " It is elevating " the cup contrary to the Book of Common Prayer." What is meant by that ? The Book of Common Prayer does not say you are not to elevate it. I shall come to that presently when I come more into details as to facts; but the Book of Common Prayer does not say you are not to elevate it. What is said in the first one is that he has elevated the paten in the greater degree than otherwise, than by merely taking the same into his hands as prescribed by the Book of Common Prayer.

(*The Dean of the Arches.*) It is a general charge of offending against the laws ecclesiastical ; not merely against the Act of Uniformity, but all the laws ecclesiastical.

(*Mr. James.*) But I say, my Lord, that there is no law ecclesiastical which touches it, except the statute law.

(*The Dean of the Arches.*) Well, but are you clear of that ?

(*Mr. James.*) I venture to make the proposition that none of these things are offences at common law; that is to say, they are offences only created by the statute ; and this Act of Uniformity is, as I understand, it put by my friend——

(*The Dean of the Arches.*) The Twenty-eighth Article says, " The Sacrament of the Lord's Supper " was not by Christ's ordinance reserved, carried " about, lifted up, or worshipped."

(*Mr. James.*) I will come to that, my Lord, later. I am now dealing with the charge.

Then, my Lord, the next is, by " using lighted can- " dles on the Communion table during the celebration " of the Holy Communion, at the time when such " lighted candles were not wanted for the purpose " of giving light, and permitting and sanctioning " such use of lighted candles." Now, assume for this purpose, that some use of lighted candles might be illegal, but where is there anything here which makes out any offence at all by " using lighted candles " at times when lighted candles were not wanted for " the purpose of giving light."

(*The Dean of the Arches.*) Assume, for the sake of argument, that it is the law of the Church of England, that it is unlawful to use candles on the altar or altar table, except when they are wanted for the purpose of giving light ; would it not be an offence if they had been used thereupon ?

(*Mr. James.*) Just consider what would be the proof required to make out this charge. The proof required to make out this charge might be this :—The candles might have been lighted entirely with another object. It might be a mere question of fact as to the greater or less degree of fog, or a greater or less degree of daylight, at the time when such lighted candles were used. You say that lighted candles were not wanted ; that is to say, they might have been lighted not for the purpose of giving light. It is not alleged here that there was any *intuitus* or object for which they were lighted ; that they were lighted for a ceremonial purpose, or for any symbolical purpose, or that they were lighted for anything whatever. It is the mere fact, which might be the most innocent thing in the world, that there were lighted candles *de facto* on the Communion table at the time when there was sufficient light to do without them.

(*The Dean of the Arches.*) You have pleaded that the candles were so lighted, not during the celebration of the Communion Service only, but also during the whole of the Pre-Communion Service.

(*Mr. James.*) I am coming to that, my Lord.

(*The Dean of the Arches.*) There is no dispute as to the facts.

(*Mr. James.*) No, my Lord, there is no dispute as to the facts. I am speaking as to the sufficiency of the charges. Supposing we demurred to this before putting in any plea at all, and say there is no sufficient charge there at all. And the same thing is true with regard to the incense, and to permitting and sanctioning such usage, and mixing the water with the wine used in the celebration of the Holy Communion.

(*The Dean of the Arches.*) Do you say that is not a sufficient allegation ?

(*Mr. James.*) I do not know about that ; that might be sufficient, perhaps, but I say the others are not sufficiently alleged.

(*The Dean of the Arches.*) Because that is the whole question.

(*Mr. James.*) The others, I say, are not sufficiently alleged. Now, my Lord, I will proceed to deal with the mode in which these charges have been dealt with in the articles.

(*The Dean of the Arches.*) As I understand, your argument compressed into a sentence would be this, that none of the charges are sufficiently alleged except that which relates to the wine and water.

(*Mr. James.*) Precisely, except the wine and water. Now, my Lord, I will take the charge with respect to gestures and postures.

(*The Dean of the Arches.*) What article are you reading it from ?

(*Mr. James.*) The third article, my Lord. I have to draw your Lordship's attention to this : that the third article is an entire departure, as it seems to me, from the original charge to the same effect ; that is to say, that in the sense in which I put it, they have entirely altered the character and nature of the offence which was charged in the original charge.

(*The Dean of the Arches.*) You say that it alters the offence contained in the decree ?

(*Mr. James.*) Yes, my Lord.

(*The Dean of the Arches.*) Now, Mr. James, show me how this is so ? This was discussed, I know, before my predecessor.

(*Mr. James.*) Yes ; the amendment was made afterwards, my Lord.

(*The Dean of the Arches.*) I observe that the objection was taken before my predecessor in office, and it was overruled by him. Afterwards amendment took place, and the amendments of the articles were admitted without opposition.

(*Mr. James.*) I will tell your Lordship how it was.

(*Mr. Stephens.*) They were, my Lord, admitted without opposition.

(*The Dean of the Arches.*) I have the greatest difficulty in seeing how I am to deal with this part of the case. I know that I myself took some of these objections, which you are now taking, before my predecessor, who overruled them ; and there was no appeal from that ; subsequently the articles were amended, and they were admitted as amended. It really would be quite contrary to the practice of this Court to enter into this now. If you press it I must hold that if that decision of my predecessor was wrong, it should have been appealed against.

(*Mr. James.*) I will not press anything, my Lord ; but I asked leave to appeal, and it was refused.

(*The Dean of the Arches.*) Then I beg your pardon, I remember it was refused. But under the Church Discipline Act, without the consent of the Judge there can be no appeal, and therefore it is evident that my predecessor thought it so clear that he would not allow the appeal to take place on that point. I really must tell you fairly, I think that question is closed against me. I do not think it is now competent to me to make any decision upon the question which you are now pressing upon me, namely, that the articles are at variance with the decree, after the history of the proceedings before me which I have in this case, and with the knowledge that the objection has already been taken and overruled.

(*Mr. James.*) My Lord, of course I submit at once to your Lordship's ruling upon that point.

(*The Dean of the Arches.*) I may be wrong, but you have a remedy upon that as upon any other wrong

ruling. If you like to have a minute to that effect you may.

(*Mr. James.*) If your Lordship pleases.

(*The Dean of the Arches.*) That I refuse to hear the argument on this point, considering myself precluded by the decision of my predecessor, unless counsel on the other side wish to have it argued.

(*Mr. Stephens.*) Certainly not. I only think it right to say that after the hearing before your Lordship's predecessor some amendments were made, but they were made by the consent of both parties, and therefore the articles were consented to.

(*The Dean of the Arches.*) That appears on the minutes.

(*Mr. Stephens.*) It does, my Lord; therefore the articles were consented to, as they now stand, by both parties.

(*The Dean of the Arches.*) So I consider it, Mr. Stephens. If I am wrong, I must take the effect of being wrong.

(*Mr. James.*) I only ask your Lordship for that minute. Of course the shorthand writer will take the minute if necessary.

(*The Dean of the Arches.*) I will have it properly drawn up, and you can both of you see it.

(*Mr. James.*) That your Lordship declines to go into any question of that sort. Of course that leaves open the question of the sufficiency of the articles themselves, because of course no question was argued, and there was no decision as to whether the thing itself constituted an offence within the law. I proceed, therefore, to take that part of my argument. I am dealing with what is called the elevation, and the prostration or kneeling. My Lord, upon that it seems to me that the whole of this charge with the intent must be taken together; it is all one charge, and I think it must have been intended to insinuate there was something in the nature of an adoration of consecrated elements.

(*The Dean of the Arches.*) Well now, Mr. James, I must say that I do not consider, as I told Mr. Stephens, that there is any charge of adoration of the elements, and I am not going to try that question on these articles. I think, if it was intended, it should have been a specific charge. I told Mr. Stephens so in the course of his argument.

(*Mr. James.*) That is precisely what I was going to say. Then there being no charge now of adoration, the question is where is there any offence in the mere elevating the cup, or the mere elevating the paten, there being no intuitus, no intention charged, nothing said about it in this way. It is not said, of course it could not have been said, this was elevated for the purpose of being worshipped by the crowd of worshippers, or that this was elevated in the sense in which the elevation of the host now takes place in a Roman Catholic church, where the elevation of the host is expressly done for the purpose of being adored by the priest, because it is in the Roman missal so commanded. The priest shall adore the elements, and then they are exhibited for the purpose of adoration by the surrounding crowd of worshippers. Now, apart from that, if there be no adoration, and no charge of their being intended to be adored, where is there anything whatever which makes this an offence? Because you must take it into your hand; there is no degree mentioned; you are to take the paten into your hand, you are to take the cup into your hand. In doing that, is this Court to say, "Well, now, you "did it an inch too much, or a foot too much?" The way to test it is, what would be the language of the monition which the Court would hold.

(*The Dean of the Arches.*) The charge is elevating it above his head.

(*Mr. James.*) The charge in the amended article is, elevating it above his head. I have a word to say upon that on another part of the case. But why above the head? Where is there any offence in that, unless it is said to be for the purpose of adoration, or unless it is put with some object, or some motive, or something which could be alleged to be done in violation of the laws of the Church? May it not be done quite innocently? Is there anything which says there is to be nothing in the nature of an oblation which is expressed in the Scotch book? There is nothing whatever which says that. And now, my Lord, this appears to me to be most conclusive with regard to the elevation. In the first Prayer Book of Edward VI., in the communion service, there are the words, "Without any elevation or showing the same." I think those are the words. I do not know whether your Lordship has found them.

(*The Dean of the Arches.*) "Then the priest, "turning him to the altar, shall say or sing plainly "the following prayers." "These words before "rehearsed are to be said, turning still to the altar, "without any elevation or showing of the sacrament "to the people."

(*Mr. James.*) There being in the first Prayer Book a positive direction on this subject, it has been removed. In the second Prayer Book there were no manual acts at all.

(*The Dean of the Arches.*) You say that this prohibition is omitted?

(*Mr. James.*) It is omitted. Of course the framers of the existing book of Common Prayer must have had the existing liturgies before them. There was the one of Elizabeth, and the two of Edward VI. They preferred in substance the first of Edward VI., containing the manual acts. I may say, indeed, that they preferred the sacramental character of the first Prayer Book of Edward VI., which is preserved in our Common Prayer Book; but these words, "without "any elevation or showing of the sacrament to the "people" are left out. And I think it has always been considered in these cases,—certainly in matters of doctrine it has been considered in very important cases indeed,—that the omission of something which was contained in a former book or a former liturgy does intimate the opinion of the framers of the subsequent book that that matter is left open.

(*The Dean of the Arches.*) It has been very much argued that the omission of the order for mixing the water with the wine being left out has the effect——

(*Mr. James.*) One is the omission of a prohibition, the other is the omission of a direction.

(*The Dean of the Arches.*) What I was saying, as far as it went, was rather in support of your argument.

(*Mr. James.*) Of course your Lordship is well aware of the very important cases in which the omission of an article has been considered. There was the case of the *Essays and Reviews*, in which the omission of an article upon a very important doctrine indeed was considered by the Privy Council to indicate the view of the framers of that article, that that question was left open. I say that what was done here has the same effect. It could not have been left out unintentionally. It was left out, I should say, for a good reason; for it was utterly impossible to comply with the requirements of the existing Prayer Book without some elevation, or some showing to the people. In fact, the very character of the communion in our Reformed Church requires that everything shall be done publicly and openly before the people, as distinguished from the secrecy with which the sacrifice was done according to the Roman Catholic missal. I refer, in proof of that, to the direction that the priest is to take the paten into his hand and to break the bread, and he is before directed to place it in such a way that he may break it before the people. Now, how is it possible that he could break it before the people unless he took it in his hands in such a way as to show it to the people. The people must see and hear everything that he does, because, according to the character of our services, the people are participants in everything that is done. The priest himself, beside filling his priestly office, is only a co-communicant with the others who are there; that being, in truth, one of the main distinctions between our service and the Roman service; that is, in the Roman service the priest may himself alone perform all the acts, and alone avail him-

self of the—I can hardly use the word "communion," although it certainly would be communion between himself and the Body and Blood of our Blessed Saviour. But what the priest does alone for the people in the Roman service, here the priest is to do for and with the people, that is to say, they are to be co-communicants; and in order that that may be done, everything is to be done openly in such a way that the bread may be broken, and that the cup may be elevated, and that everything may be done, in the sight of the people. Therefore, I say it is not merely an accidental and casual omission, but an omission based upon very good reason, having regard to the nature of the directions given in the existing Communion service. But, my Lord, I am aware that the 28th article, I think it is, is expressed and referred to as in some way affecting this question. Now, my Lord, my first answer to that is, that we really are not here upon any question of doctrine at all; we are upon a question of formal ritual; that the Articles are Articles of Religion; and if it was meant and intended to charge any heresy or any violation of that article upon the defendant, the same rule ought to be applied as was applied with regard to adoration, that is, it ought to be expressly charged. But, my Lord, what is the real meaning of that article?

(*The Dean of the Arches.*) Look at the last paragraph.

(*Mr. James.*) In the last sentence all that it says, "The sacrament of the Lord's Supper was not by "Christ's ordinance reserved, carried about, lifted up, "or worshipped." That is, "By Christ's ordinance it was not reserved," &c. Nobody pretends or suggests that there was in the institution of the Lord's Supper any ordinance on that subject, any more than any ordinance touching kneeling or other matters. It is said, it is not commanded by our Lord that it should be reserved, carried about, lifted up or worshipped, and therefore that that is not obligatory, because, if it were by Christ's ordinance reserved, carried about, lifted up, or worshipped, then, of course, it would not be free to anybody not so to deal with the sacrament. But this does not touch the manual act of elevation or showing to the people. But, in truth, I think, my Lord, if your Lordship looks at the whole, that, putting the same construction upon that section that you would put upon the commandment against idolatry, the substance of it all is, that it is not to be worshipped. It is not to be reserved, carried about, lifted up, or worshipped; that is to say, it is not to be carried about or lifted up for the purpose of worship; using the same language that is used in the commandment, "Thou shalt not make any graven image," which is not supposed to prevent the making of works of sculpture, but to mean, thou shalt not make any graven image to bow down to it or worship it. So here the intention was to prevent the Roman Catholic practice of reserving, carrying about, lifting up, and worshipping.

(*The Dean of the Arches.*) It is not "lifted up and worshipped;" it is "lifted up or worshipped;" it is disjunctive.

(*Mr. James.*) There is the same disjunctive form in the commandment. You must construe it, I say, according to the intent of the whole. The previous part is, "Transubstantiation (or the change of the "substance of bread and wine) in the Supper of the "Lord cannot be proved by Holy Writ, but is re-"pugnant to the plain words of Scripture, over-"throweth the nature of a sacrament, and hath "given occasion to many superstitions. The body "of Christ is given, taken, and eaten in the supper "only after an heavenly and spiritual manner." Then it avers, as a matter of doctrine, which Mr. Mackonochie is not charged in any way with having impugned, that the sacrament of the Lord's Supper was not by the ordinance of our Lord, as we all know it was not, "reserved, carried about, lifted up, or "worshipped."

My Lord, I pass now to the other part of the same charge, the kneeling or prostrating.

(*The Dean of the Arches.*) Before you pass away to that, have you anything to say upon your own plea, that it has been discontinued?

(*Mr. James.*) I beg your Lordship's pardon, and am very much obliged to your Lordship for reminding me of what I had overlooked. I promised your Lordship to come to that. That appears to me a very material thing indeed. What we say in respect of that is this,—that we discontinued that before the suit.

(*The Dean of the Arches.*) Ever since the 30th of December is your plea; what you add is, "and long prior to the institution of the suit."

(*Mr. James.*) Quite so, and we state the reasons. We were advised that that excessive lifting up, if I may use the term, above the head, was not right, and that we discontinued it to the knowledge of the promoter of this suit before the suit was commenced.

(*The Dean of the Arches.*) "Such elevation of the "paten and cup has been wholly discontinued by the "said Alexander Heriot Mackonochie during the "administration of the Holy Communion, ever since "the said 30th day of December 1866, and long prior "to the institution of this suit. That such practice "was discontinued in consequence of legal advice, "and in compliance with the expressed wish of the "Lord Bishop of the diocese of London, and with a "resolution of Convocation, as was well known to "the promoter of this suit."

(*Mr. James.*) That is our plea. And is this, my Lord, a thing which ought to have been the subject of a suit? Of course, the article is admitted; that was before this plea was put in. But now, I think, I may fairly draw your Lordship's attention to this: that now there is a difference between the article and the original charge, which raises a very grave question of this kind. You see, a thing was discontinued, a particular mode of doing it was discontinued, in obedience to the wish of the Lord Bishop, and the Lord Bishop has not thought it right to make that any part of the charge which he has sent to this Court to be tried. Yet is a person to be admonished for that which he had discontinued before the suit was instituted, to the knowledge of the prosecutor, that being a mode which the Bishop was satisfied with, because it was discontinued in obedience to his wish?

(*The Dean of the Arches.*) The prosecution say it is discontinued under protest, which intimates the possibility of its being resumed.

(*Mr. James.*) There is nothing of that kind here. He says he discontinued it in obedience to that wish. It might be resumed if there were any change in the law. He says, I did not suppose it was wrong, and I do not suppose it is wrong now, but there being this opinion expressed by Convocation, I think it was.

(*The Dean of the Arches.*) By the Bishop, by Convocation, and by a legal opinion.

(*Mr. James.*) He says: "There being all these "opinions given against me I have at once submitted, "and I announced to my congregation, in a paper "which the prosecutor himself has thought fit to annex "to the articles, I announced to all the world, and to "my congregation particularly, that I have discon-"tinued it,"—using this expression which Mr. Coleridge founded himself upon, that the oblation prescribed by the present Prayer Book is sufficient. Mr. Coleridge suggested that the use of that word "oblation" in that passage, itself indicates an intention to violate the law. I say it is not so. Mr. Mackonochie says, I am doing exactly what the Prayer Book prescribes, because in my judgment that is an oblation which ought to be made. Surely that is a matter upon which every minister of the Church is at liberty to form his own private judgment, as to whether the manual acts prescribed in the Prayer Book do or do not amount to an oblation. This is really what it comes to. He says: "All I meant before was to make a significant oblation, "in the presence of the people, of the creatures of "bread and wine that were now in some sense or other "—I will not stop to consider in what sense—to be

" the Body and Blood of our Lord ; and that these " were *oblata*, presented, offered up to the heavenly " presence in the sacrament." He says, I consider that that is what is meant by what is described and prescribed in and by the Communion service ; that will be sufficient for all purposes ; it will satisfy my devotional feelings ; it ought to satisfy the devotional feelings of you, my congregation. Can there be anything more innocent or more proper than that ? Where is there any offence in a clergyman saying, I do that by way of oblation ? Surely it would be a very strong thing to say that a clergyman may not entertain that opinion, may not entertain that idea, may not tell his parishioners that it is right and proper that the bread and wine should be considered as offered to our Lord or offered to the Divine Being Triune, in the administration of the sacrament. I cannot think it possible that any offence could be conceived to be created by such an oblation. He says, " That is all I " mean to do ; that is sufficient to explain it. As " I understand it, the objection has been taken to the " excessive elevating or the excessive lifting up as " being likely to be confounded with purposes of ado- " ration ;—which it never was ; I therefore discon- " tinued it, in order to prevent that misconception, the " other being sufficient to do, and all that I ever meant " to do." My Lord, if that is so, where is the offence ? Where is there any offence whatever ? " I really " have not meant any more than I believe to be signi- " fied by the words of the Prayer Book itself." I think, my Lord, that is all I have to say upon that point, which your Lordship was kind enough to remind me of.

(*The Dean of the Arches.*) I drew the attention of counsel on the other side to it, and therefore I thought it right to draw your attention to it also.

(*Mr. James.*) It was *per incuriam* that I omitted it from my argument before.

Now, my Lord, the next thing is as to the kneeling, or prostrating as it is called. Some observations were made upon the mode in which this responsive plea, as it is called, was filed. My friend says, " I do not know " what is meant by saying, you did not kneel before " the elements." There is no evidence that he did. Of course it was difficult to deal with a charge which appeared to insinuate, but did not directly allege the adoration ; and therefore Mr. Mackonochie in his plea says, " I did not kneel or prostrate myself before the consecrated elements ;" of course drawing the distinction, for the purpose of excluding the possible conclusion that, under the terms " kneeling before," was meant " kneeling to," which in truth I was obliged to correct one of my learned friends in, when he slipped it out in the course of his argument ; " kneeling to " being obviously an act of adoration, and " kneeling before," strictly speaking only indicating the relative position of the person and the object. You may kneel before a chair, or a *prie Dieu*, or anything of that sort. Then what is it said that he did ? It is said that he knelt. I do not think that your Lordship will think that is carried further by the evidence of Mr. Malim, because he, in answer to your Lordship's question what he meant by prostrating—for that is a strong term, and would really mean that he threw himself flat on the ground—says this. You ask him " When you use the term ' prostrate,' do you mean " kneel ? You used the expression ' kneel ' ; is that " what you mean ?—Yes."

(*The Dean of the Arches.*) As I understood his evidence, he was behind all the time, and could not exactly see the position of the body, but he thought there was an unusual bending of the body.

(*Mr. James.*) It comes to this : he was already kneeling, and he bowed his head. I do not know where you are to draw the line.

(*The Dean of the Arches.*) The argument is that he ought not to be kneeling at all at that time.

(*Mr. James.*) Now, my Lord, with regard to that, I want to draw your Lordship's attention to this : why is it illegal for the priest to express by kneeling the same reverence which every communicant expresses by kneeling ? The law is precise upon that point. I remind your Lordship of the Declaration upon the kneeling : " Whereas it is ordained in this office for " the administration of the Lord's Supper that the " communicants shall receive the same kneeling " (which order is well meant for a signification of " our humble and grateful acknowledgments of the " benefits of Christ therein given to all worthy re- " ceivers, and for the avoiding of such profanation " and disorder in the Holy Communion as might " otherwise ensue), yet, lest the same kneeling should " by any persons, either out of ignorance and infirmity, " or out of malice and obstinacy, be misconstrued and " depraved, it is hereby declared, that hereby no " adoration is intended or ought to be done either " unto the sacramental bread or wine there bodily " received, or unto any corporal presence of Christ's " natural flesh and blood."

(*The Dean of the Arches.*) The word " corporal " there being substituted for the word " real " in the old Prayer Book.

(*Mr. James.*) Yes, a very striking alteration ; that substitution being again very significant. And, following the same train of reasoning which I applied before, the substituting for the word " real " the word " corporal," I say it was for the purpose of making it clear that you may recognize there the real presence of Christ's Flesh and Blood. Then why is not the clergyman, the minister, the priest, why is he not to signify by kneeling the same humble and grateful acknowledgment of the benefits of Christ therein given to all worthy receivers as any other person ? In truth, my Lord, I cannot understand what is the objection, setting apart altogether any insinuating of a charge of the adoration of the elements. Why is it that the priest is not to kneel? because you know one might consider it objectionable, in the view that my friends have taken of the matter, that the priest should hold himself out in his priestly character as something totally distinct from and superior to the people ; I could understand their saying that it is a priestly act, and it is an assumption on your part that you do not kneel when the rest do kneel, that you stand because you are the sacrificing priest when all the rest are kneeling around you. That one could understand to be an objection taken by those who object to the peculiar sacerdotal character which is supposed to be claimed by some of the persons who take the same view as Mr. Mackonochie. Then I say that surely he may without offence kneel when the rest kneel.

(*The Dean of the Arches.*) Of course you do not dispute that the exact words of the rubric are, " when the priest standing before the table " hath so ordered the bread and wine, and so on, " he shall say the prayer of consecration as followeth."

(*Mr. James.*) Standing there means, I think, while he is arranging the bread and wine.

(*The Dean of the Arches.*) I want to hear your argument about that. In the rubric before, about pronouncing absolution it is, " Then shall the priest (or the bishop being present) stand up, and turning himself to the people, pronounce this absolution." There he is directly ordered to stand up, although in the next rubric, with relation to the standing, it only is " when the priest, standing before the table ;" whilst before that, in the prayer before that, it is, " Then shall the priest, kneeling down at the Lord's " table, say, in the name of all them that shall receive " the communion, this prayer following." The next rubric to that is, " When the priest standing before the table," which of course implies that he has risen from his knees at that time, and is then standing before the table.

(*Mr. James.*) He must have done that, although there is no direction for it.

(*The Dean of the Arches.*) Of course it is open to the argument that the word " standing " there is merely descriptive of his attitude in arranging the bread and wine.

(*Mr. James.*) I was coming to that. " When the

" priest, standing before the table, hath so ordered " the bread and wine,"—or " when the priest hath, " standing before the table, so ordered the bread " and wine," if I may read it in that way,—" that " he may with the more readiness and decency " break the bread before the people, and take the cup " into his hands, he shall say the prayer of consecra- " tion." Now, of course the Court would not be astute to say that there was a violation of the rubric in a matter in which it did not find any ground whatever for imputing any offence that can be conceived—and I submit that it is impossible to conceive any offence occasioned—by kneeling during the prayer.

(*The Dean of the Arches.*) One thing is quite clear, that he must kneel before he receives the Holy Communion, and there is no instruction for his rising.

(*Mr. James.*) Was he to do that standing ? There is no direction what he is to do afterwards.

(*The Dean of the Arches.*) Then you know there is the rubric which would seem to imply that he was standing. He is to lay his hand upon all the bread, and upon every vessel containing the wine, and so on.

(*Mr. James.*) Just consider this, my Lord. Supposing you consider this as the same thing as bending the knee at the name of our Lord. At the name of our Lord, by the canon, everybody is ordered to bend the knee. Is there anything objectionable in bending the knee, or in doing due reverence when the consecration has made the elements in some sense (I will not discuss the theological question as to what sense)—but when the consecration has, beyond all question, in the view of every member of the Anglo-Catholic Church, made the consecrated elements something very different from the natural bread and wine which they were before. Therefore, he says, I now kneel to pay that reverence to that Real Presence,—I will not say subjective or objective, or in what sense, or how it is the Real Presence, but that it is the Real Presence is the belief of all of us; and then he says, I kneel in devout acknowledgment of that, and of the benefits which I have received through this great mystery. Surely, my Lord, it would be a sad thing for the Church of England, or for any Christian church, if it were to pronounce that such an act as that is a violation of a Christian minister's duty.

(*The Dean of the Arches.*) The congregation are kneeling at the time.

(*Mr. James.*) The congregation are kneeling at the time, and I would just ask your Lordship to say is it wrong for him to express the same reverence ?

(*The Dean of the Arches.*) I think the argument is not that it is wrong in the abstract, but that there is a rubrical direction the other way.

(*Mr. James.*) I say the rubrical direction is not there, and that a thing which is so clearly not wrong in itself is not to be made, by a strained or exaggerated interpretation of a rubrical direction, wrong formally. Therefore I say that it is open to him to say by his attitude that which is said in the hymns, which are I believe more universally circulated than any hymns in the Christian church, at least in the Anglo Catholic church,—" Hymns Ancient and Modern,"—in which every one of us is allowed to say,

> " Therefore we, before Him bending,
> This great sacrament revere."

And then in another we are allowed to say,

> " Thee we adore, O hidden Saviour, Thee,
> Who in thy sacrament dost deign to be.
> Both flesh and spirit at thy presence fail,
> Yet here thy presence we devoutly hail."

That, I believe, is sung in every church or may be sung in every church in the kingdom, with the entire approbation, I should think, of every Bishop in the Church; and it is certainly sold and circulated under the authority of the Society for the Promotion of Christian Knowledge, without there being the slightest notion that there is anything wrong.

But, my Lord, it does not even stand there. With regard to that, I think I have shown you many reasons why this kneeling is not bad. But it is very curious that there should be in the first Prayer Book of Edward VI. this note, which seems to me to go to the root not only of that but of every part of the case : " There are certain notes " at page 397——

(*The Dean of the Arches.*) Where are you reading ?

(*Mr. James.*) Almost at the end of the ceremonies. " There are certain notes for the more plain expli- " cation and decent ministration of things contained " in this book."

(*The Dean of the Arches.*) At the end of the first Prayer Book, is it ?

(*Mr. James.*) At the end of the first Prayer Book. The third of these notes is, " As touching kneeling, " crossing, holding up of hands, knocking upon the " breast, and other gestures, they may be used or left " as every man's devotion serveth, without blame.' Now, my Lord, that is not a rubrical direction; it is " A note for the more plain explication and decent " ministration of things contained in this book." Now, this book was sanctioned by an Act of Uniformity of exactly the same kind as the present, and is open to all the criticism which my friend uses, that nothing is to be done except what is set out there, and that everything not expressly permitted is absolutely forbidden. But now, by way of comment upon that, by way of explication of what the meaning is, they say, " We have prescribed for you a form and order of prayer; we have prescribed for you a form and order of the administration of the sacraments; we have prescribed for you a form and order for the celebration of other rites and ceremonies; but in order that there may be no misunderstanding upon it, we do not by that mean that that has anything to do with gestures. As to kneeling, as to crossing, as to holding up of the hands, as to knocking upon the breast, and other gestures, they may be used or left as every man's devotion serveth, without blame." Now, I say that that note continues applicable to every one of the subsequent Prayer Books, which are *in pari materia;* because it is not an exception from that Prayer Book; it is not in the nature of a rubrical provision; it is an authoritative comment by the framers of that book itself to this effect; that form, and order, and manner (the words were used as to that Prayer Book), had nothing whatever to do with postures and gestures. And if it had nothing to do with them, if postures and gestures were not hit at, and not affected by the first Prayer Book, how and in what way are they affected by the subsequent ones ? And does not that throw great light upon the proposition of my friends, that everything not expressly permitted is prohibited?

(*The Dean of the Arches.*) The argument, as I understand it, was, everything not expressly permitted, or not necessarily subsidiary to something which is permitted. That, I think, is Mr. Stephens's argument.

(*Mr. Stephens.*) Yes, my Lord.

(*Mr. James.*) Necessarily subsidiary ! I venture to say, these postures and gestures are not permitted by the book. This is a note. They are not necessarily subsidiary to anything; and the comment is this, " We do not touch them, we leave them to every " man's devotion."

Now, upon that, let me ask your Lordship's attention for a little to the construction of the Act of Uniformity.

(*The Dean of the Arches.*) Perhaps you would like to retire now for a short time.

(Adjourned for a short time.)

(*Mr. James.*) My Lord, I was proceeding to ask your Lordship's attention to what I think material to consider, namely, what is the meaning of the words " rite " and " ceremony," as used in the Acts of Uniformity. Now, I apprehend, if you look carefully through the whole of the Acts, it will be quite clear that the word " ceremony " in those Acts does not mean a ceremonial act, but that it is a rite or ceremony

—something in the nature of but less solemn than the sacrament; and the title of the book itself strongly shows that. It is the "Book of Common "Prayer and Administration of the Sacraments and "other Rites and Ceremonies of the Church." That is to say, a rite being, as I understand it, a thing such as the marriage rite, funeral rites; or a ceremony, such as confirmation, visitation of the sick, and various other things which are found in the book of Common Prayer, and that which really forms what is meant by "other rites and ceremonies." Therefore I say where the statute says that you are to sing or say the Common Prayer, and to minister the sacrament and other services in such order and form, and when it goes on to say that you shall not use any other rite, ceremony, order, or form, it means really any other service.

(*The Dean of the Arches.*) Your contention is, then, that ceremony means a service, and a rite means the same thing.

(*Mr. James.*) I say, a ceremony means a service, and a rite means the same thing; and therefore, my Lord, I say, that gestures and postures, and things of that kind, do not mean or come within the term of "rite or ceremony," nor does anything in the nature of an ornament, nor the other things to which I shall have to refer your Lordship.

I have had a note given to me (I am not quite sure whether I can put my hand upon it, but I dare-say somebody will help me if I cannot) of an expression in the Proclamation Act of Edward VI., on 6th February 1548. It was in consequence of some rebellion.

(*The Dean of the Arches.*) That is the year before the Prayer Book?

(*Mr. James.*) Yes. The expression I wanted to refer you to was, "Ceremonies commonly used and "frequented in the Church of England." I see it was cited by my friend Mr. Stephens. "That no "manner of person, of what estate, order, or degree "soever he be, should, of his private mind, will, or "fantasy, do, omit, leave done, change, alter or "innovate any order, rite, or ceremony commonly "used and frequented in the Church of England."

(*The Dean of the Arches.*) How do you understand the word "frequented" there?

(*Mr. James.*) By "frequented" I understand to be implied a service, and I say that all those words necessarily imply a service to which persons resort. It bears out what I said before, that ceremony is a thing in the nature of the sacramental service, but of course very much less high, if I may so speak, in its character; and I say that that also is what is meant in the whole of this Act of Parliament with regard to using or not using any rite or ceremony.

(*The Dean of the Arches.*) And that was the year before the Prayer Book?

(*Mr. James.*) The year before the Prayer Book. Perhaps it is not inconvenient that I should make an observation here, which I must make sooner or later, namely, that really all these Injunctions, the Proclamation, the first Prayer Book, and all these matters, must be considered as contemporary. They were all done during the minority of Edward, and under the rule of the same ecclesiastical persons. I believe Cranmer must be considered as the author of them all; they were all in course of doing at the same time. The Prayer Book must have been prepared long before it was annexed to the Act of Parliament, and the Prayer Book, the Injunctions, and this Proclamation, are all of them, I should say, the product of the same workshop,—coming out, as they may have come out, one a day or two later than the other, but all of them made at the same time, by the same artificers, with the same object, and with the same state of opinion as to the Reformation and as to the Catholic Church. But, passing from that,—I merely put it in as a parenthesis,—I say these Acts do not touch gestures or postures, any more than they touch tones of voice. As I understand the exact meaning of it, it is this: all that is prescribed is, that you should use the very words in the very order and form, and that you should do all the acts prescribed in the form prescribed; that collateral incidents, collateral acts, gestures, postures, and things of that kind, do not come within any of those descriptions; if they are to be complained of, they must be complained of under the second part of the Act, that is, the introducing of a new rite or a new order. If it is not so considered, if my friends are right in their contention that everything which is not expressly authorized is forbidden in the Church, now I ask your Lordship to consider to what an extent the Sovereign and all the Church have been guilty of illegal acts from the time of Elizabeth's Prayer Book to the present time. I mean in respect of these very services. It is a very strong thing to suppose, but just let us look at it in this way —just consider this—where is their authority for the canon of 1604, which directs the Bidding Prayer to be used? You know if the Act of Elizabeth was then in force, and if the Act of Elizabeth was such that nothing whatever could be introduced in any way beyond the limit laid down by my friend, where on earth did the Convocation get its authority to direct the Bidding Prayer; where did it get its authority to direct bending the knee at the name of Jesus; where did the Sovereign ever get authority to direct all the occasional services to be used?

(*The Dean of the Arches.*) Is not that rather to be found in the rubric in the communion service?

(*Mr. James.*) I think not, my Lord.

(*The Dean of the Arches.*) I do not say it is, but it is worth your while to consider that question. I allude to the rubric, which says that nothing is to be done except as commanded by the King or the Ordinary of the place.

(*Mr. James.*) No notice, or brief, or citation is to be given out; I think that is it; I do not think it relates to services.

(*The Dean of the Arches.*) I only mean to say it is worth your while to consider it. I think it is after the Nicene Creed in the communion service. "Then "the curate shall declare unto the people what holy "days or fasting days are in the week following to be "observed. And then also (if occasion be) shall "notice be given of the communion; and briefs, "citations, and excommunications read. And nothing "shall be proclaimed or published in the church, "during the time of divine service, but by the "minister, nor by him anything but what is pre-"scribed by the rules of this Book, or enjoined by the "Queen or by the ordinary of the place." Now what does that point to? It certainly points to this, that something may be prescribed by the Crown and the Ordinary of the place, which is not in the Prayer Book.

(*Mr. James.*) Yes, but it is not a service. It is quite clear it refers to notices, briefs, and citations.

(*The Dean of the Arches.*) I think that which I have referred to has nothing to do with briefs and citations. It is the latter part. You know that difficulty has been removed by Act of Parliament, but what I am referring to is this. "Nothing shall be "proclaimed or published in the church, during the "time of divine service, but by the minister, nor by "him anything but what is prescribed in the rules "of this Book, or enjoined by the Queen, or by the "ordinary of the place."

(*Mr. James.*) My observation on that, I think is conclusive and satisfactory, that "proclaiming" and "publishing," are words utterly inapplicable to the performance of divine service. I am very glad your Lordship has drawn my attention to it, because I think it shows at once how utterly inapplicable those terms are to such a subject matter.

(*The Dean of the Arches.*) Again, what do you say to the prayers for fasting?

(*Mr. James.*) I say they stand in exactly the same position, they are open to exactly the same objection. And the most striking case of all is this: considering this Act of Parliament was passed in the reign of Charles II., if my friend's contention is right, the

service for Charles the Martyr was wholly illegal, and has been illegally used from that time down to its abolition. I hear my friend say, "No doubt." I think I caught that exclamation; and of course it must be so, if his argument is good for anything; everything of this kind must be illegal.

(*Mr. Stephens.*) I was only speaking to my learned friend who is with me.

(*The Dean of the Arches.*) Are you satisfied that the service for Charles the Martyr was not in the book which was appended to the Act of Uniformity?

(*Mr. James.*) I think not, my Lord. It is one of those services which have been lately omitted by order of the Queen.

(*The Dean of the Arches.*) I was only thinking whether it was not appended to the Act of Uniformity.

(*Mr. Stephens.*) As a matter of fact it was not. It is not in the sealed book.

(*Mr. James.*) Nor were any of the occasional services.

(*Mr. Stephens.*) No, my Lord; and I think you will find a note in my edition of the English Book of Common Prayer on the subject.

(*The Dean of the Arches.*) Then your observation, Mr. James, would apply to gunpowder treason?

(*Mr. James*). To gunpowder treason and plot, and every service of that kind. Of course you will recollect that all these have been lately discontinued, except the service for the Queen's Accession.

(*The Dean of the Arches*). Yes; these occasional services must have been introduced either under the notion of the general authority of the Crown as Ordinary, or under the authority of the rubric to which I have called your attention.

(*Mr. James.*) Well, I do not know, but I think it explains Sparke's case entirely; it is entirely consistent with that, and I think Parliament has so understood it.

(*The Dean of the Arches.*) You mean the *alias preces* case.

(*Mr. James.*) Yes, I think it clear that the *aliæ preces* were never illegal unless you bring them within that clause "obstinately standing in the same."

(*The Dean of the Arches.*) I am not expressing any opinion. But just see what the consequence of that would be. Would it not be rather serious? You might have another service read in the church besides the services for morning and evening prayer, provided those services were read. You might have a service inserted between the two.

(*Mr. James.*) Provided that service did not come within the description I have named, namely, "wilfully and obstinately standing in the same, shall use "any order, rite, or ceremony."

(*The Dean of the Arches.*) How would you interpret that?

(*Mr. James.*) In this way: it must be done perversely, and with the intention to defeat the purpose of the Prayer Book.

(*The Dean of the Arches.*) Suppose the clergyman between the two services reads a Socinian or a Roman service?

(*Mr. James.*) In that case you would produce the service, and say, it is inconsistent with the doctrines of the Church. Of course anything of that sort would be by necessary implication forbidden.

(*The Dean of the Arches.*) Suppose he used a service composed out of his own Prayer Book, or from the writings of the divines of the Church of England?

(*Mr. James.*) I think if you could make out that he was wilfully and obstinately standing in the same, you could bring him within the clause.

(*The Dean of the Arches.*) All I meant to point out is this, that it would very much destroy the effect of the Acts of Uniformity; would it not?

(*Mr. James.*) Well, but I want to know where the authority is for saying that nothing can be done but what is specified in the Prayer Book. I am merely dealing with that proposition of my friends.

(*The Dean of the Arches.*) And you say, that all those matters which you have mentioned, the bidding prayer, the fasting prayer, and the occasional services, would, in that view of the case, be illegal.

(*Mr. James.*) Yes; and I say the Prayer Book has not laid down a rule so absolutely strict as my friend has endeavoured to make it.

(*The Dean of the Arches.*) Then there are the hymns, which are a much more striking instance.

(*Mr. James.*) As your Lordship observed, there are the hymns, which form a much more striking illustration of my argument, and which are used in every church in the country.

(*The Dean of the Arches.*) The argument, according to your version of it, would stand the same; the consequence of your opponent's argument would be, that all these things are illegal.

(*Mr. James.*) Precisely; that all things of this kind are and have been illegal. Then I ask your Lordship just to see the sort of charges that could be brought against every clergyman of the Church of England in exactly the same way as this charge is made here. It might be said, you used a hymn, you used a prayer before the sermon, you used a prayer after the sermon, you dismissed the congregation with a voluntary on the organ. The argument would be equally good against every clergyman whose practices we are familiar with.

(*The Dean of the Arches.*) The lawfulness of the bidding prayer would seem to me to be recognized in that case you read to me about the *alias preces*.

(*Mr. James.*) Yes, because "other prayers" were allowed. But I say it bears out my argument that you must have a direct charge that the person has not used the Common Prayer Book, in order to bring home the case against him.

Now, my Lord, my proposition is the very converse of that which my friend contends for. My friend says that everything not expressly permitted, or by necessary implication permitted (for I suppose it would come to that), is prohibited. My proposition is that everything not expressly or by necessary implication prohibited, and which was ever lawful in the Church of England, has continued to be and is lawful at this day.

(*The Dean of the Arches.*) That is a very important proposition; I must write it down.

(*Mr. James.*) No doubt, my Lord, it is an important proposition.

(*Mr. Stephens.*) May I ask your Lordship just to give me a copy of your Lordship's note on that proposition?

(*The Dean of the Arches.*) I will read it to you. "Everything not expressly or by implication pro-"hibited, that was ever lawful in the Church of "England, has continued to be, and is, lawful at this "day."

(*Mr. James.*) Of course, if a service is altered, everything must be altered in accordance with it. If a service is abolished or excluded, of course everything connected with that service must be excluded too; everything of that kind would follow. But it seems to me that proposition of mine flows at once from the fact, which I take it nobody will deny, that the Church of England is not Protestant in the sense used by some persons; it is not a church founded either by Luther or Calvin, or by Tudor or Stuart; but is, as we believe, a branch of the Catholic Apostolic Church, which, at the time of the Reformation, was reformed only to the extent of being relieved from the stains and impurities which it had contracted during its passage through Mediæval times. Therefore it was then, is still now, the Catholic Church, or at least a branch of the Catholic Church; and as such, whatsoever was lawful in the Catholic Church is, as I submit, lawful still, except so far as (as I before said) it is abolished expressly or by necessary implication.

(*The Dean of the Arches.*) In the preface to the Prayer Book you will find this: "and therefore of "the sundry alterations proposed unto us, we have "rejected all such as were either of dangerous conse-

" quence as secretly striking at some established doc-
" trine or laudable practice of the Church of England,
" or indeed of the whole Catholic Church of Christ,
" or else of no consequence at all."

(*Mr. James.*) Just so. It is that which they have rejected. Of course any ceremony that was left out, is illegal, and everything connected with that ceremony, such as creeping to the cross, ashes on Ash Wednesday, palms on Palm Sunday, and various matters of that kind, which are services left out, are, by necessary implication, forbidden. But I say gestures, postures, decorations, and things of that kind, remain exactly as they were, because they are not forbidden. They are not by implication forbidden, unless you can show they are inconsistent either with the doctrine or ritual in some way or the other.

(*The Dean of the Arches.*) Painted windows, for instance.

(*Mr. James.*) Unless they are inconsistent with the doctrine or the ritual. Of course, if there is anything inconsistent with the doctrine or the ritual, it is by necessary implication forbidden. But if the ritual can stand, those other matters will stand with it.

(*The Dean of the Arches.*) And the formularies of the Church of England.

(*Mr. James.*) Of course, my Lord. I use the word " ritual " as a generic term, including the formularies and ritual of the Church of England. I say, if it can stand with it, then it is not forbidden, either expressly or by implication. That is my answer to the general proposition of my learned friend, with which I am dealing now.

(*The Dean of the Arches.*) Upon that very important proposition, could you, in the course of your argument, make it convenient,—or those who are with you—to consider what bearing that rubric would have, which Mr. Stephens referred to, namely, that if any person " doubt, or take anything diversely, he shall " always resort to the bishop of the diocese."

(*Mr. James.*) I will refer to that presently.

(*The Dean of the Arches.*) Perhaps it will be more convenient for Mr. Prideaux to deal with that. I do not wish to interrupt your argument. It seemed to me to grow out of your argument to a certain extent. Has that rubric really any definite sphere of action (if I may use the expression) now at all; or does it merely mean that there must be proceedings in a Consistorial Court; or does it mean there are certain things, which in themselves are neither lawful or unlawful, but with respect to which the discretion of the ordinary may be exercised?

(*Mr. James.*) I was going to suggest the latter view as the true view. And it seems to me that that clause which Mr. Stephens dwelt upon at some length really militated against his argument,—I noted it at the time,—and makes very much for the view I venture to present to your Lordship; because if you can sustain the view of my friend, you have got there a strict rule from which you cannot deviate a hair's breadth, either in words, or postures, or gestures. Why then was it that any provision was made in the first preface that in case any doubt should arise, the Ordinary should be consulted; and more than that, that if the Ordinary doubted, you should appeal to the archbishop?

(*The Dean of the Arches.*) The rubric is certainly very remarkable in its language: very remarkable.

(*Mr. James.*) If the Ordinary doubted, then you shall apply to the Archbishop. That, of course, indicates that you are not introducing a new system, —at least that is the conclusion I am drawing from it,—your Lordship will judge whether that is the logical conclusion or not,—that it was not an entirely new system from beginning to end which was introduced by the Act of Uniformity, but the Act of Uniformity was made to produce a uniformity in essentials, in rites and ceremonies, amongst a class of persons who already had established practices and usages.

(*The Dean of the Arches.*) You are aware that there is a habit of applying to the Court for a faculty in certain cases. Now that is neither more nor less than an application to the Ordinary for his licence to have some ornament not authorized by the rubric. Take the case of an organ, painted windows, and so on. I am only throwing out this for your consideration. Perhaps it may be, that the rubric is satisfied by that construction of it.

(*Mr. James.*) I doubt whether that could be. If he doubts, he is to go——

(*The Dean of the Arches.*) I think you will find no satisfactory construction has been ever put upon that rubric yet.

(*Mr. James.*) It is very difficult, unless you had got a judicial exposition of it, of course, to understand that; and for the understanding of the whole question, it is very important that you should, if possible, put yourself in the place of a priest in the time of Edward VI. Now just conceive yourself, then, accustomed to certain usages and certain practices, and the congregation all accustomed to them, and you receive this order; would you not say, " I see certain " things are abolished; I will use the form; but there " are other things which are not touched, and I do " not see any reason why I should not go on exactly " as I have done before as to gestures and postures, " and things of that kind."

(*The Dean of the Arches.*) Then you would say, if that rubric is to hold good that it would be competent for the Ordinary to forbid or allow them.

(*Mr. James.*) Well, I think it was rather to satisfy the conscience of a doubting clergyman; because I doubt whether the Ordinary would have any authority except in his own Court.

(*The Dean of the Arches.*) That is extremely important, and that is the point I wish to draw your attention to. There are two views of that. One is, that the authority there spoken of is one which must be exercised through his Court, as the Queen's authority is exercised through her Courts of Justice at Westminster Hall. That is one view of it. Another view of it is, that it relates to the personal authority of the Ordinary in matters in themselves not prescribed by statute or custom, and it would be to me a very great satisfaction to have that discussed in any part of this case.

(*Mr. James.*) I have the words before me: " And " forasmuch as nothing can be so plainly set forth, " but doubts may arise in the use and practice of the " same; to appease all such diversity (if any arise), " and for the resolution of all doubts concerning the " manner how to understand, do, and execute the " things contained in this book, the parties that so " doubt or diversely take anything shall always resort " to the bishop of the diocese, who by his discretion " —not by his judicial authority—" who by his discre-
" tion shall take order for the quieting and appeasing
" of the same, so that the same order be not con-
" trary to anything contained in this Book. And if
" the bishop of the diocese be in doubt, then he may
" send for the resolution thereof to the archbishop."

(*The Dean of the Arches.*) Take the case of the stone altar. Supposing, instead of proceeding in the Consistorial Court of Ely, and afterwards to the Arches Court, and then to the Judicial Committee of the PrivyCouncil, they had gone to the bishop, and said, " We have doubts whether this is right or not," could the bishop have decided that?

(*Mr. James.*) I think so, my Lord; because it is " so that the same be not contrary to the order " contained in this book." And I think the ground of the decision there (if I recollect rightly) was, that it was inconsistent with the fact that it ought to be a moveable table,—that a stone altar was inconsistent with the fact that it should be a moveable table.

(*The Dean of the Arches.*) That was one of the grounds, no doubt; but another ground was with respect to the Injunctions to which I have before referred. However, I do not wish to interrupt your argument.

(*Mr. James.*) Now, my Lord, I pass on to the

question of the lighted candles. I understand that what we are charged with here as a violation of the ritual is that we are using some rite, or some ceremony that is unauthorized. That is the only thing charged.

(*The Dean of the Arches.*) Yes; that is what I understand the charge to be: that the lighting the candles at the time of the Communion service is an additional rite.

(*Mr. James.*) Yes. But it is not charged here that we light them as a part of the service; it is a light on the table. Now, it appears to me, with all respect to your Lordship, you might as well call it murder, or manslaughter, or treason, as to say that it is unlawful ritual. It may be an unauthorized decoration, but that would be the subject of another proceeding, as it was in the St. Barnabas case; but how does it affect the order, or manner, or form of my addressing your Lordship, whether the two lights now before you are present there or absent?

(*The Dean of the Arches.*) But surely you must take into consideration the practice with regard to the Holy Communion which it was intended should be discontinued. You must look at the previous history of how the Holy Communion was celebrated.

(*Mr. James.*) Yes, my Lord, I am coming to that; but there is no charge of that sort here.

(*The Dean of the Arches.*) The charge is that it is unlawful to have lighted candles on the altar.

(*Mr. James.*) The charge is that there are lighted candles there.

(*The Dean of the Arches.*) We had better look at the exact words of the charge.

(*Mr. James.*) The charge is that we used lighted candles when they were not wanted.

(*The Dean of the Arches.*) That you used "lighted "candles on the communion table during the cele- "bration of the Holy Communion at times when such "lighted candles were not wanted for the purpose "of giving light." You must take it altogether. It is not merely the using lighted candles, but it is using them on the communion table during the service.

(*Mr. James.*) During the celebration of the Holy Communion.

(*The Dean of the Arches.*) The argument is that all lighted candles are forbidden. As I understood the argument of Mr. Stephens, it was this: This lighting of candles belongs to a superstitious ceremony which it was the object of the Prayer Book to do away with; and that, having regard to the time when the candles are lighted, and the place where they are put, it is an additional rite or ceremony not authorized by the Prayer Book.

(*Mr. Stephens.*) That, my Lord, is a correct representation of my argument.

(*Mr. James.*) I venture to say it is not an additional rite. It may be an unauthorized decoration; it may be an unauthorized ornament; but it is not an unauthorized rite unless it is expressly charged to be introduced for that purpose. Here it is essential that the *intuitus* should be charged in order to make the offence. It should be charged that the candles were lighted with intent that the same should be an additional ceremony, or an addition to the ceremonial, sanctioned by the Prayer Book. But upon that I say it is not within the terms of the Act of Parliament; that the administration of the sacrament is exactly the same in all respects, whether it is by candle light, whether the candles are there lighted early in the morning before it is light, or whether the candles happen to be there when there is sufficient light to see,—in fact, when they are not wanted. There may be other grounds, but those grounds are not the subject of the charges or allegations in this case. That is the way the candles were in question in the St. Barnabas case.

(*The Dean of the Arches.*) You know the learned Judge sitting in the Consistory Court decided they were not lawful.

(*Mr. James.*) Of course I am not going to leave that part of the case upon this meagre argument.

(*The Dean of the Arches.*) I thought you were going to another point.

(*Mr. James.*) Let us see exactly what is done with regard to these lighted candles. Your Lordship has got this, that they are not lighted during the consecration prayer only. They are already on the table before any part of the Communion Service begins. The minister does nothing whatever; the candles are on the table just as they might be anywhere else; just as they might be on the credence table or any other place you like to suppose. They are on the table before the service begins; and therefore it cannot be pretended or suggested that it is the introduction of an additional ceremonial act during the currency, if I may use the term, of the consecration prayer or of the Communion service. Dividing what is ordinarily called "the Communion service," into three parts, you have the Pre-Communion service, the sermon, and that part which is actually used for the Communion, which I take to be the only part which can strictly be called the Communion, that is to say, when the communicants alone are in the church, and the consecration takes place, and the distribution of the elements is made. But your Lordship sees the candles are lighted before the beginning of the service, and during the whole of the first part,—during the whole of the Commandments and the prayer for the Queen; and so they are lighted during the sermon, and they simply remain lighted during the consecration and the administration of the sacrament as they were lighted at and from the beginning of the service. Therefore it is plain they are not lighted for the purpose of any additional symbolical object at the time of the consecration, or for the purpose of consecration, but remain there innocently, as we say, and in obedience——

(*The Dean of the Arches.*) Do you say they are not lighted for any symbolical purpose?

(*Mr. James.*) I say they are not lighted for any symbolical purpose connected with the act of consecration, nor done at that moment. The symbol I shall have to refer to when I refer to the Injunction of Edward VI. But what I say is this, that there is no interruption of the service, there is no break, there is no act by which it is connected with what might be called any Romish doctrine of the mass, or with any adoration of the sacrament, or anything of that kind.

Then let us see how it came to arise. Now, my Lord, beyond all question there was at one time lawful authority in the Church of England for the use of these lighted candles; that is to say, there were two lighted candles directed to be used, not by Edward the Sixth's Injunctions for the first time, but directed to be used by earlier Constitutions, and, amongst others, by Archbishop Reynold's Constitutions; and if you refer to Archbishop Reynold's Constitutions, which of course you must do to get at the foundation of it, it is quite manifest that these were not lighted or kept alight for the purpose suggested by my friend Mr. Coleridge, that is to say, for the purpose of being kept before the reserved sacrament.

(*The Dean of the Arches.*) I think that is to be found in Lynwode.

(*Mr. James.*) It is all referred to in the report of *Liddell* v. *Westerton.*

(*The Dean of the Arches.*) I wanted to see it in Lynwode. I know exactly where it is, and can lay my hand upon it directly.

(*Mr. James.*) The words of the Constitution of Archbishop Reynolds are these: The candles are to be lighted "tempore quo missarum solennia peragun- "tur accendantur duæ candelæ vel ad minus una." That is to say, they were to be lighted during the ceremony of the mass, and not to be used as a light before the pyx in which the reserved sacrament was kept; but there were two candles which were to be lighted, not one light, which I believe is the universa practice with regard to the light before the reserved sacrament of the Roman Church. It was two lights, to be lighted during the performance of the mass. Now that is the way in which it stood before the

Injunctions ; and let us see what were those Injunctions of Edward VI.,—Injunctions which, I think, you will find—of course there may be a question as to the extent of their validity—but Injunctions which I think you will find are as full of Protestantism, are as full of the reforming spirit, as it was possible for anything to be. You read through the whole of them the strongest vituperation of Rome and Romish practices, of superstitious uses, and superstitious things that were done ; and all those things were put down with a strong hand, in which I think one might trace the strong hand of Cranmer. But, at the same time putting down all those Romish practices, the Injunctions say you shall keep two lights on the high altar before the sacrament. Why ? Is it for any popish purpose ; is it for anything which is connected with the Romish doctrine of transubstantiation ; is it for anything connected with any superstitious practices ? No, my Lord ; they are to be kept there for that which I presume every Christian acknowledges ; that is to say, a symbol that our Saviour is the very light of the world ; and simply as a symbol that our Saviour is the light of the world, they were directed to be kept on the high altar.

(*The Dean of the Arches.*) The passage I was looking for is this. It is under the head "De celebra- " tione missarum." "Nullus clericus permittatur " ministrare in officio altaris nisi indutus sit super- " pellicio et tempore quo missarum solennia peragun- " tur accendantur duæ candelæ vel ad minus una." It is worth your while to look at that. Then the gloss of Lynwode upon that is this : "duæ candelæ ; " est enim à parte juris ordinatum quod sacerdos sine " lumine ignis non celebret missam."

(*Mr. James.*) The question is, what was the view taken by the Reformers at the time of Edward VI., because I take all this as contemporary with the Prayer Book, done at the same time, done under the same hands. Of course I do not omit to notice that there was a decision, or at least a *dictum* (for whether it amounts to a decision or a *dictum* is a matter of considerable doubt) in the case of *Westerton* v. *Liddell.*

(*The Dean of the Arches.*) Before you leave the question of the Injunctions, I wish to know do you contend they were legally binding ?

(*Mr. James.*) I think so. Of course I am coming to that question later. But what I am going to refer to is this, the summing up of the ground upon which the learned Judge expressed his opinion, with regard to lighted candles, in candlesticks of any size, and of any dimensions, being on the table. He says they cannot be lighted ;—relying, I think, greatly or partly upon subsequent Injunctions, which were supposed to have been issued in the reign of Edward VI., and which I take to be strikingly different from the first Injunctions. Your Lordship will find the passage at page 68 of Moore. The learned Judge says : " Then as to the " Injunction of 1547. 'Two lights upon the high " altar,' says the Injunction. Where is the high altar " now ? Abolished, if Sir Herbert Jenner Fust be " right, and with all the attributes to it not expressly " recognized by our Church in her Articles and " Prayer Book ; abolished, and a Communion table " established in its stead ; and of what kind ? In its " material, in its shape, and in its movability directly " opposed to the high altar of Roman Catholic times. " How can lights upon the high altar apply to the " present Communion table ? But does the train of " reasoning stop here ? That Injunction is limited " to the placing them before the sacrament. First, " then, it is no authority for placing the lights at any " other time ; secondly, 'before the sacrament,' there- " by meaning the mass and not the administration " of the Holy Communion. I hold the ordinance of " Archbishop Reynolds and the Injunction of Edward " the Sixth to be utterly incompatible with the doc- " trines and ritual of the Church of England. Not " that the candles and candlesticks have anything to " do with the doctrines and ritual of the Church, but " that the use of them was proscribed in conjunction " with other Popish observances utterly inconsistent " with the doctrine and formularies of our Church, " and are altogether abolished by what our Church " has substituted." Now I venture very humbly to submit that that is not strictly accurate, and your Lordship will recollect there was no decree following that expression of opinion.

(*The Dean of the Arches.*) I am perfectly aware of that. The fact was, there were no lighted candles at Saint Barnabas' ; that was proved.

(*Mr. James.*) It is very odd that the case as here reported says they were lighted.

(*Mr. Stephens.*) Your Lordship remembers there was an affidavit stating that they were not.

The Dean of the Arches.) Decidedly.

(*Mr. James.*) I will read the description, he says, "The description given of them is as follows."—Your Lordship will find the passage early in the book. " ' Two massive gilded candlesticks, one thereof " ' placed one either side of the said cross, and holding " ' candles, when new, of at least one yard in height " ' and eight inches in circumference, and which said " ' candles are on many occasions kept burning " ' during the celebration of the Holy Communion, " ' at times when the same are not needed to afford " ' light for the due performance of divine worship.' " In the answer the use of these candles is defended, " and also the lighting of them, 'whether necessary " or unnecessary for the purpose of giving light.' "

(*The Dean of the Arches.*) That was in the argument, but as a matter of fact, they never were used or lighted. However, you were upon the question at page 69, where you say there was some miscarriage of fact.

(*Mr. James.*) I think there is some miscarriage with regard to the historical fact in reference to the mass and the altar.

(*The Dean of the Arches.*) What is the date of the Injunctions of Edward the Sixth ?

(*Mr. James.*) 1547.

(*The Dean of the Arches.*) The Prayer Book was in 1549.

(*Mr. James.*) The Prayer Book was in the second year of Edward. I do not know what the date would be. Now of course I cannot have any higher authority than this. With regard to the Popish mass——

(*The Dean of the Arches.*) According to the learned Judge's opinion lighted candles were prohibited by the first book of Edward VI.

(*Mr. James*) Yes. I do not know where; I cannot find that.

Now this is the ground of the reasoning : What has become of the high altar ? It is abolished. What has become of the mass ? It is abolished. The language is, "placed before the sacrament." I do not know that the Sacrament is abolished ; at least nobody has gone so far yet as to suggest that it is. But I will ask your Lordship to put yourself back again to those times, and you will find you have got a dictionary in the first Prayer Book itself, which says this, "The " Communion Service, *commonly called the mass,*" that is to say, although I do not know what the origin of the term "mass" is——

(*Mr. Stephens.*) *Hæ missa est.*

(*Mr. James.*) The word "mass" originally signified service ; and the service was always considered by our English reformers at the time of Edward VI. as continued, only relieved from the corruptions which had crept into it, but the service of the mass was continued. Then, my Lord, in the very same Prayer Book, the word "altar" and the words "Lord's table" and "God's board" are used synonymously and interchangeably ; and I find in Cardwell's Documentary Annals, which has been put into my hands, at page 76 of the first volume, a letter of the Council to Bishop Bonner, for the reformation of certain masses at Saint Paul's.

(*The Dean of the Arches.*) What is the date of that ?

(*Mr. James.*) The date given is 1549, after the Prayer Book, "After hearty commendation, having " very credible notice that within that your cathedral

" church there be as yet the Apostles' mass, and our " Lady's mass, and other masses of such peculiar " name under the defence and nomination of our " Lady's Communion, and the Apostles' Communion, " used in private chapels and other remote places of " the same, and not in the chancel, contrary to the " King's Majesty's proceedings, the same being for " the misuse displeasing to God; for the place, Paul's, " in example not tolerable, for the fondness of the " name a scorn to the reverence of the Communion " of the Lord's body and blood; we, for the augmen- " tation of God's honour and glory, and the consonance " of His Majesty's laws, and the avoiding of murmur, " have thought good to will and command you, that " from henceforth no such masses in this manner be " in your church any longer used, but that the holy " blessed Communion according to the Act of Parlia- " ment, be ministered at the high altar of the church, " and in no other places of the same, and only at " such time as your high masses were wont to be used; " except some number of people desire (for their ne- " cessary business) to have a Communion in the " morning, and yet the same to be executed in the " chancel at the high altar, as it is appointed in the " book of the public service, without cautele or di- " gression from the common order; and herein you " shall not only satisfy our expectation of your con- " formity in all lawful things, but also avoid the mur- " mur of sundry that be therewith justly offended. " And so we bid your Lordship heartily farewell. " From Richmond, the 24th June 1549. Your loving " friends, E. Somerset, W. Saint John, E. Montague, " R. Rich, Chanc., Fr. Shrewsbury, W. Cecil." I do not see Cranmer's name to it.

(*Mr. Stephens.*) It is sent by Cranmer.

(*Mr. James.*) It is dated from Richmond, the 24th June 1549, sent by Cranmer.

Now, here you have a *contemporanea expositio*. You have the Council of the King sending to the Bishop with respect to the services at Saint Paul's, for the reformation of certain masses at Saint Paul's, and with directions that the mass, that is the new mass, shall be said at the high altar, as the old high masses used to be said. Well, can it be contended after that, that the mass was gone, root and branch, and that there was nothing before which the lights could be burnt? I ask your Lordship, taking this thing as you are bound to do, of course, sitting in a superior court to what that learned Judge then pre sided in, and assuming that you are sitting in appeal from that decision, could you say, considering the very case that occurred, Bonner's case in 1549, that the Prayer Book at that time had abolished the mass, had abolished the altar, so that on the communion table which had been substituted for the altar it would be improper and inconsistent with the Prayer Book to have the two lighted candles to symbolize that which was simply a doctrine at least common to the two churches, that our Lord was the Light of the World? Well, my Lord, if it was legal then (and I say it was legal), it must be legal now. Adopting the very words of Doctor Lushington, that the lighting of candles has nothing whatever to do with the doctrine and ritual of the Church,—I say it is an ornament, a decoration, as innocent of all offence as the holly with which you decorate your church at Christmas, as the palm with which you decorate your church upon Palm Sunday, and as the flowers with which you decorate it at different seasons; and more particularly as having a nearer analogy to this case, I say exactly of the same kind are the different altar-cloths and coverings which, by the same train of reasoning, that learned Judge arrived at the conclusion were illegal, but upon which conclusion he was set right by the ultimate Court of Appeal. And in two subsequent stages of the cause before the Arches Court, in this Court, and before the Privy Council, I cannot find a single word in either judgment which looks like an adoption of that view which was taken by Dr. Lushington as to the moral and legal effect of the change which took place from Popery to Protestantism.

(*The Dean of the Arches.*) There is no doubt that Sir John Dodson arrived at the same conclusion, on different principles, and the Privy Council reversed his decision upon some points.

(*Mr. James.*) Yes; and I think that authority is at an end.

(*The Dean of the Arches.*) This particular point was not reversed, because it never was there.

(*Mr. James.*) It never was there, and it never resulted from the judgment; but the judgment which was arrived at by the same *ratio decidendi*, if I am well founded in my view of the case, was reversed by the Judicial Committee of the Privy Council.

(*The Dean of the Arches.*) Then, before you leave the question, you will perhaps tell me upon what grounds you put the Injunctions of Edward VI.

(*Mr. James.*) I do not remember any passages, and do not know that I can refer your Lordship to anything except the passages I have marked down in that Judgment.

(*The Dean of the Arches.*) Do you understand Dr. Lushington to have considered the Injunctions of 1547 to have been law at the time?

(*Mr. James.*) No; he said there was no evidence of that. I do not know that I could do anything that could better describe the great force and validity of these Injunctions at the time than by reading the passages in Sir John Dodson's judgment, beginning at page 96.

(*The Dean of the Arches.*) It certainly seemed to me that the Privy Council were inclined to give force to the Injunctions of Queen Elizabeth, because it is very difficult to say upon wha tauthority the stone altars were removed, if you take away the authority of these Injunctions; but I do not know that it is so.

(*Mr. James.*) The Privy Council seem to have proceeded upon the Prayer Book.

(*The Dean of the Arches.*) And the Injunctions.

(*Mr. James.*) And the Injunctions. They came to the conclusion that the table must be a table of wood.

(*The Dean of the Arches.*) And must be moveable.

(*Mr. James.*) And must be moveable. Then, of course, there is this observation to be borne in mind, that this was a case more or less of judicial discretion.

(*The Dean of the Arches.*) Yes, no doubt it was; it was an application for a faculty.

(*Mr. James.*) It was an application for a faculty, and between two persons who were co-owners of a church; that is to say, it was a question between the Incumbent and one of the churchwardens, acting on behalf of the congregation. The churchwarden said, I have an equitable right in this building, and I complain that the Incumbent, who has the legal right to the estate, is putting things into the church that are illegal.

(*The Dean of the Arches.*) Yes; but the judgment did not turn upon that.

(*Mr. James.*) No, my Lord; but it is referred to in the judgment in one or two places as being a matter of judicial discretion, and their Lordships came to the conclusion, dealing on the whole with an ornament over which they had that judicial discretion, that it ought to be a table, and not an altar, and that it ought to be of wood.

(*The Dean of the Arches.*) All I mean to say is this, that they were inclined to give authority to the royal Injunctions of Queen Elizabeth. It may or may not be a question of considerable importance by-and-by, to decide if those Injunctions had any authority. They may have had *de facto* authority, and yet have had no authority *de jure*.

(*Mr. James.*) The objection now is against the lights; and the Injunctions of Elizabeth do not touch us, because they do not mention lights.

(*The Dean of the Arches.*) True, but the same argument might apply to the legality of the Injunctions of Edward VI.

(*Mr. James.*) I think not, if the view which Sir John Dodson took is right. His view evidently was

that they took effect, under the authority of the Proclamation Acts of King Henry VIII.

(*The Dean of the Arches.*) Yes; but the Privy Council were not inclined to uphold that at all.

(*Mr. James.*) All they said was, after passing a very complimentary observation on the learned argument of my friend Mr. Stephens, that, if it were necessary to consider it, they should be disposed to think there was a good deal in it.

(*The Dean of the Arches.*) That was as to another point,—the Act which, so to speak, suspended any decision as to the lawfulness of existing Canons until the Commissioners had reported. But I remember that Sir William Maule was not at all disposed to agree with that. I do not think the Privy Council were inclined to support the view that these Injunctions derived their authority from the Proclamation statute.

(*Mr. James.*) I do not know whether that is so or not; but with regard to the validity of the Injunctions, I have not prepared myself with any argument, other than the argument which is so well put together in Sir John Dodson's judgment,—which I take it, unreversed, is binding on your Lordship.

(*The Dean of the Arches.*) It received no sanction from the Judicial Committee. It may be perfectly good, but it did not receive any sanction.

(*Mr. James.*) At all events it is a deliberate judgment from a predecessor who occupied the chair in which your Lordship is now sitting.

(*The Dean of the Arches.*) How does it affect the Injunctions? What is it you are referring to in Sir John Dodson's judgment which ascribes authority to them?

(*Mr. James.*) It is at page 98.

(*The Dean of the Arches.*) That is the Proclamation statute?

(*Mr. James.*) Yes. His Lordship says, "By the "statute of Henry VIII., entitled 'An Act of Pro-'clamation,' &c." Then he goes on to show that the Injunctions issued in the reign of Edward VI. did answer the description of those Injunctions which were issued in the time of Henry VIII. Then he goes on with a train of reasoning showing how he differs. He says, "The learned Judge of the Consis-"tory Court, relying, it would seem, in part at least, "on a passage to be found in 'Collier's Ecclesiastical "History,' was of opinion that the Injunctions of "Edward the Sixth had no parliamentary authority. "Reference is made in the report of his judgment to "the marginal note in the fifth volume of Collier's "work, page 228, but on examination of the text it "will appear that Collier was not stating his own "view of the question, but merely setting forth the "reasons assigned by Bishop Gardiner in his letter "and elsewhere for opposing the Injunctions issued "by the King. Gardiner seems to have been almost "the only person who disputed the validity of these "Injunctions at the time, and he was thrown into "prison in consequence."

Then he goes on to speak of the objections that were taken by Gardiner; that the objections were overruled, and the Injunctions were held valid; and it was upon the validity of those Injunctions that Sir John Dodson, I think, principally based his judgment that the cross was illegal. He came to the conclusion that the cross was one of the images that came within the Injunctions, and I think his decision was based entirely upon the validity of those Injunctions.

(*The Dean of the Arches.*) Yes, it was so. Dr. Lushington disputed the validity of the Injunctions.

(*Mr. James.*) Yes. Upon other general grounds he came to the conclusion that the cross was illegal.

(*The Dean of the Arches.*) Precisely.

(*Mr. James.*) Sir John Dodson came to the conclusion that the Injunctions were valid, and that they covered the case of the cross. The Privy Council came to the conclusion that they did not cover the cross, because the cross did not come within the description of being an image or monument of superstition.

(*The Dean of the Arches.*) At all events you are willing to take your stand upon that.

(*Mr. James.*) Yes.

(*The Dean of the Arches.*) As I understand your argument, it is that the Injunctions were lawful, and that the candles were properly placed. You say that the candles were then lawful, and that they have not been made unlawful since.

(*Mr. James.*) Yes. Then my friend Mr. Stephens says that the Injunctions fell with the repeal of the Act under the authority of which they were issued.

My Lord, I think there is no foundation whatever for that argument. The repealing of a legislative authority giving any body or any person any jurisdiction does not repeal the ordinances or orders which were made during the continuance of the legislative authority of that body; it only repeals it for the future. Supposing you alter the constitution of the Island of Jamaica, does anybody suppose that all the Acts of the old Jamaica legislature are not still valid?

(*The Dean of the Arches.*) Or supposing you took away the authority of the Ecclesiastical Commissioners, who have authority by Parliament to make schemes and so on, I apprehend all those remain.

(*Mr. James.*) Or supposing the case of a common deed, in which there is authority to revoke the uses altogether. In the interval while the uses remain, under the uses a lease is granted; well, of course, it is not affected by the general revocation of the uses. Supposing a corporation was dissolved by Act of Parliament, all its acts would be valid. To repeal the Act no doubt was perfectly right, for it was one of the most monstrous Acts that even Henry VIII. was able to obtain from his Parliament.

(*The Dean of the Arches.*) From a most servile Parliament.

(*Mr. James.*) It is an illustration of a thing that I have been very much struck with in the reigns of Henry, Edward, and of Mary, and even in the time of Elizabeth, that, however monstrous and tyrannical an act was, as far as I have been able to make out, it was always done with due form of law. It is singular how very precise everything was done, particularly with regard to the proceedings against the bishops; the whole thing was done in that formal way. The same remark applies to the proceedings against the King's wives, which seem to have been carried on with the most careful observance of all the forms, however they may have violated the substance of justice. Therefore, it really is not likely, that having been a characteristic of the time, that there was anything in form that was a violation of the law. I have forgotten to draw your Lordship's attention to this, that in the Prayer Book itself, in the very first Prayer Book, there is a reference to the Injunctions.

(*The Dean of the Arches.*) Will you show me that?

(*Mr. James.*) It is a rubric in the Communion. It is, "Upon Wednesdaies and Fridaies the English "letany shal be saied or songe in all places, after "suche forme as is appoynted by the Kynges Majes-"ties Injunccions, or as is or shall be otherwise "appoynted by his Highnes. And thoughe there be "none to communicate wyth the prieste, yet these "dayes (after the letany ended) the prieste shall put "upon him a playn albe or surplesse, with a cope, "and saye all thinges at the altare (appoynted to "bee sayde at the celebracion of the Lordes Supper) "until after the offertory. And then shall adde one "or two of the collectes afore written as occasion "shall serve by hys discrecion."

(*The Dean of the Arches.*) Well, they certainly were considered to be lawful at that time.

(*Mr. James.*) Yes; and even in the Prayer Book your Lordship sees they are referred to. Then, my Lord, I say this: if that be so, if these lights were lawful, and lawful not as things forming part of the ritual, but as things standing as it seems to me in exactly the same category as the cross, in exactly the same category as painted windows, in exactly the

same category as any other symbolical ornament. Just as in the ordinary form in which the Holy Spirit is shadowed as a dove, or anything of that sort which may find its way into our churches.

(*The Dean of the Arches.*) Do you put these candlesticks on the footing of ornaments?

(*Mr. James.*) I put these candlesticks on the footing of ornaments, the use of which is nowhere forbidden. Of course, that brings us to a reference to that celebrated rubric of which so much has here been said, and under which I apprehend the eucharistic vestments are now used, apparently without question, particularly in this Church; that rubric which says, that the ornaments of the Church which were in use by the authority of Parliament at the time of that year of King Edward VI. shall be retained and had in use.

(*The Dean of the Arches.*) The Privy Council were very strong upon that point. "They all obviously "mean the same thing. The same dresses, the same "utensils or articles, which were used under the first "Prayer Book of Edward VI. may still be used." That is their decision.

(*Mr. James.*) Well, it seems to me they were in use under that. There is no trace of their being abolished, and it is not likely, I should think, when you see exactly what the change was, and what the change is represented to be. Why should those lights have been abolished? I must say it would require an amount of evidence which would be something very strong indeed to induce the Court to come to the conclusion that every priest throughout England immediately was obliged to put down the two lights which he had always been accustomed to have throughout all his lifetime, and which it is utterly impossible to connect with any superstitious use whatever.

(*The Dean of the Arches.*) In the first volume of the Liturgical Services of Elizabeth there is a great list of occasional forms of prayer or services which were used in church in her reign. It struck me to have some bearing upon what you were saying just now.

(*Mr. James.*) What is the reference to that passage which your Lordship gave me just now?

(*The Dean of the Arches.*) Page 159; and if you compare that with page 156 you will see the two points —the references which they make. "The rubric to "the Prayer Book of January 1st 1604 adopts the "language of the rubric of Elizabeth. The rubric "to the present Prayer Book adopts the language of "the statute of Elizabeth; but they all obviously "mean the same thing, that the same dresses and the "same utensils, or articles, which were used under "the first Prayer Book of Edward the Sixth, may "still be used. None of them, therefore, can have "any reference to articles not used in the services, "but set up in churches as ornaments, in the sense "of decorations."

(*Mr. James.*) They were then dealing with what ornaments were.

(*The Dean of the Arches.*) Then a little beyond that there is this: "Here the term 'ornaments' is "used, as covering both the vestments of the minister "and the several articles used in the services; it is "confined to such things as, in the performance of "the services, the minister was to use."

(*Mr. James.*) Here is a passage at the end of the judgment, at page 187, which I wish to read to your Lordship: "Here the rubrics of the Prayer Book be- "come important. Their Lordships entirely agree "with the opinions expressed by the learned Judges "in these cases, and in *Faulkner* v. *Litchfield*, that "in the performance of the services, rites, and cere- "monies ordered by the Prayer Book, the directions "contained in it must be strictly observed; that no "omission and no addition can be permitted; but "they are not prepared to hold that the use of all "articles not expressly mentioned in the Rubric, "although quite consistent with, and even subsidiary "to, the service, is forbidden."

(*The Dean of the Arches.*) They mention a good many other things; organs amongst others.

(*Mr. James.*) I say that the two lights are quite consistent, and that there is nothing whatever in the presence of the two lights upon the table which is in any way inconsistent with anything contained in the directions of the services, any more than it is inconsistent with the almost identical form in the time of Edward VI., because I take it our present Prayer Book is really brought back almost to the position in which it stood in the time of Edward VI., which, as your Lordship knows, was always said to be, even by the most violent changers afterwards, and at the time, to be entirely in accordance with God's Word, and very godly and comfortable, and so on.

(*The Dean of the Arches.*) The Act of Parliament says it was dictated by the Holy Spirit.

(*Mr. James.*) I shall leave my friend to fill up any omission of mine upon this part of the argument as to lights; and I feel I can do that without any injustice to my client, because I know I shall be followed by my learned friend in this case, and also because I know that there will be other learned counsel who will have to address your Lordship upon similar points in another case.

My Lord, I come now to the question of incense. With regard to incense in itself, unless it can be made out to be a ceremony or a rite, or a substantial alteration or addition to a ceremony or rite, which I submit it is not, what is there in the burning of odoriferous drugs which is in itself in the slightest degree an offence, or what is there in the burning of it symbolically which can savour of any offensive doctrine? That is what I want to know. What is there, what doctrine is it, that is supposed to be symbolised by incense which the Church of England does not adopt? Incense may be used for purifying the church. I forget what the language of George Herbert is upon that, but I have no doubt it will be familiar to your Lordship.

(*The Dean of the Arches.*) In substance that it was used for purifying and sweetening.

(*Mr. James.*) To be strictly accurate I believe the word was "perfuming."

(*The Dean of the Arches.*) You see the objection here is not to the use of incense, but to the use of incense at a particular time, and in a particular manner.

(*Mr. James.*) But I really am not able to see that using it at a particular time not coupled with any intent can make it illegal. There really is nothing in it. The priest himself does not pause in the consecration. The only description which I know is given of it, is that which is contained in the little pamphlet which is annexed to the articles. And there again, my Lord, there is this, which appears to be an objection to the articles as they now stand: the only thing that is pleaded in support of the charge about incense is the use of incense on these particular days when it was used for censing persons and things. Your Lordship knows the use of incense for incensing persons and things was given up before the institution of the suit, as was well known to the prosecutor. We plead that; and upon that I crave leave to repeat the same observations, which I made upon that part of the case in which the other points occur, that is to say, with regard to the use of what was called excessive elevation and prostration; but in itself, as there is nothing that I can conceive symbolical of any doctrine, I do not know why incense may not be burned at the time of the celebration of the holy communion as well as during any other service.

(*The Dean of the Arches.*) They say it is introducing another rite.

(*Mr. James.*) My Lord, I venture to say it is not any rite at all; that is to say, the mere burning of incense is no rite and no ceremony. Of course, it may be said it was done in a ceremonial way; but I apprehend that ought to be alleged and proved; and all we know is that at a particular time of the service a particular vessel is brought in by an attendant, and incense is burned in it.

(*The Dean of the Arches.*) I think the article is,

"That he used incense for incensing persons and "things." I do not think they raise any other charge.

(*Mr. James.*) No.

(*The Dean of the Arches.*) And it may be important to observe that.

(*Mr. James.*) That is the only charge in the articles upon that point.

(*Mr. Stephens.*) In the 8th article we state, "That "he unlawfully used incense in and during the cele- "bration of the Holy Communion, and permitted and "sanctioned the same."

(*Mr. James.*) I think the only evidence upon that is——

(*The Dean of the Arches.*) You admit it; you admit that you used incense, "to wit, on Sunday," and so on, "during the reading of the Prayer of Conse- "cration and afterwards until the time for the admin- "istration of the Communion to the people, and "permitted and sanctioned such use of incense. We "deny that the same is unlawful."

(*Mr. James.*) Upon that I see I was wrong. The observation I meant to make was to point out the discrepancy between the amended article and the original charge; but that is governed by what your Lordship has said with regard to the other matter.

Well now, it is lawful to use every architectural ornament; it is lawful to use music; it is lawful to use decorations. Then why should it not be lawful to make the atmosphere of the church a different atmosphere from that of the wretched dwellings of people living in the dark alleys and streets of London? Why should it not be lawful to make worshippers feel that they are not only in a house adorned, it may be magnificently, for the service of God, but that they are in an atmosphere different from the wretched atmosphere in which they live in their ordinary every-day life. Why not resort to that as well as music; music which Milton describes in those glowing words, (which I know are fresh in your Lordship's recollection,) in the Il Penseroso:

> "Let my due feet never fail
> To tread the studious cloister's pale,
> And love the high embowed roof
> With antique pillars, massy proof,
> And storied windows richly dight,
> Casting a dim religious light;
> There let the pealing organ blow
> To the full-toned choir below,
> In service high and anthems clear,
> As may with sweetness through mine ear
> Dissolve me into ecstacies,
> And bring all Heaven before my eyes."

(*The Dean of the Arches.*) Well, it was a strong thing for a puritan to write.

(*Mr. James.*) Just so, my Lord; a puritan poet said that; and my client feels that what he is doing in his church is calculated to produce the same effect, is calculated to soften the stony heart of many a person who comes there, and that it is desirable that the people should, in a different scene and a different atmosphere, be taught to receive the religious impressions which everything about them is calculated to produce. And I venture to think, especially when you hear the evidence that will be given of the use of censers at different times, not limited to any particular time, in churches at the time of the first Prayer Book, and subsequently in the time of Elizabeth, that your Lordship will not see any ground for saying that merely because the incense is brought in at the time of the consecration prayer (I believe it is so stated in the pamphlet) there is anything illegal in that act.

(*The Dean of the Arches.*) That is, as I understand it, the gist of the objection; because I understood Mr. Stephens to say, that for the purposes of fumigation he had no objection to the use of incense.

(*Mr. Stephens.*) Not the slightest, my Lord, for the purpose of fumigation; but for the purpose of using it as a rite or ceremony.

(*Mr. James.*) Then, adopting that view, I do not see how my friend is to escape from this as a matter of right pleading, that he ought to have charged that it was done as a rite and ceremony. He says it is done during the prayer of consecration. Of course that may be so. He says that it is done during the celebration. But it ought to have been charged that it is done as a rite or ceremony; but I venture to think, on the due interpretation of the words "rite or ceremony," that it is not a rite or ceremony.

(*The Dean of the Arches.*) What is charged is this: "That such use of incense as in the two preceding "paragraphs alleged are severally an unlawful "addition to and variation from the form and order "prescribed and appointed by the statute law and by "the said Book of Common Prayer and Administra- "tion of the Sacraments and other rites and ceremo- "nies of the Church, and are contrary to the statute "law and to the said constitutions and canons."

(*Mr. James.*) I apprehend the charge that it is against the law does not supply the want of intent in the original charge—merely to say that what we are doing is against the law. If it is necessary, as I submit it is, to show the intent of the use of incense, to show that the intent is to add an additional rite or ceremony; without that, it is perfectly harmless. And even if it is to add an additional rite or ceremony, it still falls within what I have pressed upon your Lordship as a thing which was in use, censers being ornaments in use at the time of the first Prayer Book of Edward VI.

My Lord, a few words more will be all that I think I shall be able to add to what I have pressed upon your Lordship, and they will be with regard to the mixed chalice. Now, I cannot conceive why anybody on earth should object to the adding a few drops of pure water to the wine. Why should this, which is the universal practice of the Church, be objected to? I believe there is no church, Eastern or Western, in which it does not prevail. It certainly has prevailed from all time, and I believe we have evidence as far back as the time of Justin Martyr of the mode in which it was celebrated; and we know that our Church expressly said at the time of the Reformation that it only departed from the existing usage of the churches of Spain and France and Italy in those matters which led to superstition or had been abused.

(*The Dean of the Arches.*) You see it is ordered in one Prayer Book, and omitted in another.

(*Mr. James.*) I am coming to that, my Lord. I think it is an argument in my favour when you consider this: Your Lordship sees we start with this *primâ facie;* the reformers of our Liturgy, according to their own statement, had no ground for differing from the uses of the rest of Christendom in that matter; because I do not think it is capable of being suggested that it had either been abused, or that it was a novelty, or that it led to any superstition whatever, or that it was anything more than a more accurate representation, as was believed in the churches, of what actually took place at the supper of our Lord. I believe the opinion is universal that wine and water must have been that which was drunk at the Paschal Feast. It is supposed also to be a symbolical representation, not of anything connected with any orthodox doctrine of any kind, but of the fact that blood and water flowed from the side of our Saviour. Well, that being so, you start with this, that the probability is, no alteration would be made in that practice.

Then you come to the first Prayer Book of Edward VI., and you find that the thing is called wine; it is always talked of as wine. The priest is to put the bread and wine upon the table, adding to the wine a few drops of pure water.

(*The Dean of the Arches.*) The words are "a little pure and clean water," I think.

(*Mr. James.*) "Adding thereto a little pure and clean water." That was the mode in which it was done then. Nothing was said in the second Prayer Book of Edward VI., because there seems to have been a total omission of all the manual acts from that book, which I may, by way of parenthesis, remind

your Lordship is a very strong argument in our favour. Because it would be a very strong view to suppose that during all that time, between the time of the second Prayer Book and the time of Charles, there were no manual acts done with regard to the celebration of the sacrament; and your Lordship sees there are no manual acts prescribed in the second Prayer Book, nor in Queen Elizabeth's.

(*The Dean of the Arches.*) You say the fact of there being no manual acts prescribed in the second Prayer Book or in Queen Elizabeth's is an argument in your favour.

(*Mr. James.*) There are none in the second Prayer Book. Therefore you start with this: that the wine, with "a little pure and clean water" added to it, was the thing which was placed on the table, and called wine. Indeed it is called wine, I believe, in every church in the world.

(*The Dean of the Arches.*) It goes on to say, certainly, "and setting both the bread and wine upon the altar," having said above in the rubric, "and "putting the wine into the chalice, or else into some "fair and convenient cup prepared for that use if the "chalice will not serve, putting thereto a little clean "and pure water."

(*Mr. James.*) Of course it is still called wine; the term is not altered, although the water has been added to it. That being so, I was calling your Lordship's attention to the fact that that direction was not repeated in the second Prayer Book; there was no direction there whatever. Then you come to this consideration: Of course there must have been a cruet used, because, according to that very Prayer Book itself, there was water used, and it is utterly impossible that they could have done without it.

(*The Dean of the Arches.*) Of course there must have been a vessel for holding water.

(*Mr. James.*) There must have been a vessel for holding water; and a vessel which held the water must have been an ornament of the church in use under that Prayer Book, within the very meaning and the very words of the decision of the Privy Council. Well then, these things were ordered to be used afterwards, or, if not ordered, there was a wish that they should be retained. Can it then be said now, that when you say "putting the bread and wine on the table," there is anything inconsistent in the fact of adding a little clean water before it is put upon the table? Because I take it that it must be done before it is put upon the table.

(*The Dean of the Arches.*) I do not think it specifies there when it is to be done.

(*Mr. James.*) I do not think it is stated there, but I have no doubt it is so when the liturgy of Edward VI. is strictly followed.

(*The Dean of the Arches.*) It is not in the articles. It says, that during the celebration he mixed water with the wine. That is the way it is stated.

(*Mr. Prideaux.*) Not in the letters of request.

(*The Dean of the Arches.*) Just let us see what your answer is.

(*Mr. Stephens.*) It is admitted to be true in the Tenth Article of the Responsive Allegations.

(*The Dean of the Arches.*) Yes; you admit it to be true. I am not giving any opinion, but I am only saying that it is not charged that the wine and water is brought in and put upon the Communion table.

(*Mr. James.*) My view is that it is an inchoate act, the act of celebration, that, following the words of the book of Edward VI., he puts the wine on the table, adding thereto "a little clean and pure water." I take it to be in the act of putting, or just at the time of putting it on the table.

(*The Dean of the Arches.*) "Adding thereto a "little pure and clean water." It must be at the time, because it says what he has to do; it says, "putting the wine into the chalice, and adding thereto "a little clean and pure water."

(*Mr. James.*) That is what we contend is the right thing to do, and that is the thing in substance charged. What is admitted is this, that, putting wine into the chalice, we put to it a little clean water. Well, that being so, there is nothing so inconsistent in it as to make your Lordship say this is a thing which cannot be permitted. It is not only innocent, but it is laudable. It may be said on the other side, "If one person "begins to make an innovation, you may have a whole "heap of innovations." That, no doubt, will be the argument of my learned friend. Well, of course there is always a line to be drawn in these cases. If you could show anything else in the same category, if you could show anything else which is adopted in all the churches in the world except ours, which has been adopted by Christendom from apostolic times——

(*The Dean of the Arches.*) I do not think it has ever been held necessary for the sacrament.

(*Mr. James.*) Oh, no; but I believe all the missals contain directions for it. It cannot be held necessary, because the words are "bread and wine." Of course one knows by chemical knowledge that wine is to a great extent made up of water. But what I say is this: If that was done under the first Prayer Book, and the ornament was there for the purpose, is there anything in the second Prayer Book, is there anything in the existing rubric, with regard to putting wine on the table, which would make you say that that thing which was practised under the Prayer Book, and spoken of so highly as the first Book of Edward VI. is,—is there anything to make it not only not obligatory upon those who do not approve of it, but which makes it unlawful for any priest to use who takes a view favourable to it? How can such a thing as that offend in any honest way either the prejudices or the feelings of any persons whatever? I cannot conceive why anybody ever thought it right to raise a litigation upon a proceeding so harmless, as far as they are concerned, and having at the same time, no doubt, a very high meaning to those who attach the meaning which my client attaches to it, but which cannot be said by any possibility to be Popish or Greek, or to be anything but the religion of pure and primitive times.

Well, my Lord, I think I have now exhausted my strength and my argument; and perhaps you will allow me to hand over the case to my learned friends who are with me, expressing my hope that your Lordship will see your way to return Mr. Mackonochie discharged from all further disturbance, from further proceedings in this Court, to his parish, that he may pursue again in peace that zealous career which your Lordship has heard that he has for so many years pursued with so much advantage to, I trust, thousands of his parishioners.

Mr. Prideaux.

(*Mr. Prideaux.*) Before I enter on the detailed consideration of this case, I will venture to submit to the consideration of the Court an argument which I believe to be very well worthy of attention, and which, if it be a valid one, will be fatal to the whole of this prosecution. I believe my friend, although he has not himself presented this point to your Lordship, quite feels that it is a point worthy of your Lordship's consideration. My Lord, the charge against Mr. Mackonochie, if it can be sustained at all, must clearly be sustained, as I submit, under the second division of the penal clause in the Acts of Uniformity. Now the Acts of Uniformity are substantially the same for this purpose, and therefore in reading one, at any rate so far as this part of the argument is concerned, I shall have laid before the Court the whole of my view, because the Acts of Uniformity do not substantially differ. I will call your Lordship's attention to the second part of the clause in the first Act of Uniformity, 2d & 3d Edward VI., cap. 1., sec. 2. It is a long section, and contains a penal clause substantially to this effect. The object of the first part of

the penal clause is to require the use of the Prayer Book. The object of the second part is to prohibit the use of any other service.

(*The Dean of the Arches.*) Why do you select 2d & 3d Edward VI. ?

(*Mr. Prideaux.*) Because I quite concede what my friend has said, that all the previous Acts of Uniformity are set up and are in force for the purpose of enforcing obedience to the present Prayer Book. But I will refer to both Acts, because there is one slight difference, and a very slight difference, between the two sections. It is perfectly clear to my mind (and I do not think your Lordship will entertain any doubt about it) that this is not a charge against Mr. Mackonochie for having refused to use the Prayer Book. Therefore, if Mr. Mackonochie has committed any offence at all, he has offended against the second penal provision of that clause, which is to this effect: "And, albeit, that the same be soe godlie and good "that they give occasion to every honeste and con- "formable man moste willinglie to embrace them, yet "lest anye obstinate person, who willinglie woulde "disturbe so godlie order." Now, that is important, and I am glad your Lordship directed me to the commencement, because clearly this portion of the penal clause is directed against "obstinate persons, who "willinglie woulde disturbe soe godlie order and quiett "in this realme." Well, my Lord, it will be going a great way to say that Mr. Mackonochie is an "obsti- "nate persone, who willinglie woulde disturbe soe "godlie order and quiett in this realme." The clause proceeds, "Shold not go unpunyshed, that it maye "also be ordeyned and enacted by the auctoritie "aforesaide, that if any manner of person, vicar, or "other whatsoever minister that ought or should "synge or saye Common Prayer mencioned in the "saide booke."

(*The Dean of the Arches.*) The offence is refusing to use them "in such form and order as they be men- "tioned in the said booke," "or shall use, wilfully "and obstinatlie standinge in the same, any other "ryte, ceremonye, order, fourme, or manner of "masse."

(*Mr. Prideaux.*) Precisely. Now, I say it is quite clear Mr. Mackonochie is not charged with that. He is not charged with refusing "to use the saide Com- "mon Prayers, or to mynister the sacramentes, in "such cathedrall or parishe churche or other places "as he shoulde use or mynister the same, in suche "order and fourme as they be mencioned and sett "forthe in the saide booke." This is not the clause under which Mr. Mackonochie has erred if he has erred at all.

(*The Dean of the Arches.*) "Or shall use, wilfully "and obstinatlie standinge in the same." How do you construe that ?

(*Mr. Prideaux.*) My Lord, those are the very words to which I wish to draw your attention. That is what I say; and the preamble, the earlier part of the section which I read at the suggestion of your Lordship, aids me in that; because it shows that the object is to punish obstinate persons "who willinglie "woulde disturbe the godlie order and quiett in this "realme;" and in order to punish obstinate persons "who willinglie would disturbe the godlie order and "quiett in this realme," it is provided that if they "shall use, wilfully and obstinatlie standinge in the "same, any other ryte, ceremonye, order, fourme, "or manner of masse openly or privilye, or mattens, "evensong, admynistracion of the sacramentes, or "other open prayer then ys mencioned and sett forthe "in the saide booke"—then the statute goes on to provide that they shall incur certain penalties in the temporal courts; and then it contains a provision that in virtue of this Act he may be prosecuted for any offence against this Act before the bishop in his Ecclesiastical Court, according to the course of ecclesiastical law.

(*The Dean of the Arches.*) Where is that ?

(*Mr. Prideaux.*) That is lower down. I will read it in a moment. The provision that the proceeding may be taken in the Ecclesiastical Court is the 12th section.

(*The Dean of the Arches.*) This was a good deal discussed in Mr. Head's case before the Privy Council, was it not ?

(*Mr. Prideaux.*) No, my Lord; there the question was very different. It turned on the meaning of the word "advisedly." Mr. Head was accused of having maintained doctrines contrary to the Articles.

(*The Dean of the Arches.*) I only meant that the statute was discussed.

(*Mr. Prideaux.*) I daresay the statute was considered; but the use and meaning of the word "advisedly" (which was the question in dispute there) is very different, I apprehend, from the words which I am now relying upon. I am now calling your Lordship's attention to this: "Provided alwaies, and "be it ordeyned and enacted by thauctoritie afore- "saide, that all and singular archebisshoppes and "bisshoppes, and everie of their chauncelors, com- "missaries, archdeacons, and other ordinaries havinge "anye peculiar ecclesiasticall jurisdiccion shall have "full power and auctoritie by vertue of this Acte,"—showing that the jurisdiction conferred upon the Ecclesiastical Court is a jurisdiction conferred by the Acte, and limited by the Acte; is exactly co-extensive and only co-extensive with the jurisdiction which the temporal courts have under the previous section,—"as "well to enquire in their vysitacions and synodes, "and els where within their jurisdiccion at any other "tyme or place to take accusacions and informacions "of all and entire the thinges above mencioned, done, "commytted, or perpetrate within the lymittes of "their jurisdiccions and auctoritie, and to punyshe "the same by admonycion, excommunicacion, seques- "tracion, or deprivacion, and other censures and pro- "cesse in like fourme as heretofore hathe bene used "in like cases by the Kinge's ecclesiasticall lawes." And your Lordship will remember that in another and previous section which my friend cited and dwelt greatly upon—I do not see how it helps him—a third course is given to the bishop. The bishop may, if he pleases, sit jointly with the temporal judge of assize. I do not feel it necessary, unless your Lordship desires it, to refer to that section.

(*The Dean of the Arches.*) When you say "may," you mean "might ?"

(*Mr. Prideaux.*) He might and may.

(*The Dean of the Arches.*) No, he could not do it after the 13 & 14 Vict.

(*Mr. Prideaux.*) My Lord, I apprehend that only applies to proceedings in the Ecclesiastical Court. Probably he could not do it after the 13 & 14 Vict.

(*The Dean of the Arches.*) That applies only to proceedings in the Ecclesiastical Court.

(*Mr. Prideaux.*) The power given to the bishop is to act jointly with the temporal judge in the Civil Court. Therefore, I apprehend, it does not touch the question. All I wish to add is that the offence is limited by the statute. It may be prosecuted either in the Temporal Court or in the Ecclesiastical Court; but in order to constitute an offence it must be the offence pointed out by this Act; and the offence pointed out by this Act is to "use, wilfully and obsti- "natlie standinge in the same, any other ryte, cere- "monie, order, fourme, or manner of masse openly or "privilye, or mattens, evensong, admynistracion of "the sacramentes, or other open prayer then ys men- "cioned and sett forthe" by the Book of Common Prayer. And if it were at all important to make assurance doubly sure, that assurance is furnished by the last section of this Act of Uniformity. "Provided "always, and be it enacted, that whatsoever person "offending in the premises shall for the first offence "receive punishment of the ordinary, having a testi- "monial thereof under the said ordinary's seal, and "shall not for the same offence eftsoons be convented "before the justices; and likewise receiving for the "said first offence by the justices, he shall not for the "same offence eftsoons receive punishment of the

" ordinary; anything contained in this Act to the " contrary notwithstanding."

Now, I say, my Lord, that the effect of those clauses is to limit the offence. It is no offence by the language of the Act unless the offence be committed in the terms provided against by the penal clause; and your Lordship can well understand that when the object is to prevent obstinate and ill-disposed persons from disturbing the peace and order of the Church (for that is the substance of it), such a clause would naturally be introduced. Therefore, in order to justify this prosecution, I respectfully submit that the case must be brought within the terms of the Act of Parliament; and it is not brought within the terms of the Act of Parliament unless it be alleged and proved that Mr. Mackonochie used the services complained of " wilfully and obstinatlie standinge in the same." The words upon which I am relying now, as constituting an essential part of the offence, or rather essentially a part of the offence (and I say that no offence is committed under the statute unless those words have been complied with), are the words " wilfully and obstinatlie standinge in the same." The only difference, my Lord, so far as this question is concerned, between the first Act of Uniformity and the other Acts of Uniformity with regard to the penal clause is that the words in Queen Elizabeth's statute are " wilfully or obstinatlie standinge in the same." But I submit these Acts are used *in pari materia.*

(*The Dean of the Arches.*) There is nothing in Charles the II.'s Act?

(*Mr. Prideaux.*) There is nothing in Charles the II.'s Act; it is all done by reference. The only thing that is done is to say that the several good laws in force are and shall be in force and valid for the purpose of enforcing the new Prayer Book. But I say as they are *in pari materia* to be read together, as we know by various statutes " or " may be read " and," and " and " " or." I submit with confidence that there is a failure to show either. But I say that in order to render Mr. Mackonochie liable to this prosecution it must be alleged either in terms or at any rate in substance—I should submit in terms—certainly in substance, in the letters of request, which are alone the foundation which this Court can act upon; because all this Court has jurisdiction to do, is to try the charge sent by the ecclesiastical judge——

(*The Dean of the Arches.*) By the bishop now; it was under the ecclesiastical judge.

(*Mr. Prideaux.*) By the bishop now,—I beg your Lordship's pardon. I submit therefore, that in order to justify this prosecution, it must appear, at least by reasonable intendment (I doubt if that is enough), both in the letters of request, and in the citation and in the Articles, that Mr. Mackonochie committed these alleged offences " wilfully and obstinatlie standinge in the same."

And, my Lord, I ask with some degree of confidence, where is the allegation—I challenge my friend to show the allegation in any of these documents—and he must show it in all—which, especially in considering a highly penal statute of this kind, can be said to be tantamount to a charge that what Mr. Mackonochie has done, he has done " wilfully and " obstinatlie standinge in the same?" On the contrary, my Lord, the facts of this case show that Mr. Mackonochie has not had the object contemplated in the preamble of this Act; they show affirmatively that Mr. Mackonochie is not an " obstinate person, " who willinglie woulde disturbe the godlie order " and quiett in this realme;" because, what does Mr. Mackonochie do? Mr. Mackonochie believed, and no doubt in his heart now believes, that it is perfectly lawful to elevate the blessed Sacrament over his head; Mr. Mackonochie believed, and no doubt at this moment believes —and I will venture to say to the day of his death will believe—that it is perfectly lawful at this moment to incense persons and things during the celebration of the Holy Communion; but has he " wilfully and obstinatlie" persisted in doing these things as an " obstinate person, who willinglie " would disturbe the godlie order of this realme?" On the contrary, no sooner is Mr. Mackonochie advised that the question is doubtful; no sooner does Mr. Mackonochie learn that it has not met with the approval of his bishop; no sooner has Mr. Mackonochie ascertained that it is not in accordance with the wishes and the views of Convocation, than Mr. Mackonochie, far from being an " obstinate person " wilfully desiring to disturb the godly order and peace of this realm, immediately desists; therefore, my Lord, so far as any inference is to be drawn from the facts—not that they can help this case, because if it had been proved in the most conclusive and unanswerable way as matter of evidence that he had " wilfully and obstinatlie standinge in the same " persisted in these practices, that would not aid the defects, and, as I submit, the incurable defects, alike in the letters of request, and in the citation and in the Articles—that inference would be in favour of my client.

Now, my Lord, are there any authorities to support me in this view? There is one, no doubt not a binding authority, but it is useful for this purpose, upon which my friend relied a great deal, and that is the Injunctions of Bishop Ridley in 1550. Your Lordship will remember that my friend referred to the Injunctions given in the visitation of the Reverend Father in God, Nicholas, Bishop of London, for uniformity in his diocese of London, in the fourth year of our Sovereign Lord King Edward VI., by the grace of God, King of England; and my friend said, " I " cite these authorities to show that Bishop Ridley " at any rate supposed he was carrying out that au- " thority which enabled him to enquire in his Eccle- " siastical Court as to offences committed against the " Act of Uniformity." But what does he say?

(*The Dean of the Arches.*) What are you citing from?

(*Mr. Prideaux.*) I am citing from page 92 of the 1st Cardwell's Documentary Annals. My friend read out the words very triumphantly " or whether a " minister wilfully and obstinately do" so and so. The exact words are " whether any minister use " wilfully and obstinately any other rite, ceremony, " order, form, or manner of communion, matins or " evensong, ministration of sacraments, or open " prayer, than is set forth in the Book of Common " Prayer." Now, my Lord, my friend says that when Bishop Ridley issued these visitation articles his object was to carry out, so far as the power is given to the bishop by inquiry, and I suppose, if necessary, by prosecution in his Ecclesiastical Court, —of which by the way my friend has not brought a trace from the beginning to the end—all the objects of the Act. And yet Ridley inquires whether any minister useth wilfully and obstinately any other rite. Therefore, so far as any inference whatever is to be drawn from these articles, they support, as I respectfully submit, my contention—namely, that to bring a clerk within the provision of this penal clause there must have been persistence; he must have acted " wilfully and obstinatlie."

Then, there is a case in the Common Law Court, which is very obscurely reported, but I think upon the true construction of it it is a direct authority as regards the Temporal Courts; and I have already ventured to submit to your Lordship that the prosecutions in the Temporal Courts and in the Ecclesiastical Court must have proceeded under the same clause. Of course your Lordship will remember that the jurisdiction of the Ecclesiastical Court is given by reference. It is a jurisdiction to inquire by virtue of this Act into " all and everie the thinges above " mencioned, done, commytted, or perpetrate within " the lymittes of their jurisdiccions and auctoritie, " and to punyshe the same by admonycion, excommu- " nicacion, sequestracion, or deprivacion, and other " censures and processe in like fourme as heretofore " hathe bene used in like cases by the Kinge's " ecclesiasticall lawes."

(*The Dean of the Arches.*) Would not the Ordinary have had power without that?

(*Mr. Prideaux.*) I respectfully submit not. That is one of the points I am contending for. This is a violation against an Act of Parliament; there is no offence, unless it be an offence against an Act of Parliament. My friend says the argument is the same. It has been sugested that disobedience to an Act of Parliament is indictable in itself; and I suppose your Lordship will hold that in the same way any disobedience to an Act of Parliament of an ecclesiastical character would be cognizable in the Ecclesiastical Courts. But I submit that where the limits of the offence are pointed out by the Act of Parliament itself as they are here, then that shows the will of the Legislature that no offence is to be deemed to have been committed unless you can bring the alleged offender within those limits.

(*The Dean of the Arches.*) You will remember when the old statute of brawling existed, it was competent for a person to proceed either under the statute or under the general law, although there was a statute defining the offence.

(*Mr. Prideaux.*) That may be so; but where the character of the offence is expressly defined in the statute, I say that the fair inference of the intention of the Legislature is, that it can not be supposed that the Legislature would have provided these penalties for this purpose, and would have specified the circumstances under which the party should be deemed liable to those penalties, and that they at the same time intended that the provisions limiting the penalties should go for nothing.

My Lord, there is a case which I have already referred to in Godbolt's Report, which, I submit, when fairly and properly looked at, is a direct authority on this point. It is No. 137, page 118. I think there is only one edition of the book. It is an anonymous case in the 29th of Elizabeth in the Queen's Bench. It is not very long, and with your permission I will read it. "Exceptions were "taken by Fuller to an indictment upon the statute "of 1 Elizabeth, cap. 2." (that is, Elizabeth's Act of Uniformity), "for omitting of the crossing of a child "in baptizing it. The case was that a minister out "of his cure at another church, namely, at Chelmsford "in Essex, did baptize a child without the sign "of the cross, for which he was indicted. The "first exception was that the statute speaks of "ministers which do not use the administering of the "sacrament in such cathedral churches or parish "churches as he should use to administer the same; "that this was not the parish church in which he "should use the same. Suit, Justice, was of opinion "that it was good notwithstanding that; if otherwise "the statute might be greatly defrauded. The words "of the statute are, further, 'or shall wilfully or "'obstinately standing in the same, use any other "rite, ceremony, order form,' &c. Secondly, he took "another exception upon those words, for the omitting of the crossing only is put, and it is not shown "that the use of any other rite or ceremony, for there "ought to be some positive thing. Direct disobedience "would, no doubt, be sufficient. Then it was argued, "he doth not show the place or parish where he "persisted in it, and that is material and issuable." My Lord, I am at present reading the argument. The fourth I need not trouble you with, nor with the fifth. The sixth was that it was at another church, and Raye, Chief Justice, "if this evasion "should be allowed, the statute were to no purpose." The seventh was: "That it doth not show where "the persisting was. For that is a special thing, "and material and traversable. Raye, Chief Justice, "conceived that that only was a material exception." So that it is clear that, according to the opinion of Raye, Chief Justice, the persistency—the "wilfully "and obstinately standing in the same"—was an essential element in the offence, and that the offence could not have been committed unless there was such a persistence—that that only was a material exception, and that the other exceptions were but frivolous and were not good.

Now, my Lord, there is no record here of what was done; but I think the fair inference to draw (although, unfortunately, Godbolt is not very particular in stating in terms the result of the cases which he reports)—but I think it is impossible to come to any other conclusion upon this, than that the Court, in this case, was of opinion that the persistency—the "wilfully and obstinately standing in the same"—was an essential element in the offence, and that no offence against the statute was committed unless the persistence was shown and pleaded in order that it might be traversed; because it is impossible to put any other meaning upon the words than that. "The seventh was that it doth not show where." Your Lordship is aware that at that time it was necessary to allege venue of every material fact. Unless the fact were immaterial, it was necessary to allege venue; and the report says: "The seventh "was that it doth not show where the persisting was, "for that is a special thing and material and issuable," and only material and issuable because it was of the essence of the offence. "Raye, Chief Justice, "conceived that that only was a material ex-"ception."

Now, my Lord, there is one other case which I will just refer to. It has been before your Lordship already, and I merely refer to it to support my position,—that although the general rule of law is that if you disobey a public statute you are liable to indictment, yet that does not apply to those cases where the statute specifically and in terms points out the offence which is intended to be charged. The case which I wish to refer your Lordship to is a case which I do not wonder my friend Mr. Stephens did not call attention to at all—the case of *The King* v. *Sparkes*.

(*The Dean of the Arches.*) That is the case Mr. James cited.

(*Mr. Prideaux.*) That is the case my friend Mr. James cited. There can be no doubt that in *The King* v. *Sparkes* prayers were said which were no part of the Prayer Book; and one of the reasons given by the Court in reversing the judgment was that it might have been the prayer before sermon, and so no offence; and when your Lordship remembers that the sermon is a part of the office of the administration of the Lord's Supper, I apprehend it cannot be argued that this was a prayer interposed between the services. Because the Prayer Book directs the saying or the singing of the Nicene Creed, it then says, "Here shall follow the sermon, "or one of the homilies set out by authority," and then gives directions what the priest is to do. And how my friend's clients (for I have no doubt they do it) justify the going into the vestry in the meantime to put on their black gowns, in order to come back and preach the sermon in it, I confess I cannot understand. All that I desire to show your Lordship now is this, that prayer before sermon is not a prayer intermediate between the different services prescribed by the Prayer Book; it is a prayer introduced in the very midst of the office for the celebration of the Holy Communion, and yet the judgment there was reversed because the terms of the penal clause had not been complied with. If the principle which is sometimes held, that disobedience to a public Act of Parliament is a subject for indictment, had applied, there had been in one sense a violation of the letter of the Act of Parliament; but there had been no violation of the penal clause, and inasmuch as the liability to prosecution, as I submit, either in the Temporal Court or in the Spiritual Court is limited to the penal offences pointed out by the Act of Parliament, the judgment was reversed, and I apprehend that in considering these Acts of Parliament you must apply the same rule of interpretation; and excepting that the punishments may be different, you must be guided by the

same rules and limits in the Spiritual Courts as you are in the Temporal Courts.

Now, my Lord, there is one other case, which is a very celebrated one, and a case with which I have no doubt your Lordship will be well acquainted, and which will probably be cited against me by my friend in reply. But when that case is carefully looked at, it does not in the slightest degree militate, as I submit, against the position which I have been venturing to lay down before your Lordship. I allude to the celebrated case on the King's Ecclesiastical Laws in 5 Coke.

(*The Dean of the Arches.*) Cawdray's case?

(*Mr. Prideaux.*) Cawdray's case. I take it for granted that my friend will urge this case against the contention which I am now humbly maintaining, but I submit with some confidence.

(*The Dean of the Arches.*) You know the case of *Burgoyne* v. *Free* bears upon your argument?

(*Mr. Prideaux.*) That was a case of prohibition.

(*The Dean of the Arches.*) Yes; but it was a case where there was a statute which pointed out the mode of proceeding.

(*Mr. Prideaux.*) I have only a general recollection of the case, but if my memory serves me rightly, Mr. Free was a gentleman rather free in his moral, or rather immoral, conduct. They attempted to obtain a prohibition against him, but could not, and I recollect there was a gentleman who, at the cost of all he was worth in the world, obtained deprivation against him.

(*The Dean of the Arches.*) I thought that case would have some bearing on your argument. It was cited by Lord Lyndhurst if I remember rightly.

(*Mr. Prideaux.*) I am much obliged to your Lordship. The only case that I am aware of, which apparently militates against the proposition that I am laying down, is Cawdray's case. He had been proceeded against in the High Commission Court, and one great question was whether the High Commission Court had jurisdiction in the matter. But that is beside the purpose for which I cite it. The authorities no doubt say that whatever the King could do in his Ecclesiastical Court, could be done in the High Commission Court, so far as the subject-matter of that case is concerned; but that is a matter beside the purpose for which I cite this case before your Lordship. You will remember that by the High Commission Court, which for this purpose is to be regarded as an Ecclesiastical Court, Cawdray had been deprived of his living for an offence against the Act of Uniformity, and he had been deprived for a first offence. The statute law is more considerate than the ecclesiastical law is bound to be upon that question. The statute law imposes a penalty—I forget exactly what it is, but it is immaterial for this argument—for the first offence, but it is far short of deprivation. The offence which Cawdray had committed was a first offence. He had been deprived by the Court of High Commission for that first offence, and he contended that that was in violation of the statute; because the statute only imposes the penalty of deprivation upon a second offence, and it was held that by virtue of the clause which reserved to the Ecclesiastical Court the power of punishing offences against that Act, according to the course of ecclesiastical law, that deprivation was warranted. But what I wish particularly to call your Lordship's attention to is this, that the offence for which Cawdray was punished was an offence designated and pointed out under the penal sections of the Act of Parliament.

I will now call your Lordship's attention to the resolution upon which my friend will no doubt rely.

(*The Dean of the Arches.*) I know it was a very famous case on many grounds. Amongst others, if I remember rightly, it decided that the Crown had not got any new jurisdiction at the Restoration, but merely regained the old jurisdiction which it had formerly.

(*Mr. Prideaux.*) No doubt; in that view of the case I am as Protestant as my friend Mr. Stephens. I rejoice that the ancient jurisdiction of the King and Queen in matters ecclesiastical has been secured to this country. I am quite sure that my friend and I shall not differ there. It is a very long case, my Lord.

(*The Dean of the Arches.*) I remember the immense accumulation of precedents in it.

(*Mr. Prideaux.*) Yes. I am going to quote at page 5 of the edition which I have:—"As to the first and "second objections, both being grounded upon the "said Act of Parliament, it was resolved by the "whole Court, that, notwithstanding these two "objections, the sentence was not to be impeached "for either of them; and that for three causes: first, "for that the said Act concerning the uniformity of "common prayer being in the affirmative doth not "derogate or take away the jurisdiction ecclesiastical, "unless words in the negative have been added—as, "and not otherwise, or in no other manner or form, "or to the like effect. And this appeareth by the "general rule of all our books, as appeareth;" and then several cases are referred to. I suppose that is the resolution upon which my friend will rely; but all that that resolution decides, supposing it to be strict law, is this: that, inasmuch as it was not provided expressly in the statute that the Ecclesiastical Courts should not have jurisdiction, that the Ecclesiastical Courts might even, without the provision which follows in the Act, have jurisdiction to try an offence under the statute. But I submit that it does not carry it further. Mr. Thomas, in his edition, has a query to that effect.

(*The Dean of the Arches.*) That is much the same as what I ventured to remark just now; that even if there had been no authority given under the statute, the Ecclesiastical Court would have had jurisdiction.

(*Mr. Prideaux.*) I should very much doubt it. At any rate it is clear that in express terms in this case jurisdiction is given to the Ecclesiastical Court by virtue of this Act.

(*The Dean of the Arches.*) But my question is, if it had not been given would not the Ecclesiastical Court still have had it? That case goes a long way in support of that idea.

(*Mr. Prideaux.*) It may or may not be, that if there had been no express clause giving jurisdiction to the Ecclesiastical Court, an argument might have been founded, that inasmuch as the matter concerned matters ecclesiastical, the Ecclesiastical Court had jurisdiction. But I say that the nature and the extent of the jurisdiction are pointed out by that clause which gives the Ecclesiastical Court jurisdiction by virtue of this Act, and that the fair construction to be put on that section is to hold that the Ecclesiastical Courts having this express jurisdiction given them, which they did not want, supposing the other view is correct, by virtue of this Act, is to hold that the only matters over which the Ecclesiastical Courts were to have jurisdiction were those in respect to which offences were declared to be committable under this Act. And the Court will remember that there is a fifth resolution, which is,—"To make assurance doubly "sure, express jurisdiction is given to the Ecclesiasti-"cal Court by the statute." And then they go on to discuss the further question, and they say that on the question then under consideration there is no distinction to be taken between an ordinary Ecclesiastical Court and that special, high, prerogative Court whose functions were then under consideration.

Adjourned to the next day at 11 o'clock.

SEVENTH DAY.

Saturday, January 11, 1868.

(*Mr. Prideaux.*) You have been pleased, my Lord, to call particular attention to a clause in the preface of the first Book, and which we find in the second Book of Common Prayer, under the title, "Concerning the Service of the Church," and have expressed a great desire that the counsel should render you such assistance as our humble efforts will enable us to do, bearing upon its construction. Therefore, in the first instance, with your Lordship's permission, I will refer to that clause.

(*The Dean of the Arches.*) I am much obliged to you.

(*Mr. Prideaux.*) I shall have to deal with it again, but I am referring to it now as it appears to me to bear upon the question which I have already ventured to submit to your Lordship, namely, the necessity, in order to bring a clerk under the penal clauses of the Act of Parliament, of showing (and, of course, alleging in the pleadings) that what he did he did "wilfully and obstinately standing in the same." Now, my Lord, the clause is this, "And forasmuch as "nothing can be so plainly set forth but doubts may "arise in the use and practice of the same, to appease all such diversity (if any arise), and for the "resolution of all doubts concerning the manner how "to understand, do, and execute the things contained in this book, the parties that so doubt or "diversely take anything, shall alway resort to the "bishop of the diocese, who, by his discretion, shall "take order for the quieting and appeasing of the "same, so that the same order be not contrary to any-"thing contained in this book." Now it does appear to me that that clause has a very material bearing on the point which I ventured to submit to your Lordship yesterday, because the penal clauses of the statute show the method which is to be adopted where the clerk wilfully, and, with a view of disturbing the peace of the realm, steadfastly and obstinately persists in a course which he knows, or ought to know, to be wrong. It appears to me not to signify at all, as far as this case is concerned, whether the action of the bishop is to be in his ecclesiastical court or not, because your Lordship cannot doubt that in whatever manner the bishop is to act under this section, the proceeding must be a civil proceeding, and not a criminal one, and therefore, so far as the consideration of this case is concerned——

(*The Dean of the Arches.*) Why do you say it must be a civil and not a criminal proceeding?

(*Mr. Prideaux.*) I say it for these two reasons, my Lord, first because it is not to be presumed that any penal proceeding is contemplated, unless it be expressly provided, or provided by necessary implication, which is the same thing, that the proceeding shall be criminal; and secondly, because it evidently points at that which would be most inequitable and unjust, to punish by criminal proceeding because it points not at any wilful impropriety, it points not at any misconduct, it simply points out a method for providing so that nothing be ordered contrary to anything that is contained in the book; it points out a method for adjusting *bonâ fide* doubts which the statute says in fact must arise, "inasmuch as "nothing can be so plainly set forth but doubts may "arise in the use and practice of the same;" and it goes farther, because it provides that the parties that so doubt, evidently giving the power of movement, I should say, to either party, and evidently contemplating a proceeding *inter partes* and not a criminal proceeding.

(*The Dean of the Arches.*) Do not all your observations rather point to this, that the true interpretation of that clause is that the personal authority of the bishop is there invoked and not his legal authority?

(*Mr. Prideaux.*) I think it probably does; but I am addressing myself to the court at this moment for a particular object, and I am now making these remarks upon this section for two reasons. First, because your Lordship was pleased to express a desire that the counsel engaged in this case should direct their particular attention to the section; and secondly, because I say that it points out distinctly upon the face of the Act of Parliament, and the Prayer Book that is read with it, the class of cases in which the proceedings are to be taken.

(*The Dean of the Arches.*) Before the bishop?

(*Mr. Prideaux.*) Yes, and so far as this argument is concerned it does not signify to me whether they are so to be taken before the bishop personally or in his ecclesiastical court. The important matter is that the statute acknowledges that nothing can be so clearly set forth but that doubts may honestly arise; and the statute provides, having already provided for those who "wilfully and obstinatlie" act contrary to the Prayer Book, very properly a criminal proceeding, the statute provides for those who conscientiously and honestly entertain doubts as to the use and practice of this book a civil method of ascertaining what practice ought to be adopted, namely, an appeal to the bishop by civil proceeding.

(*The Dean of the Arches.*) Let me ask you, would your argument go in this direction, that previous to the institution of criminal proceedings for violation of the Act of Uniformity there ought to have been an application to the bishop, under this rubric?

(*Mr. Prideaux.*) I do not think, assuming for the sake of argument that Mr. Mackonochie has been guilty of any offence under the first Act, that it is absolutely necessary; I shall not go the length of saying that there should have been a proceeding before the bishop in the first instance; but I say this, that unless the Court can see upon the face of these proceedings (and the Court will understand that when I say that, of course I insist that it must appear both on the pleadings and on the evidence) that what Mr. Mackonochie has done he did otherwise than in an honest doubt as to whether he had a right to do so; then assuming that view of the case, I say there ought. I say that no criminal proceedings would lie against him at all.

(*The Dean of the Arches.*) Until there had been an admonition from the bishop.

(*Mr. Prideaux.*) Certainly not until there had been an admonition from the bishop. Supposing that Mr. Mackonochie, acting upon this principle, "forasmuch "as nothing can be so plainly set forth but doubts will "arise;" supposing Mr. Mackonochie honestly doubts as to the uses and practices of which he is accused, then I say that no criminal proceedings will lie against him, not merely until after admonition (although it may be that after admonition Mr. Mackonochie might be liable to a proceeding for the breach of his canonical obedience, but that is not this case), I say that if Mr. Mackonochie honestly doubts as to whether he has not a right, or rather I should say, honestly believes that he has (because the doubts arise from the opposite side thinking differently) a right to do these things, then I say he does not do them "wilfully and obstinatlie standing in the same,"

and that the appeal ought to have been to the bishop under this provision. Then I admit that, supposing Mr. Mackonochie not honestly believing, but having the corrupt object which is imputed in the preamble to the penal clauses (and I am quite sure your Lordship will not hold for one instant that he has any such corrupt motive), but I say, supposing him to have such corrupt motive, still these proceedings ought to have been taken first, and then if Mr. Mackonochie persists in those practices after admonition, I admit that it would be very difficult to say that he had not used those practices "wilfully and obstinatlie standing in the same;" but I say, in the absence of an admonition, which is the proper ecclesiastical means of bringing a man into contumacy, and showing that he is acting "wilfully and obstinatlie," it is not to be inferred from the fact that Mr. Mackonochie is proved to have done or sanctioned these things on three occasions, that he did not do them in the honest belief that he was rightly carrying out the provisions of the Act of Parliament; and I say that in the absence of pleading and showing a monition forbidding him from doing it, the pleadings ought to show clearly and conclusively and unanswerably a state of facts which are inconsistent with innocence on his part, that is to say, either by express language or by language involving necessary implication, it ought to show a state of facts that what he has done he has done not in an honest doubt, but "wilfully and obstinatlie," and with an intention to "disturbe the quiet and peace of the realm."

Now, my Lord, that is the additional suggestion which I venture to make upon this point. It is not to be presumed that Mr. Mackonochie has acted otherwise than honestly. If he has only acted honestly proceedings ought to have been taken under this provision; if he has acted dishonestly there is no evidence of it and no allegation of it; and the pleadings and the evidence ought either to show a monition or something from which you can in common fairness (because Mr. Mackonochie is entitled to every reasonable doubt) infer that he acted "wilfully and obstinatlie."

But, my Lord, this section has an important bearing, as I submit (it results from what I have already said—it is a corollary), but still in the multiplicity of matters that we have to consider, although it is to my mind a necessary corollary, I am quite sure your Lordship will feel I am not improperly taking up your time in calling your attention to it, and that is this: we had some discussion yesterday about the original common law jurisdiction of the Ecclesiastical Court; and your Lordship will remember that I cited a famous case from Coke, for the purpose of endeavouring to show, and I hope conclusively showing, that the case was no authority against my contention. It certainly is not as regards the decision, and I do not think, when the reasons and results are looked at, that it is as regards the principle; but if I am right in the view which I take of this clause, it clearly confirms and supplements my argument, that in order to constitute a criminal offence there must have been a "wilfully and obstinatlie standinge in the practice."

I shall have to trouble your Lordship by referring to that clause in the article upon ceremonies again; but those are the observations which I have to make upon it so far as it bears upon the point of law which I ventured to submit to your Lordship's consideration yesterday.

I will now make, with your Lordship's permission, a few remarks supplementary to what my friend Mr. James has said upon the necessary elements of the letters of request and of the citation. I shall be very short upon that point, and then when I have dealt with it I propose in the next instance to go, following so far the plan adopted by my learned friend, into the consideration of the general question, that is to say, the exact meaning of the words contained in the penal clauses of the Acts of Uniformity.

Now, my friend, Mr. James, referred your Lordship to the case of Francis *v.* Stuart; and that I think I may fairly say may be called the leading case upon the question of the requirements of a citation. I say it with great respect, but it appears to me that that very case shows that in the opinion of the Court of Queen's Bench the ecclesiastical courts had not been so particular as to the necessary requirements of the citation as in the judgment of the Court of Queen's Bench they ought to have been. And every word, I think, of the judgment of Lord Denman in this well-considered case is deserving of very great consideration. Your Lordship will do me the favour to remember that this application was not made to the Court of Queen's Bench until after the matter had been carefully considered by the learned judge who then so ably filled the office which your Lordship is now filling, Sir Herbert Jenner Fust. The case is reported, I think, in 3 Curteis. I do not know that I need trouble your Lordship by any quotations from the report in the Ecclesiastical Court, but it will be sufficient for me to say that the sufficiency of the citation was elaborately argued in the Court of Arches, that an elaborate judgment was given by Sir Herbert Jenner Fust upon the question; that he reviewed the principles which regulated the requirements of citations, stating (and that is a somewhat remarkable thing) that he would rather be guided by what was then the practice of the Court than by the authority of the ancient writers upon ecclesiastical law—citing two of them—Oughton, I think, was one, and I forget the other at this moment, and coming to the conclusion that according to the then practice (and when I say "then," I do not mean to say that his judgment was that the practice had altered) according to the practice as it had been collected from what was then *de facto* done, the same strictness was not requisite in a citation as seemed to be requisite according to the authorities of those ancient writers; and after a most elaborate consideration of the subject he resolved that the citation was sufficient, and determined to proceed with the cause. It is true that he seemed to take a somewhat different view (but that is rather in my favour) of what in fact constituted the offence of wilfully and contumaciously obstructing the making of a church rate to that which the Court of Queen's Bench held. But still the broad question of the sufficiency of the citation as well as the question as to what constituted a criminal opposition to the making of a church rate, were elaborately argued, and there was an elaborate judgment delivered. That view of your Lordship's learned predecessor was not acquiesced in by the Court of Queen's Bench. The Court of Queen's Bench ruled that stricter principles must be applied to the requirements of a citation than Sir Herbert Jenner Fust had seemed to consider necessary, and granted their prohibition; and there is one portion of the judgment which my learned friend Mr. James did not read, to which I wish to call your Lordship's attention.

(*The Dean of the Arches.*) It is in 5th Queen's Bench, Adolphus and Ellis, new series, is it not?

(*Mr. Prideaux.*) Yes; I am reading from page 995. The words were "particularly in respect to his having wilfully and contumaciously." This will be very important when your Lordship comes to consider some of the points, because if any words would cure a defective allegation of facts it would be such a word as "wilfully and contumaciously," which certainly are much stronger than the words "contrary to the statute," *contra formam statuti*, which mean nothing, and they are much stronger than the word "unlawfully," which means nothing. When I say *contra formam statuti* means nothing, under the old law it was necessary to allege it as a formal termination. But I mean to say that all decisions upon criminal pleadings show that there must be upon the face of the record allegation of facts from which the Court can see that the offence complained of has been committed, and that no omission, of whatever kind, can be cured by a mere general allegation that

the matter was done "wilfully and contumaciously" or "against the form of the statute," or "unlawfully."

The words are "particularly in respect of his "having wilfully and contumaciously obstructed or "at least refused to make or join or concur in the "making of a sufficient levy, rate, or assessment for "providing funds in order to defray the expense of "the necessary repairs of the parish church. The "declaration alleged that by the said citation the "plaintiff was not charged with any ecclesiastical "offence cognizable by any Ecclesiastical Court. A "general demurrer to this declaration has been "argued before us. No question was made whether "a citation must not contain the charge of an eccle-"siastical offence. In the ancient constitutions a "remedy is applied to many abuses of process by "citing persons out of the jurisdiction wherein they "reside, and finally the Act of Henry VIII. (com-"monly called the Bill of Citations) was passed to "prevent this great and frequent oppression "whereby persons often found themselves excom-"municated and ruined without notice of the pro-"ceedings against them. But it is constantly assumed "that they set forth on the face of them a spiritual "offence." I pray your Lordship's especial attention to these words: "It is constantly assumed that they "set forth on the face of them a spiritual offence. "Many such offences were well known by their "proper descriptions." Now we come to the important part of the case, showing that where the proceeding is for heresy or subtraction of a church rate, or any other matter where there is a technical term of art in the ecclesiastical jurisdiction to express it, it is sufficient that heresy, that brawling, that subtraction of the various kinds of ecclesiastical dues should be alleged. "It was not urged that there can be "no offence where the acts charged are incapable of "technical designation, but that, if the offence con-"sists of special circumstances, these should appear "on the citation." Now, my Lord, there is clearly no technical method of describing this; and the nearest approach to a technical view, if any, would have been the use of the words of the penal clause in the Act of Parliament, and to have said "for using "(wilfully and obstinatlie standinge in the same) "another rite, ceremony, order, form, &c." Now, this is what I beg to call your Lordship's attention to especially, because it was argued that the citation was rather in the nature of process to bring a party into Court than in the nature of a criminal proceeding; to show him what was the exact nature of the offence charged against him. Your Lordship will observe they are speaking here of the ancient writs, not of the simple mode which has been adopted in the courts in modern times: "not unlike the proceedings "of our own Courts, where writs were provided "in common form for known causes of action, but "an action on the case might be founded on "special facts converting what might have been "innocent in itself into an injury to the party com-"plaining, and a writ was framed for the occasion." Now, here I say, this part of the judgment is exactly applicable to this case. Apart from there being no technical method of describing the offence complained of against Mr. Mackonochie, it is quite clear, if I am right in the view I have taken before, that Mr. Mackonochie has committed what may be called an innocent offence. By "innocent" I mean an offence for which he is not liable to any criminal punishment, if he has merely done the thing in the honest belief that he was doing that which he had a right to do. "Converting what might have been "innocent in itself into an injury to the party com-"plaining, and a writ was framed for the occasion."

(*The Dean of the Arches.*) Your argument is that the articles are inadmissible.

(*Mr. Prideaux.*) No, my Lord, at present I am not dealing with the articles.

(*The Dean of the Arches.*) But is not that the necessary inference of your argument, that they were inadmissible?

(*Mr. Prideaux.*) No, I think not; I am at present laying down the broad principle; I shall only apply it to two out of the four charges.

(*The Dean of the Arches.*) I quite understand that.

(*Mr. Prideaux.*) I am not now discussing the sufficiency of the articles.

(*The Dean of the Arches.*) But you are discussing the insufficiency of the decree by letters of request which is called the citation—it is the same thing; you are discussing the insufficiency of that instrument to bring the parties before the Court.

(*Mr. Prideaux.*) Quite so.

(*The Dean of the Arches.*) But has not that been already discussed?

(*Mr. Prideaux.*) No, my Lord. I submit not, except upon one point. It is quite clear after what your Lordship has stated, I cannot say one word about the incensing, because your Lordship says (I regret it very much, because I really feel that it may lead to the necessity possibly of discussing that point elsewhere, when I should be glad that the matter should be dealt with by your Lordship,) but I understand your Lordship to say this, and I do not understand you to go further, that inasmuch as we specifically took the objection before your Lordship's learned predecessor, that the citation relating to using incense let in an article charging the censing of persons and things, that whatever your Lordship's private view may be upon that question, you consider yourself bound by the decision of your predecessor and will not open it. That is what I understand your Lordship to have decided, but I beg to call your attention to this——

(*The Dean of the Arches.*) I do not think I have said anything about incensing.

(*Mr. Prideaux.*) My Lord, that was the only question which was discussed.

(*The Dean of the Arches.*) I said that I considered myself bound by the judgment of my predecessor that these articles were admissible, and I called the learned counsel's attention to the history of the case, namely, that the admissibility of these articles was opposed, that that opposition was overruled, that subsequently amended articles were given in, and by consent of all parties admitted, as the minutes of the Court show, and I said that having regard to these circumstances, I did not think, and I do not think that it is competent to me to make any decision now as to the articles being inconsistent with the citation. That is what I stated as nearly as possible. I do not know the exact words I used, but in substance I think that was it.

(*Mr. Prideaux.*) With submission I would ask your Lordship to direct your attention to what really was done before your predecessor, and I submit that it will then be abundantly clear that according to every fair principle, the decision that your Lordship has come to can only apply to that part of the case relating to the censing of persons and things.

My Lord, I am sorry to say that my friend, Dr. Tristram, is not here, because of course upon this part of the case he would be better able to address your Lordship than myself.

(*The Dean of the Arches.*) Do not misunderstand me. Of course, Mr. Prideaux, I am quite ready to hear any argument you offer to me, and I think it competent for you to show, even at this time, that there is no ecclesiastical offence of which this Court has cognizance. Even now it is competent for you to show that. But the question as to the admissibility of the articles I consider concluded. I cannot open that question again.

(*Mr. Prideaux.*) Do I understand your Lordship to hold or not, because if not, I am sure you will pardon my addressing a few more words upon the subject——

(*The Dean of the Arches.*) I will hear you at any length you like, Mr. Prideaux. I have nothing to complain of at all in your mode of conducting the argument. Perhaps you had better take your own course. I would much rather hear you.

(*Mr. Prideaux.*) Then under those circumstances

when I come to deal with the sufficiency of the citation, which will be my duty when I have finished my comments upon this case of Francis *v.* Steward, I shall deal then with what I understand to be the extent to which your Lordship is excluded from discussing this question.

(*The Dean of the Arches.*) I would rather you dealt with the whole question in your own way. A few minutes more or less in a case of this magnitude does not signify at all.

(*Mr. Prideaux.*) If your Lordship pleases. Then, my Lord, I say that the first part of this judgment shows clearly that the citation is not mere process to bring a party into court, but far from that, it must definitely point out the offence that is alleged to have been committed. Then the other part of the judgment to which I have ventured to draw your Lordship's attention is that dealing with the words "wilfully and contumaciously." "The Solicitor-"General maintained that the words of charge which "I have just read from the citation impute a spiritual "offence. Not denying the right of every parishioner "to refuse to make, or join or concur in making a "church rate, nor even the right to vote against the "imposition of a rate, he still urged that to do either "'wilfully and contumaciously' is a spiritual offence, "and that the wilfulness and mode of refusing, and "the accompanying acts inferring that contumacy "which thus became the essence of it, need not be "farther particularized in the citation, but may be "introduced for the first time to the knowledge of the "accused as evidence in support of the charge. In "the proceedings of any court where an accusation "is preferred, the minimum of allegation is the "maximum required in proof; the prosecutor in "several counts (as the charges in the præsertim "are called by learned ecclesiastical judges) must be "entitled to succeed if he establish any one of them, "and, consequently, if this citation is good, the "present plaintiff will incur spiritual censures though "convicted of no other fact than that of a refusal to "join in making a church rate." Then comes the discussion of the law on the making of a church rate. Then a subsequent part which I wish to read is at page 1005, because it contains observations which my friend did not bring under your Lordship's notice, important as showing that you cannot cure a citation any more than you can an indictment at common law, or than you could the original writ at common law by simply drawing an inference of law, but that goes for nothing. "But here attention must be drawn to the "citation as it appears in these pleadings. (*His "Lordship here read from the citation the words "describing the alleged offence.*) According to the "strict rules of criticism, at least of legal criticism, "as applied to instruments which ought to show "criminal jurisdiction, the words 'wilfully and con-"tumaciously,' would appear to be confined to the "obstruction, and by no means necessarily connected "with the refusal. But if they were we must examine "the force of the word 'contumaciously.' To an "argument at the bar that there can be no con-"tumacy without a monition, a previous monition—"'*monitione præmissa*,' this was the reasoning of "the judge in the Court of Arches." "'It is said "'that a person cannot be contumacious unless there "'has been a monition issued against him, which "'has been disobeyed; and perhaps that is correctly "'argued,—What then? The words 'contumaciously "'obstructing' import 'that there has been a "'monition,' for if contumacy consists in disobeying "'a legal order, it follows from the use of the word "'contumacy' that there has been such an order.'"

(*The Dean of the Arches.*) Had there been a legal order in that case?

(*Mr. Prideaux.*) I do not know whether there had been. I rather think not; but it certainly did not appear. I cannot say whether there had been an order, but there was no allusion to it in the citation. "If the whole train of circumstances necessary to "make out an offence must be inferred from the "use of a word which would be inapplicable unless "those circumstances existed, the art of criminal "pleading in all our courts will be reduced within "very narrow limits indeed." And indeed, my Lord, that is a matter almost self-evident. All the common law authorities show (and there are hundreds of them which show) that stating an inference of law does not add any pleading at all; and therefore the words "contrary to the Prayer Book," which occur in one of the charges, and the word "unlawfully," which occurs in one or two of them, absolutely mean nothing so far as regards the consideration of the sufficiency of the citation.

I will be very brief in my remarks upon the special clauses upon the various legal proceedings.

(*The Dean of the Arches.*) Then do I understand your argument at present to be that this citation is insufficient?

(*Mr. Prideaux.*) My argument is that the citation——

(*The Dean of the Arches.*) The decree, rather.

(*Mr. Prideaux.*) That the decree is insufficient in some of the articles.

(*The Dean of the Arches.*) I am speaking of the decree now—the instrument you call the citation. It is a decree in this case—it is the same thing. Do you say it is insufficient? That is what I want to know.

(*Mr. Prideaux.*) Yes, certainly, with respect to two of the articles. I take it to be quite clear that the foundation of your Lordship's jurisdiction (and I shall submit that a question of jurisdiction may be discussed at any time, because no consent can cure jurisdiction, and as no consent can cure jurisdiction (and no principle of law is better established than that), I shall submit that it is open to your Lordship to consider all these matters, and I do submit it with great confidence. I am glad Dr. Tristram has returned, because he is so conversant with the practice of the ecclesiastical courts (as, of course, your Lordship is) that he will at once correct me if I am wrong. I say that it is quite clear your Lordship's jurisdiction is limited entirely by the Church Discipline Act. By the Church Discipline Act it is limited to those matters which you are asked to try by the letters of request, and I say that it is not sufficient that the decree and the articles should agree, but that they must also agree with the letters of request.

Now, my Lord, in one point (I will call attention to it presently) there is, as I submit, a fatal variance between the letters of request and the decree; and I submit that you are not at any rate precluded from inquiring into that. I further submit that you are not precluded by any decision of your learned predecessor from inquiring into the sufficiency of the decree, although you may be precluded from inquiring as to whether the words "used incense" admit the article charging the censing of persons and things. Because if I recollect right, and I believe I am right (but it will be in your Lordship's recollection and my friend Dr. Tristram's) the only article which was formally opposed was the article relating to the censing of persons and things. We took an objection to the sufficiency of the article relating to elevation. That I concede, but that is a different thing. We did not object that that article was not warranted by the decree, or that the decree was insufficient. Indeed, as far as I recollect, we did not object to the sufficiency of the decree at all, and we only objected to the sufficiency of one article seriously, the article relating to the elevation. But we did object in terms, if I recollect right, that the citation relating to the use of incense during the celebration of the Holy Communion did not admit a charge that Mr. Mackonochie had censed persons and things during the celebration of the Holy Communion. Your Lordship's learned predecessor ruled that the words "unlawfully using incense during the Communion Service" were sufficient to let in an article charging the censing of persons and things.

(*The Dean of the Arches.*) He did so ?

(*Mr. Prideaux.*) He did so. I can well understand (and I regret it for the same reason, but I understand your Lordship to have made up your mind upon that point, and it would be disrespectful in me to urge anything against it), that your Lordship may say, " I will not consider here whether that allegation " in the decree relating to incense is sufficient to let " in a charge of censing persons and things, because " my learned predecessor and myself must be con- " sidered on this point as one man, and he has ruled " that the thing is sufficient."

(*The Dean of the Arches.*) And you did not appeal from it, but subsequently admitted the same thing, I think, in Acts of Court ?

(*Mr. Prideaux.*) I must remind your Lordship we could not appeal from it.

(*The Dean of the Arches.*) I think you are hardly aware of the Minute ?

(*Mr. Prideaux.*) I have not read the Minute, but I was in Court and paid great attention.

(*The Dean of the Arches.*) " The judge admitted " the articles as amended. Moore brought in Court " third and fourth articles as further amended by " him, and prayed that they might be substituted " for the third and fourth as amended by him. On " the 29th May, Brooks (that is the proctor of Mr. " Mackonochie) declared that he did not oppose the " admission of articles with the third and fourth " articles so amended, whereupon the judge admitted " the articles." Now, surely, Mr. Prideaux (I will hear you at any length you like) it is in vain to contend that you have not yourself sanctioned the admission of these articles. You have declared that you did not oppose it, and it must be taken that you admitted them according to the minutes of the Court.

(*Mr. Prideaux.*) What I am desirous of calling your Lordship's attention to is the distinction ; I am sure I will not keep up this part of the case one moment longer than your Lordship may think I am justified in doing——

(*The Dean of the Arches.*) I will hear you at any length, Mr. Prideaux.

(*Mr. Prideaux.*) What I respectfully am begging your Lordship to consider now, is the difference between the formal admission of articles and the decision that an article relating to a particular matter — the solemn decision after argument — is admissible upon the true terms of the decree. I apprehend, my Lord, that a defendant in these proceedings is never bound to contest the point upon the admissibility of the articles. It is open to him to allow the articles to be filed, and to discuss the sufficiency of them afterwards.

(*The Dean of the Arches.*) But they were opposed in this case, and they were subsequently admitted with your consent.

(*Mr. Prideaux.*) We could not oppose them again. They were opposed as articles.

(*The Dean of the Arches.*) Why not ? They were ordered to be amended, and they were brought in as amended, and you assented to them as being sufficiently amended, whereby the Court must be bound.

(*Mr. Prideaux.*) I must remind your Lordship that we asked leave to appeal, and the judge refused to allow us. What I mean is this, we only insisted in one single case that the articles were not warranted by the citation ; the discussion with reference to the other articles was upon the form of the articles themselves, and therefore with regard to these other articles, I say the cases tands in the same position as if we had formally admitted them without argument at all. And do I understand your Lordship to go the length of saying that if Mr. Mackonochie had been advised to take the whole question when it came to be argued in Court here instead of objecting to the admissibility of the articles in the first instance, it would have not been open to him to do so ?

(*The Dean of the Arches.*) I have said no such thing.

(*Mr. Prideaux.*) Then I respectfully submit that this is the same point. I am sure if I put this question, your Lordship will feel that I put it respectfully, I intend to do so certainly. Suppose for the sake of argument (I am not now dealing with the question of censing persons and things, because I admit that it probably may not be open to us to insist that the censing of persons and things is not admissible under the form of the citation after a solemn decision from your Lordship's predecessor that it is admissible, but I am now considering the question, first of the sufficiency of the decree, and secondly, the question of the agreement of the articles with the decree)—I wish to ask your Lordship this question, whether if the articles had been admitted *pro formâ*, without argument at all, it would or not have been open to Mr. Mackonochie in this Court to take upon argument the objection, both that the decree showed no ecclesiastical offence, and also that the articles showed no ecclesiastical offence, and were not warranted by the decree.

(*The Dean of the Arches.*) You must be perfectly aware in your own experience at the bar, that no judge is in the habit of answering hypothetical questions. It is sufficient for me to say, that was not the question proposed in this case. You did oppose the articles, they were amended, and you admitted them to be entered upon the minutes of this Court. I will hear you at any length you please upon this point.

(*Mr. Prideaux.*) I am much obliged to your Lordship, but after that intimation I shall content myself with calling your attention simply to a single defect, a fatal defect as I submit (my learned friend has argued the others, and if I say anything about them, I will not do it until I come to deal specifically with the question) as regards the inconsistency between the letters of request and the decree, and the articles with reference to the mixed chalice. I merely mention it and call attention to it without arguing the point at all. The letter of request upon this point says, " by mixing water with the wine used in the administration of the Holy Communion," the citation says, " by mixing water with the wine in the admi- " nistration of the Holy Communion."

(*The Dean of the Arches.*) No, " used in the administration of the Holy Communion."

(*Mr. Prideaux.*) That is the same thing, but I think it is not so in the citation.

(*The Dean of the Arches.*) I have got them both before me, and they are precisely the same.

(*Mr. Prideaux.*) Then even if that be so, that does not affect my argument, because there is still a fatal variance.

(*The Dean of the Arches.*) I will read them to you. The letters of request say : " by mixing " water with the wine in the administration of the " Holy Communion in the said parish church, and " by permitting and sanctioning such mixture." Then it winds up according to the forms of the Court. Then the decree says, " by mixing water with the " wine in theadministration of the Holy Communion."

(*Mr. Prideaux.*) Then if so, I say there is a fatal variance between the decree and the articles.

(*The Dean of the Arches.*) Then you say there is no fatal variance between the decree and the letters of request.

(*Mr. Prideaux.*) Apparently, from what your Lordship has read they are the same words.

(*The Dean of the Arches.*) Just the same.

(*Mr. Prideaux.*) My copy is different certainly.

(*The Dean of the Arches.*) I am reading from the original document.

(*Mr. Prideaux.*) Quite so, my Lord, I do not dispute that for one moment ; and it merely shifts my argument from the letters of request to the articles. I merely call your Lordship's attention to that—I say that the citation does not at all point to water having been mixed during the administration of the Holy Communion. It simply says " by mixing water " with the wine used in the Holy Communion."

(*The Dean of the Arches.*) The discrepancy between

the articles and the citation, as I understand, is that in the citation the offence alleged is using water with the wine in the Holy Communion, and in the articles it says mixing it at the time.

(*Mr. Prideaux.*) Quite so, and I say that is an essential difference, I say the citation simply charges that the defendant mixed water with the wine that was used. The articles says that he did it during the administration of the Holy Communion.

(*The Dean of the Arches.*) I will take a note of your objection.

(*Mr. Prideaux.*) I respectfully submit that as regards the mixed chalice that is a fatal objection. And now, my Lord, I will deal with perhaps the most important question which I have to consider, namely, what is the exact meaning of the words in the penal clause.

(*The Dean of the Arches.*) You are now going to the statute of Elizabeth and the statute of Edward.

(*Mr. Prideaux.*) I read from the statute of Edward simply because it is more convenient with my books that I should do so, but there is no difference, or at least I will call attention to the only difference between the two statutes. What I have now to consider,—not that in our view of the case it applies to all the charges necessarily, although in one sense it must apply to all; what I have now to consider is what is the meaning of the words "shall use," (I leave out for this purpose the words "wilfully and "obstinately standing in the same," because I have discussed them already,) "any other rite or ceremony, "order, form, or manner of mass." I believe the only difference is, that the word "mass" has been dropped, and "celebrating the Lord's Supper," has been substituted.

(*The Dean of the Arches.*) Would it not be better to take the Act of Elizabeth; because you are insisting upon the Act of Elizabeth?

(*Mr. Prideaux.*) There is no substantial difference between them, and this book is much more convenient for me. I believe the words stand *totidem verbis* except that the word "mass" is dropped, and "cele- "brating the Lord's Supper" is substituted, which evidently means the same thing, or shall use "any "other rite, ceremony, order, form, or manner of "mass openly or privily, or matins, evensong, ad- "ministration of the sacraments, or other open "prayer than is mentioned and set forth in the said "book." Here the question is (because all these charges relate to the celebration of the Holy Communion), whether Mr. Mackonochie in all or any of these charges has used "any other rite, cere- "mony, order, form, or manner of celebrating the "Lord's Supper than is mentioned and set forth "in the said Prayer Book;" that is the question, and, therefore, it is very important that we should ascertain if we can the meaning of that passage. Now, my Lord, it is a remarkable fact that this matter has been discussed for six days before your Lordship, and the full definition and title of the Prayer Book has not yet been brought under your Lordship's notice, and upon the definition of the Prayer Book a great deal will turn. It occurs (I am again reading from the Act of Edward, but it is exactly the same as the Act of Charles) in the first section of the first Act of Uniformity; my learned friend read it down to "entitled the Book of Common Prayer," and there my friend stopped. After reading the preamble and triumphing very much upon the use of the words "extern ceremonies," my friend came down to the title of the book, and he said, "entitled the Book of Common Prayer," and there he stopped. But my Lord, the full title of the book is "The Book of Common Prayer and Administration "of the Sacraments and other Rites and Ceremonies "of the Church after the Use of the Church of "England." Now, my Lord, my friend Mr. Coleridge made some reference to our having to a certain extent cut ourselves off from communion with the churches of the Continent, and suggested that as we had done that, it was very desirable, having made such a sacrifice, for that was what I understood his argument to be, that we should carry it out for the peace of the country. But, my Lord, what say the bishops in their answer to the exceptions of the ministers in the Savoy conference? I am going to cite from Cardwell's Conferences, page 339, proposition 5. "It is desired that nothing should be in "the liturgy which so much as seems to counte- "nance the observation of Lent as a religious fast;" and this as an expedient to peace, which is in fact to desire that this our church may be contentious for peace's sake, and to divide from the church catholic that we may live in unity among ourselves. For St. Paul reckons them amongst the lovers of contention who shall oppose themselves to the customs of the Church of God. Your Lordship will remember the passage "We have no such custom, neither the "churches of God." And I do submit that this is to "strike secretly at some established doctrine or "some laudable practice of the Church of England, "or it may be of the whole Church of Christ." Your Lordship will remember that in the introduction to our present Prayer Book (when I say introduction I mean the preface justifying the alterations made) it is expressly declared that in the alterations that were made there was an extreme desire on the part of Parliament and the Convocation at that time to avoid sanctioning anything which might strike secretly at an established doctrine or any laudable practice of the Church of England or, indeed, of the whole Church of Christ. Now, my Lord, the whole of the argument of my learned friend practically has been to contend that we are not a branch of the Catholic Church. I very much regret that my friend should have adopted such a course, and God forbid that it should lead to any result which may carry out such an assumption; but my friend's broad argument has been "The "Church of England is not a branch of the one "Catholic Church of Christ, but it is a church "established by Act of Parliament." My Lord, that is the very argument which those who continue in communion with the Church of Rome urge against us, and if it be true, the sooner the Church of England crumbles to pieces the better. But what says the Act, "The Book of Common Prayer and administra- "tion of the sacraments and other rites and ceremonies "of the church, according to the use of the Church "of England." Therefore, my Lord, the object of the statute is not to establish Act of Parliament rites, is not to introduce any rite which is foreign to the one Holy Catholic and Apostolic Church, but to provide a special and general use for celebrating in the Church of England the rites and ceremonies of the Church. Because that the words "the church" there mean the Catholic Church and not the Church of England alone is perfectly clear, for the title is not "the administration of the sacraments and the "rites and ceremonies of the Church of England," but the language is, "the administration of the sacra- "ments and other rites and ceremonies of the "Church according to the use of the Church of "England."

(*The Dean of the Arches.*) What are you referring to? Because the Act of Elizabeth is this: "A "Book intituled the Book of Common Prayer and "Administration of Sacraments and other Rites and "Ceremonies in the Church of England."

(*Mr. Prideaux.*) Yes, my Lord, but the statute of Edward, and what is much more important, the statute of Charles, is what I have read to your Lordship, and if your Lordship will look at any Prayer Book of the present day you will find it so.

(*The Dean of the Arches.*) I will read it to you from the statute of Charles. It begins by reciting the statute of Elizabeth, and using the language used there: "Whereas in the first year of the late Queen "Elizabeth there was one uniform order of Common "Service and Prayer, and of the administration of "the sacraments and rites and ceremonies of the "Church of England."

(*Mr. Prideaux.*) With all due submission, my

Lord, it is not "*of* the Church of England," but "*in* the Church of England," and that makes a great difference. No doubt that section refers to the special form of celebrating the rite which had been adopted in the Church of England; but it is very important to observe that the words are not "*of* the Church of England," but "*in* the Church of England," evidently meaning exactly the same thing as according to the use of the Church of England.

(*The Dean of the Arches.*) Yes, "in the Church of England;" I thought I said so.

(*Mr. Prideaux.*) "Agreeable to the Word of God and the usages of the Primitive Church." Really the references which show that the extreme desire of our reformers was to reform the Church and not to make an Act of Parliament Church, to render themselves consonant with the practices and doctrines of the Primitive Church, are so numerous and so well known that considering the fact that I am addressing a judge whose special duty and interest it has been to attend to these matters, I really feel it is hardly necessary for me to press that argument upon you. "Compiled by the Reverend Bishops and Clergy set forth in one book intituled the Book of Common Prayer and Administration of Sacraments, and other Rites and Ceremonies in the Church of England, and enjoined to be used by Act of Parliament, holden in the said first year of the said late Queen, intituled An Act for the uniformity of Common Prayer and Service in the Church, and administration of the Sacraments, very comfortable to all good people desirous to live in Christian conversation, and most profitable to the estate of this realm, upon the which the mercy, favour, and blessing of Almighty God is in no wise so readily and plentifully poured as by common prayer, due using of the sacraments, and often preaching of the gospel, with devotion of the hearers. And yet this, notwithstanding a great number of people in divers parts of this realm, following their own sensuality, and living without knowledge and due fear of God, do wilfully and schismatically abstain and refuse to come to their parish churches, and other public places where common prayer, administration of the sacraments, and preaching of the Word of God is used upon the Sundays and other days ordained and appointed to be kept and observed as holy days. And whereas by the great and scandalous neglect of ministers in using the said order of liturgy so set forth and enjoined as aforesaid, great mischief and inconveniences during the times of the late unhappy troubles have arisen and grown, and many people have been led into factions and schisms to the great decay and scandal of the reformed religion of the Church of England, and to the hazard of many souls. For prevention whereof in time to come for settling the peace of the Church and for allaying the present distempers which the indisposition of the time hath contracted: The King's Majesty (according to his declaration of the five and twentieth of October 1660) granted his commission under the Great Seal of England to several bishops and other divines, to review the Book of Common Prayer, and to prepare such alterations and additions as they thought fit to offer; and afterwards the convocations of both the provinces of Canterbury and York, being by His Majesty called and assembled (and now sitting), His Majesty hath been pleased to authorize and require the presidents of the said convocations, and other the bishops and clergy of the same, to review the said book of Common Prayer, and the book of the form and manner of the making and consecrating of bishops, priests, and deacons."

Now I do very respectfully and earnestly press upon you the consideration that the Prayer Book is not a Prayer Book containing the rites and ceremonies of a state-made church; that the Prayer Book did not intend to deal, nor does it deal, with any other rites and ceremonies whatever than are those of the Holy Catholic Church; that the rites and ceremonies contained in the Prayer Book are the rites and ceremonies of the Church of Christ, but no doubt they are to be celebrated according to the use of the Church of England; and the question which we have to consider (or one of them) here is whether Mr. Mackonochie, who has adhered in every respect to the practice of the Universal Catholic Church, can be said not to have celebrated a rite or ceremony of the church according to the use of the Church of England, because he has introduced one or two actions, not words. There may be a great distinction between introducing additional words and introducing additional actions, but I apprehend, even if he had used additional words, the argument would still be valid and would scarcely be different according to the authority of the case of *The King* v. *Sparkes*. But one important question here is, has Mr. Mackonochie, by introducing these matters according to the practice of the whole Church of Christ, essentially parts of the rites though not perhaps essential parts—because there is a distinction between those two terms—whether by introducing usages which existed in the Church of England at the time of the Reformation and which existed throughout the whole Catholic Church of Christ, and which are not *extern* ceremonies, that is to say, ceremonies unconnected with the celebration under consideration, but essentially parts even if they be not essential parts of the rite in question; whether he can be said to have celebrated that rite, (because the words rite and ceremony evidently ride over the sacrament as well as everything else) the words being "and other rites and ceremonies of the Church of England;" whether he can be said to have celebrated a rite which, whatever may be the differences, and whatever my friend may say upon that point, is one in the Church of England, and in the Church of Rome, and in the Greek Church, and which is called in the Church of England no doubt the administration of the Holy Communion; called in the Church of Rome the Mass; called in the Greek Church the Divine Liturgy, varying of course in the form and ceremonial, which shows that the words "rite and ceremony" there can have no reference to the mere form and ceremonial; the question is whether Mr. Mackonochie, in celebrating this one rite, the great feast upon the Eucharistic Sacrifice common to all the branches of the Catholic Church, each celebrating the same rite, but celebrating it according to the use or the particular Missal or Prayer Book of each particular church, can be said to have used a rite, ceremony, order, form, or manner of celebrating the Holy Communion other than, and not according to the use of the Church of England? Because what the Church of England deals with is not the rite but the special national use by which that rite universal has to be celebrated. Now, bearing in mind that the object of the Prayer Book is to prevent one using the Salisbury use, another using the Hereford use, another using the Bangor use, and another the use of York, and that the object of the Prayer Book is to secure one uniform use, how should we expect that that object would be carried out? Why, we should expect that it would be carried out in two ways, first by affirmatively directing the clerk to celebrate that rite which is a rite of the Holy Catholic Church according to the use of the Church of England, and secondly, by directing that he should not celebrate that rite according to any use which could fairly and honestly be said not to be the use of the Church of England. That is what we should expect, and that is what we find. And here we are referred simply for this purpose to the first Act of Uniformity, the 2nd and 3rd Edward VI., cap. 1., and to the third Act of Uniformity, the 1st of Elizabeth, cap. 2, for the purpose of seeing in what manner the Legislature and the Convocation have taken care, first, to secure affirmatively the use of the Church of England in the celebration of these rites of the Catholic Church, and secondly, to prevent the celebration of these rites according to any other use. That brings us to these words, "shall use any other rite, cere-

" mony, order, form, or manner of mass, or celebra-
" ting the Lord's Supper openly or privately." Now I should like to know under which of these words my learned friend says that Mr. Mackonochie has offended by introducing that which is consonant with the Prayer Book, and essentially part of the rite celebrated, without introducing a single foreign word, or departing in one single instance from any prescription whatever contained in the Prayer Book? It cannot be the words "rites and ceremonies." It is quite clear that in the first part of the section the words "rite, ceremony," referred essentially to the nature of the services and nothing else. Because you cannot have the same rite celebrated according to the use of the Greek Church, and according to the use of the Roman Church, and according to the use of the English Church, and according to the use of any other church; you cannot have the same rite celebrated in the same words and with the same ceremonies exactly, and therefore it is perfectly clear that in that section by the terms rites and ceremonies is meant nothing more than the essential office which is celebrated; that is to say, in this particular case, the eucharistic service, called as I have already said in the Roman Church the Mass, in the Greek Church the Divine Liturgy, in the English Church the office for the Holy Communion; but the same rite or ceremony of the one Holy Catholic and Apostolic Church, and necessarily as regards order and form so to be celebrated. But do the words rite or ceremony in the penal clause mean anything different?

My learned friend, as I understand him, would submit to your Lordship that by the words "rite, ceremony," there are meant the individual pieces of ceremonial. My Lord, the argument will not hold water for one moment. Whether these words "rite, ceremony," are intended to be governed by the words "celebrating the Lord's Supper, Matins, Even Song," and so forth, or not, there may be some doubt. Possibly they are not; because unless these words "rite, ceremony," are held to apply to other rites and ceremonies of the Church, the prohibitory clause would apply only to the celebration of the sacrament, and such rites as may fairly be called "open prayer," "open prayer" being defined in and throughout this Act as meaning——

(*The Dean of the Arches.*) What are you now reading from?

(*Mr. Prideaux.*) From the first Act of Uniformity. Your Lordship will find it exactly the same in the Act of Elizabeth, the second section. By "open prayer" I say in and throughout this Act is meant that prayer which is for others to come and hear either in open Churches, or in private chapels or oratories, commonly called the Service of the Church. Now I think in a penal clause your Lordship would have some difficulty in applying those words to the ceremony of marriage or the ceremony of burial; and therefore unless the words "rite, ceremony," are intended to apply to such rites, it would seem that there is no penal clause at all bearing upon the celebration of the occasional services of the Church, for it certainly (and especially in a penal statute) would be going a great way to hold that open prayer, which is for others to come unto and hear, comprises such services or ceremonies as marriage and burial. But supposing the words "rite, ceremony," rode over the words "manner of celebrating the Lord's Supper," it is quite clear that the words "rite, ceremony," are there used not to indicate any special individual act of ceremonial, but are used in the same sense as they are used in the title to the Prayer Book, namely, to indicate the whole of the particular services according to the use of the Church of England. When they speak of the rites of the Church, they mean essentially particular services in whatever form, or whatever church celebrated, when they speak of the rite of administering the Holy Communion, &c., &c., in this clause, they mean the rite of the church according to the Church of England. Therefore, I say it is quite clear that those words "rite, ceremony," whether they be held to apply to occasional services, or whether they be held to have been introduced with a view to ride over the subsequent part of the clause, and mean any rite, ceremony, order, form, or manner of celebrating the Holy Communion, I say it is unquestionably clear that those words point to the service as a whole, and not to any individual act of ceremonial. Therefore it is not upon the letter of the statute that my learned friend can maintain this prosecution.

Now, there are abundant proofs to show the meaning of the word "ceremony" in the Church of England.

(*The Dean of the Arches.*) Do I catch your argument rightly that "rite" and "ceremony" when used in the Prayer Book apply to the whole service, and not to any particular part of it?

(*Mr. Prideaux.*) Quite so, at any rate it is enough for me upon this part of the case to say that they do. It may be that on other occasions, speaking of other matters *alio intuitu*, for instance, in the preface of the Prayer Book, where the object was to speak of the alterations which had been made, and to deal with the complaints which had been made by the Puritans at that time, it may or may not be that the word "rite" in the preface has a different meaning. But that is when they are writing *alio intuitu*, writing with the object of justifying individual alterations and additions; and of course where a document is written for the purpose of justifying individual alterations and additions (and they relate to words mainly if not entirely), of course language would be used with the object of designating such individual additions and alterations. But my contention is that beyond a shadow of a doubt "rite and ceremony" in the title in the Prayer Book, and the words "rite, ceremony," in the penal clauses of the Acts of Parliament, mean, not individual acts of ritual, but services as a whole, and the evidence, my Lord, that that is the meaning of them is overwhelming. I do not think it is possible to put any other construction upon them reasonably, and at all events the evidence that that is what is meant is, as I have before said, overwhelming.

Now let us take the Prayer Book itself, and allow me to call your Lordship's attention to the last Rubric but one—at the end of the Communion in the first Prayer Book. Your Lordship will find it in the book which my learned friends call the Liturgies of Edward the Sixth, at page 98, and I may tell you it is the last Rubric but one, in case you should have another edition, and have any difficulty in finding it. It is Edward's first Prayer Book. "Furthermore,
" every man and woman to be bound to hear and be
" at the divine service in the parish church where
" they be resident, and there with devout prayer or
" Godly silence and meditation to occupy themselves.
" There to pay their duties, to communicate once
" in the year at the least, and there to take all
" other sacraments and rites in this book appointed."

(*The Dean of the Arches.*) What do you cite that to prove?

(*Mr. Prideaux.*) I say it is manifest there that the word "rites" is applied to the entire service; because it would be absurd to say that a man was to come to church "to receive and take" the mixing of the chalice for instance. I am now showing your Lordship, although I feel it is scarcely necessary, because it is so clear on the language of the statute itself; but I am now venturing to call your Lordship's attention to a few passages in the Prayer Book for the purpose of showing that it is impossible to hold that the words "rite and ceremony" in the book mean individual acts of ritual or ceremonial. It does not follow from that, I admit, that I am right in my contention, but I will deal with that part of the case afterwards.

(*The Dean of the Arches.*) Supposing that were so, how would you be advantaged by that construction, I do not at present see.

(*Mr. Prideaux.*) I submit I have two advantages.

The great advantage is that it is quite clear that in terms the penal clauses did not prohibit individual acts of ceremonial. I say in terms, I feel it my duty to endeavour to show two things—first, that there is no express prohibition relating in terms to any particular individual act of ceremonial.

(*The Dean of the Arches.*) Other than those in the Prayer Book?

(*Mr. Prideaux.*) Of course I mean other than those expressly mentioned. I say there is no word which upon the face of it means that.

(*The Dean of the Arches.*) No express prohibition of any particular act of ceremonial other than those expressed in the Prayer Book?

(*Mr. Prideaux.*) I think I may put the proposition in a broader form?

(*The Dean of the Arches*) It is for you to say. I only want to get your proposition down.

(*Mr. Prideaux.*) If my friend could establish the fact that "rite, ceremony," in the penal clause meant individual acts of ceremonial, of course he would have gone a great way to prove his case. What I am now respectfully contending is this, that he cannot shelter himself under the direct meaning of these words. Whether the passage as a whole is sufficient for his purpose I will consider presently. But I am now venturing to submit to the Court this simple argument, that nowhere can my friend show any penal clause or any prohibition at all in terms prohibiting any special individual act of ceremonial.

(*The Dean of the Arches.*) Then the consequence of that proposition would be that it would be competent for a clergyman to introduce other ceremonial acts than those mentioned in the Prayer Book.

(*Mr. Prideaux.*) Other ceremonial acts, provided they be not repugnant to that which is mentioned, and provided they be essentially a part, though not, as I said before, an essential part of the rite celebrated.

(*The Dean of the Arches.*) It would be a service not mentioned in the Prayer Book, would it not?

(*Mr. Prideaux.*) I say it would be the same service; that is the question.

(*The Dean of the Arches.*) Take other words for instance.

(*Mr. Prideaux.*) Well, according to the authorities (for my learned friend has not cited any the other way) you might introduce other words. But, my Lord, I have nothing to do with words in this case; there is no such charge against Mr. Mackonochie.

(*The Dean of the Arches.*) As I understand you, you say no express prohibition of any particular act of ceremonial other than those expressed in the Prayer Book and in the penal clause in terms prohibiting any such act of ceremonial, although that act of ceremonial is not to be found in the Prayer Book.

(*Mr. Prideaux.*) Well, my Lord, I think what is called in this statute "*extern*" ceremonial may be forbidden by the whole of the sentence, but what I am respectfully contending for now is that the word "rite" and the word "ceremony" are used in this section to mean an entire office.

(*The Dean of the Arches.*) I fully understand that argument.

(*Mr. Prideaux.*) Yes; and therefore I say that my friend cannot triumphantly point to these words and say, "You must be convicted, for you have used water." My learned friend has said throughout that the burning of the candles is a ceremony, the mixing of the water with the wine is a ceremony, the burning of incense is a ceremony; my contention is, that as far as this case is concerned they are not ceremonies, and they are not rites within the meaning of these words in the penal clause. That, my Lord, is my contention, and I am not going further than that now. Therefore, I say, my learned friend cannot shelter himself under the mere use of the words "rite, ceremony."

(*The Dean of the Arches.*) You say these are not rites and ceremonies?

(*Mr. Prideaux.*) I say they are not rites and ceremonies within the meaning of the penal clause; that is all I say, because I contend that a rite or ceremony——

(*The Dean of the Arches.*) I understand. I need not take down the formal proposition.

(*Mr. Prideaux.*) No; your Lordship has at length extracted my meaning in a very much clearer and better way than I put it.

(*The Dean of the Arches.*) I do not say that at all, Mr. Prideaux. You have a very elaborate argument to conduct, and the Court is anxious to follow it. As I understand, you say all these acts charged—the burning of the candles, the mixing of the water with the wine, and so on, are not rites and ceremonies within the meaning of the statute.

(*Mr. Prideaux.*) Precisely. If the charge had been, "You have been celebrating the rite of the Lord's "Supper in other manner than is mentioned and set "forth in the Book of Common Prayer"—that would be another question. It is entirely another matter whether these things which my learned friend relies upon might be evidence to prove it; but I say these things are not in themselves ceremonies within the meaning of that penal clause.

(*The Dean of the Arches.*) Just let me ask you, only for the sake of understanding your argument, supposing they were not rites and ceremonies—I put it for the sake of clearness—assume for the purpose of the present investigation that they were not rites and ceremonies under the meaning of the Act, would your client be much advantaged even by that?

(*Mr. Prideaux.*) The decree charges him with doing all these things contrary to the general ecclesiastical law, as well as contrary to the particular statute. Well, then, my Lord, I say it is not contrary to the general ecclesiastical law, but I have argued that case already, that no offence has been committed unless there has been a violation of the penal clauses of the Acts of Uniformity.

(*The Dean of the Arches.*) Your contention is that unless the case be brought within a violation of the penal clauses of the Acts of Uniformity, there is no case against Mr. Mackonochie.

(*Mr. Prideaux.*) That is the point upon which I am now.

(*The Dean of the Arches.*) You say it must stand or fall by that.

(*Mr. Prideaux.*) I say it must stand or fall by that, and so said my learned friend in fact in his argument; my learned friend's whole argument was "the penal "clause prohibits your using any other rite or cere-"mony in the celebration of the service," and those are "other rites and ceremonies in the celebration of the "service," that is the whole of my learned friend's argument.

(*The Dean of the Arches.*) You are now engaged in showing that these are not rites and ceremonies in the sense that the Prayer Book understood it.

(*Mr. Prideaux.*) Exactly, in the sense in which those words are used in the penal clauses of the Act of Parliament, but whether they are evidence to show that looking at the office as a whole, a different rite and ceremony than that mentioned and set forth in the Act of Parliament has been used is another question which I shall deal with afterwards. But I say that in terms it is quite clear that the words "rite, ceremony," whether they be regarded as applying to the occasional services of the Church, in which case they have no bearing upon this question, because this is not a question relating to occasional services of the Church, but a question relating to the celebration of the Lord's Supper, or whether the statute is to be read "rite, ceremony, order, form, or manner of celebrating the Lord's Supper." I say that in either case it is perfectly clear the word "rite" and the word "ceremony" are used there to indicate entire offices of the Catholic Church according to the use of the Church of England; that it is impossible therefore to bring Mr. Mackonochie under the strict letter of those two words, and that the question therefore really to be considered is whether, regarding this rite as the rite of the administration

of the Lord's Supper, it can be said that Mr. Mackonochie has used a "rite or ceremony, order, form, "or manner of celebrating the Lord's Supper" other than is mentioned and set forth in this book? If he has, no doubt, supposing your Lordship should be of opinion that the objection which I insisted upon in the first instance is not tenable, he would be responsible. Therefore it is very important for me to show your Lordship the use which is made of the words "rite, ceremony," in the Prayer Book, and it is in that view that I have called your Lordship's attention to the Rubric at the end of the Communion in the first Prayer Book which I have ventured to read to you, and I will take the liberty, as it is short, of just reading it again, because it so clearly shows the use of the word "rite," "there to pay their duties, com- "municate once in the year at least, and there to "receive and take all other Sacraments and rites in "this book appointed." Well then, if your Lordship looks at the second Prayer Book, the sixth Rubric at the end of the Communion, you find substantially the same words, "and note that every parishioner "shall communicate at the least three times in the "year, of which Easter shall be one, and shall also re- "ceive the Sacrament and other rites according to the "order in this book appointed."

In support of the argument, I will just mention incidentally what is the meaning of the words *Rituale Romanum*. What is the *Rituale Romanum?* It is the book containing the rites and services as a whole of the holy Roman Catholic Church, excepting those daily prayers which are contained in the Breviary, and the celebration of the mass, which is contained in the Mass Book, and I have a book here (and it certainly is not a book of any extreme views), which is important, as showing the meaning which has been attributed to those words "rites and ceremonies," and the probable object of them, long before this controversy arose. This book was published in 1840, and I daresay it is known to your Lordship. It is a history of the Prayer Book of the Church of England by the venerable Edward Behrens, M.A., Archdeacon of Berks. It is one of the books published for the Society for Promoting Christian Knowledge, and a very useful book it was at the time it was written, and is now.

I will just take the liberty of reading a passage from the bottom of page 11: "One of the first objects of "Cranmer and his fellow-labourers was to enable the "people of this land to join the public worship of the "Church both with the spirit and the understanding, "by having that worship celebrated in their own "language. They justly argued that it was a thing "plainly repugnant to the Word of God and the cus- "tom of the Primitive Church;" (it is remarkable how that creeps in everywhere, "the custom of the Primitive Church," if it were a mere Act of Parliament Church cut off from communion with the one holy Catholic and Apostolic Church, I confess I do not see the use of the phrase at all), "to have public prayers "in the church or to minister the sacraments in a "tongue not understanded of the people. The "several separate books, however, for the public "offices of the church, the Missal or Mass Book, the "Breviary, and the Rituale, were at that time written "in Latin." Your Lordship will observe, he points out the three great books which together constitute the entire services of the church according to the use of the Church of Rome, the Missal or Mass book, the Breviary, and the Rituale; and then he has this note: "These books were in separate volumes. The Missal "or Mass Book was for the most part very ancient, "and furnished the groundwork of our present office "of the Holy Communion" (I suppose my friend hardly admits that); "The Breviary, which in some "degree answers to our Morning and Evening "Prayer, seems to have had its name from its being "formed out of the several service books, the Anti- "phonium, the Hymnarium, the Collectorium, &c., "in the Latin Church. For the Latin ritual were sub- "stituted our offices for baptism, confirmation, matri- "mony, visitation of the sick, and burial of the dead." Now, my Lord, I think it is scarcely possible to put the historical consideration of the constitution of the Prayer Book, and to illustrate historically the meaning of the words "Book of Common Prayer and "administration of the Sacraments and other Rites "and Ceremonies of the Church, according to the use "of the Church of England," in simpler and plainer and more convincing language than is used in this book. The Prayer Book, which was intended to continue the services of the Church Universal, and the services only of the Church Universal, is composed and made out from three separate books used in the Roman Church: the Breviary, which gives the Morning and Evening Prayer, the Missal, or Mass Book, which gives the office for the Holy Communion, and the Rituale, which gave the other divine offices of the Church before the Reformation, and still does give the other divine offices according to the Church of Rome at this day, giving the other occasional services, which are called in the Prayer Book "other rites and ceremonies of the Church according to the Church of England," and showing that the words "rites and ceremonies" override the whole: because the title of the Prayer Book is not "The Book of the Common Prayer, and Administration "of the Sacraments and all the rites and ceremonies," but it is, "The Book of Common Prayer, and Admi- "nistration of the Sacraments and other Rites and "Ceremonies of the Church, according to the use "of the Church of England;" and I am quite convinced that the more your Lordship considers this question, although I do not say it is conclusive in my favour, because it may still be, that although the prosecution cannot be sustained under the use of the words "rites and ceremonies," it may be sustained upon the true construction to be given to the whole passage.—I feel perfectly confident that the more your Lordship considers this question the more confident you will feel that by the use of the words "rite, ceremony," in the penal sections of the Act of Uniformity are meant the services of the Church Catholic as a whole, according to the Church of England. I do not know that I need labour that point more, but there are one or two authorities to show how universal the thing is. Here is a little book which I bought, on the 27th July 1850, to amuse me as I was rambling about and smoking a cigar at Dawlish, (a very beautiful little place,) and it is called "The Companion to the Prayer Book, compiled from the best Sources."

(*The Dean of the Arches.*) *Ex fumo dare lucem.*

(*Mr. Prideaux.*) I refer to this book for the purpose of drawing your Lordship's attention to the Table of Contents: I will not go any farther. First comes "Introductory, concerning Public Worship."

(*The Dean of the Arches.*) Who is the book by?

(*Mr. Prideaux.*) It is not stated who it is by, but it is published by Parker, and I can assure your Lordship there is a great deal of very valuable and interesting matter in it. But I refer to this for the purpose of showing that all persons treat the meaning of the word in the same sense.

(*The Dean of the Arches.*) The book is cited to show the meaning of the word "rite," I presume.

(*Mr. Prideaux.*) Yes; after the passage I have read, "Introductory, concerning Public Worship," comes "Title—Common Prayer," "Administration of the Sacraments," and then "Rites and Ceremonies of the Church," and under the last title we have "Catechism, Confirmation, Holy Matrimony, Visita- "tion and Communion of the Sick, Burial of the Dead, "Churching of Women, Commination." Then comes the Ordinal, because your Lordship is aware that the Ordinal is no part of the Book according to the language of the Act of Parliament, the Ordinal containing the form and manner of making Deacons, ordaining Priests, and consecrating an Archbishop or Bishop, is referred to in the title to the book separately; my whole object in referring to this book was to show your Lordship that the terms "rites and ceremonies" are treated as meaning entire services.

(*The Dean of the Arches.*) I quite understand that.

(*Mr. Prideaux.*) There is only one other modern book that I will refer to, and that is a book as to which my friend seemed very much to doubt who the learned author was at first. It is a book written by the Rev. W. J. E. Bennett, the present highly respected Vicar of Frome, and it is a book which probably your Lordship is aware of; it is called "The Eucharist, its history, doctrine, and practice." It is a series of sermons or lectures originally delivered by Mr. Bennett, and which he afterwards published, and I merely refer to it for the purpose of reading one passage bearing upon the same point. "Whether, "therefore, the Christian be a Romanist or a Catholic "of the Church of England" (the author points out what the various services of the Church of England are before) "there can be no pretext or evasion by "which he can escape the duty of performing those "outward rites which his Church has ordained. The "obligation of performing those ordinances which the "Church appoints being once established, let us go on "to see what those ordinances are." He begins by saying that he must perform those particular rites which his Church has ordained. Now, I ask your Lordship's attention to this. "Now, we find they "consist of seven distinct ceremonies, (showing that "he uses the word 'ceremony' there as applying to "the entire service). In the Anglo-Catholic Church "we shall find they consist of six distinct cere-"monies. The seven of the Roman Catholic Church "are Confirmation, Marriage, Holy Orders, Penance, "Extreme Unction, Baptism, and the Lord's Supper," treating the sacraments as ceremonies, which I say they are according to the meaning of the title of the Prayer Book, because they are comprised within the words, "other rites and ceremonies." "Of these the "Church of England considers four as holy ceremonies "or sacramental rites, having services in our Prayer "Book for each, namely, Confirmation, Marriage, "and the Commination, used on the first day of Lent. "Marriage, she allows, in the Book of Homilies, "to be a sacrament in an inferior sense. Extreme "Unction she entirely rejects." I merely mentioned that further to show that universally the words "rites and ceremonies" are understood to apply to the services as a whole. There is one expression which I will particularly call your Lordship's attention to, and with which I shall have to deal further presently, namely, that Mr. Bennett, in this book, insists upon the necessity of the members of the Church performing those outward rites which his Church has ordained. I have another word to say upon that presently, but your Lordship will remember that my friend relied upon the use of the word "extern" relating to "extern ceremonies" in the Introduction to the first Prayer Book of Edward VI. How a ceremony can be otherwise than "outward" I cannot understand; but it is perfectly clear that Mr. Bennett in this passage is speaking of the rites and ceremonies as well, and yet he calls them "outward ceremonies." I shall have another explanation to give of that word "extern" presently, because I contend that that word, far from being against us, is one of the strongest words in the whole Act of Uniformity to support our case. Again, I will simply call your Lordship's attention to the forms of certificate of marriage, burial, and baptism. I have a copy here, and I find at the head of the first column of the certificate of baptism the words "by whom the ceremony was performed;" and I believe your Lordship will find that substantially the same thing is used in the registries with reference to marriage and burial, but I have not personally attested them, and I merely call your Lordship's attention to the matter as showing the meaning of the word "ceremony." Now there is one passage from one of the Homilies and then I shall have done with this point. I take the liberty of calling your Lordship's attention to that passage from the Homily on Common Prayer and Sacraments. In the edition which I have here (which is the edition published by the Society for Promoting Christian Knowledge) at page 377 the passage is thus: "And, although there are retained "by the order of the Church of England besides "these two (that is the great sacraments of the "Lord's Supper and Baptism which are generally "necessary to salvation) certain rites and ceremonies "about the institution of ministers in the Church, "Matrimony, Confirmation of children by examining "them of their knowledge of the articles of the faith, "and joining thereto the prayers of the Church for "them, and likewise for the Visitation of the Sick, "yet no man ought to take these for Sacraments in "such signification and meaning as the sacraments of "baptism and the Lord's Supper are, but either for "godly states of life necessary in Christ's Church, "and therefore worthy to be set forth by public action "and solemnity by the minister of the Church, or else "judged to be such ordinances as may make for the "instruction, comfort, and edification of Christ's "Church." Now this may be said to be an almost contemporaneous authority, and it is perfectly clear that the words "rites and ceremonies" are there used as applying not to any individual act of ceremonial, but to the services as a whole. One other reference on this point and then I think that with this immediate branch of the subject I shall have done. It is the authority of no less a man (I should think a great and a very holy man in the estimation of my friend Mr. Stephens) than Martin Bucer, to be found in page 535 of the Original Letters, published by the Parker Society, and is also partly set out in the 44th page of the case on behalf of the English Church Union. It is a letter written on "April 26th 1549, "from Martin Bucer and Paul Fagius. To the emi-"nent servants of Christ, our very dear masters and "fellow ministers . . . . of the Church of Stras-"burgh. May our Lord Jesus Christ preserve you to "himself, together with your whole Church, and "again bestow upon you when delivered from your "present affliction, the desired peace! Amen."

"The cause of religion, as far as appertains to the "establishment of doctrines and the definition of "rites, is pretty near what could be wished. Efforts "must now be made to obtain suitable ministers, "who will carry these wholesome doctrines into "practice, and deliver them to the people. For, as "is the case in France or Italy, so it is also in this "country, that the pastors of the churches have "hitherto confined their duties chiefly to ceremonies, "and have very rarely preached and never catechised. "Hence the people are labouring under a very great "scarcity of teachers. But if the Lord be pleased "to continue, as he has begun, the manifestations of "his mercy in that kingdom, this lack of persons to "instruct the Lord's flock will shortly be supplied. "For there are numerous and liberal stipends assigned "to students in theology, for which reason very many "young men apply themselves to sacred learning. "As soon as the description of the ceremonies now "in use shall have been translated into Latin, we "will send it to you." That means as soon as the Prayer Book was translated into Latin; clearly showing that they refer there to the various rites and ceremonies as given in the Prayer Book.

Now, my Lord, the matter appears to me upon this point to be clear on the face of the Act of Parliament; but I have felt it my duty in a case of this sort to call your Lordship's attention to these collateral matters for the purpose of showing what the meaning of those words in the penal clauses is, and I am happy to say that I have now done with that immediate branch of the matter.

(The Court adjourned for a short time.)

(*Mr. Prideaux.*) My Lord, I venture to submit that it has been shown that the occurrence of the words "rites and ceremonies" in the penal clauses of the Act of Uniformity does not in itself affect us, and I shall now address myself to the consideration whether upon the meaning of the whole passage "or shall "use any other rite, ceremony, order, form, or manner

" of celebration of the Communion or Matins, Even-
" song, Administration of the Sacraments, or other
" open prayer than is mentioned and set forth in
" this book;" whether upon the true meaning of those words (and this is a penal statute, and it is for my friend to make it out, it may fairly be inferred, necessarily inferred I think I may say, because nothing short of clear construction could justify the Court in putting into force a penal statute;) the question is, it having been established, as I submit, that there is no direct prohibition against using any other ceremonial than that which is contained in the Act—whether upon the fair and true construction——

(*The Dean of the Arches.*) Do you contend that it is lawful to use another ceremonial than that which is contained in the Act ?

(*Mr. Prideaux.*) I contend that the Rubric is not exhaustive as to mere ceremonial, and that the rubric does allow the introduction of such mere ceremonial acts into the rite as are essentially part of the rite according to the former usage and according to the use of the Catholic Church, although they may not be an essential part of the rite.

(*The Dean of the Arches.*) You are not dealing now with the question of additional words but of additional acts ?

(*Mr. Prideaux.*) I only have to deal with words incidentally, because it is observable that there is no charge of using additional words.

(*The Dean of the Arches.*) There is none ; you are dealing with the question of the introduction of ceremonial acts as distinct from ceremonies.

(*Mr. Prideaux.*) As distinct from ceremonies. I say that a ceremonial act is a totally distinct thing from a ceremony, and I say that what Mr. Mackonochie has done (I do not admit that they are all ceremonial acts, but I shall have to deal with all that afterwards), so far as he has done anything upon this point, is to use certain ceremonials. But I say confidently that he has not used any other ceremony than that which is mentioned.

(*The Dean of the Arches.*) You say, do you not, that a ceremony is a complete service ?

(*Mr. Prideaux.*) A complete service.

(*The Dean of the Arches.*) And that a ceremonial act is a different thing.

(*Mr. Prideaux.*) Yes, and I say that in order to bring him within the meaning of that section, you must show that substantially he has used a different and distinct service from that which is set forth and mentioned in the book.

(*Dr. Swabey.*) Perhaps your Lordship will read a note of my friend's proposition, because it seems to me to be a very important one—" That the Rubric is
" not exhaustive as to mere ceremonial, and does
" allow the introduction of ceremonial into the rite."

(*The Dean of the Arches.*) No ; of such ceremonial acts into the rite as are essentially part of the rite coupled, I suppose with what Mr. Prideaux has said before, that they be not at variance with the ceremony which he is bound to perform.

(*Mr. Prideaux.*) Yes ; and I go further, my Lord, and say first, probably I might concede that they must have been practised in the Church of England, the same church although reformed, before the Reformation.

(*Dr. Swabey.*) It is important to get that proposition clearly on your Lordship's note.

(*The Dean of the Arches.*) There is no occasion to interrupt.

(*Dr. Swabey.*) I was only anxious to get the proposition clearly stated.

(*Mr. Prideaux.*) My Lord, my contention is this, that the Rubric is not and never was intended to be exhaustive as regards mere ceremonial—that it was passed at a time when the usages and practices of the church were well known, that it was passed with reference to the then state of the common ecclesiastical law, that it only alters the common ecclesiastical law so far as it alters it at all either by express terms or by necessary implication—that it does not therefore preclude such ceremonial acts as were in use in the Church of England at the time when the Act of Uniformity was passed and such as are consistent with the various enactments contained in the statute.

(*The Dean of the Arches.*) As I understand you, you say that the Rubric is not exhaustive, that it does not exclude usages which were in force at the time when the Rubric was passed, provided that they are consistent with the various enactments of the statute ?

(*Mr. Prideaux.*) Yes.

(*The Dean of the Arches.*) There must be two conditions—they must have been in existence in the church at the time when the rubric was passed, and they must be consistent with the enactments of the statute.

(*Mr. Prideaux.*) I think I might concede the first condition, and the second is evident.

(*The Dean of the Arches.*) I do not want you to concede anything, I only want to know what is your position.

(*Mr. Prideaux.*) That is my argument now, and I say that they are consistent with the statute, if they are not expressly or by necessary implication forbidden, and if (to use the language which I have ventured to use before) they be essentially a part of the rite common to the whole Catholic Church though not necessarily an essential part. We are not here to argue that any of these matters which are not expressly commanded are essential, it is not necessary for us to do that ; probably the very object with which in a great measure the various Acts of Parliament were framed, and the various Prayer Books which I treat for this purpose as parts of Acts of Parliament, was, so far as requirement is concerned, to yield as far as possible to the scruples of the Puritan party, and I think it very probable, my Lord, that if the question were whether a clergyman who objected to these practices was compelled to adopt them, he might be enabled successfully to say, " These
" things are not ordered by the rubric, and, therefore,
" I will not do them," because I quite concede that the Prayer Books, as suggested by my learned friend, were framed with a view as far as possible to consult the wishes and prejudices of the Puritan party, and, therefore, the Prayer Book said in fact, You shall do this much—we will compel you to do this much—you shall comply with the necessary and express requirements of the Prayer Book ; out of deference to your scruples we will not render it compulsory upon you to comply with anything that is not expressly ordered by the Prayer Book. I think that very probably may have been the spirit in which the various rubrics of the Prayer Book were prepared ; but that is not the question which we are considering here. The question which we are considering here is whether upon matters of ritual (because as I have said before, we have nothing to do with words in this case) the Prayer Books having been passed when a known and recognised practice according to the ecclesiastical law existed ; the Acts of Parliament having been passed to operate upon the then existing state of things, and not to make a new Act of Parliament Church cut off from communion with the Holy Catholic Church as my learned friend argues ; the question is whether, bearing that in mind, it can be said that everything which is not expressly commanded by the Prayer Book is forbidden. Now, I think, it is very doubtful whether the Prayer Book intended to deal primarily with ritual at all. No doubt those injunctions on ritual action which are to be found in the Prayer Book must be obeyed. But what the Prayer Book, as I submit, intended to deal with was not ritual at all, but the form and order of the services ; that is to say, the language to be used, and the order of succession of the different parts.

(*The Dean of the Arches.*) You say that the Prayer Book did not mean to deal with the ritual generally, but that where it contains ritual injunctions of course they must be obeyed.

(*Mr. Prideaux.*) Yes, precisely; but the primary object of the Prayer Book was to furnish a form and order to be used, according to the use of the Church of England.

Now I will call your Lordship's attention again to the language of the penal section of the Act; the words are "or shall use wilfully and obstinately standing in the same, any other rite, ceremony, order, or form;" and if my learned friend's argument can be sustained at all, it must be sustained upon the supposition that the word "use" in the sentence "use any other rite, ceremony, order, form, &c.," was intended to apply to ceremonial. One thing is quite certain, that unless he can show that the word "use" was intended to apply to ceremonial, his case is gone.

Now, upon that point I would beg respectfully to call your Lordship's attention to the fifth paragraph of the preface to the first book. It is the article "concerning the services of the Church" in the present book. I am reading it from the present book. We have discussed this article "concerning the services of the Church" a good deal, and your Lordship is aware that that which was called the "Preface" in the first book is now headed "concerning the services of the Church," and a preface specially applicable to the present book written by Bishop Sanderson, as I believe the general opinion is, for the purpose of justifying the actual alterations and additions which were made in the present book, is now introduced in our present book under the title of the "Preface," that which in the first book was called the "Preface" being now added under the title "Concerning the services of the Church." Now, I beg to call your Lordship's attention to the fifth paragraph, which is the one immediately preceding the paragraph to which you have so kindly directed our special attention, and upon which I took the liberty of addressing your Lordship when I commenced my observations to-day. The words are, "And whereas heretofore there hath been a great diversity in saying and singing in churches within this realm." Now, the two words to which I wish to call your Lordship's special attention are the words "saying and singing," in support of my position, that the primary object of the Prayer Book was the order and form of words, and that the penal section does not deal at all with any ritual except such as is prescribed in that book; "and whereas heretofore there hath been "a great diversity in saying and singing in churches "within this realm—some following the Salisbury "use, some the Hereford use, and some the use of "Bangor, some of York, and some of Lincoln— "now from henceforth all the whole realm shall have "but one use," that is to say, they shall have but one use of "saying and singing" "in churches within this realm." Now, it is perfectly clear from that preface, which was the preface of the first Prayer Book, that it treats the first Prayer Book as a method of providing that there should be one use of saying and singing. Why is it limited to that? I respectfully submit to your Lordship that that is a paragraph deserving of the very greatest attention, because if my learned friend is to bring Mr. Mackonochie under this penal section at all, it must be by showing that the words "use, wilfully and obstinately standing in the same, any other form, manner," &c., have reference not only to the words of the service, but also to ceremonial. But this very paragraph to which I have called your attention shows that the alteration that was intended to be effected was an alteration of the great diversity in saying and singing according to the various uses that were then in vogue in the Church of England.

My Lord, I am reminded (and if your Lordship will allow me I will read it at once) of a note of the present Bishop of Ely to a book, which I have no doubt is well known to your Lordship, and a very valuable and useful work it is. It is called, in short, the Interleaved Book of Common Prayer. The title is, "The Prayer Book interleaved with historical "illustrations and explanatory notes parallel to the "text, by the Rev. William Campion, B.D., fellow "and tutor of Queen's College, and rector of St. "Botolph, and the Rev. W. J. Beaumont, B.D. With "a preface by the Lord Bishop of Ely." The note is in page 10. "The early British church appears to "have adopted the Gallican liturgy, a form derived "from the East, and after the conversion of the "Saxons, Pope Gregory gave permission to Augustine to choose either the Gallican or the Roman "services, or selections from the various forms, as he "might find most suitable for the benefit of the "Church of England." Then he refers to Bede as his authority for that. "St. Augustine's bias was "in favour of the Roman, whilst the bishops of the "British Church still retained their predilection for "the Gallican liturgy, the result being that the different dioceses had different modifications of the "forms of public worship, the various modes of "chanting the services in each being distinguished "as the different 'uses' of the various dioceses. Of "all these the most esteemed was the use of Sarum, "drawn up in the latter part of the eleventh century "by Osmond, Bishop of Salisbury, and which was "in a great measure adopted by the dioceses of Great "Britain."

Now I submit that that is a passage well deserving of your Lordship's careful attention. "The different "dioceses had different modifications of the forms of "public worship; and the various modes of" what? "Of chanting the services in each being distinguished "as the special uses of the various dioceses," showing that that which is the special essence of the use, is not the ceremonial, which is a mere accident, but the form and order of singing or saying the service.

Now, my Lord, bearing that in mind, I would ask you again to look at the language of this penal section, and to ask yourself whether if I am right, as I respectfully submit I am, in the construction which I have contended ought to be put upon the words "rite, ceremony," in the penal clause, whether that clause is not in all respects consistent with that definition of the word "use," and whether bearing in mind what was the understood meaning of the word "use," you would not have expected express words pointing to individual acts of ceremonial, if individual acts of ceremonial were to have been held as included within the clause, "any other rite, ceremony, [I "contend that means 'service'] order, form, or man- "ner of mass openly or privily, or Matins, Evensong, "Administration of the Sacraments, or other open "prayer than is mentioned and set forth in the said "Book." In other words, you shall celebrate the office of the Communion according to the use of the Church of England, and according to the use of the Church of England only. But these authorities, to which I have ventured to direct your Lordship's attention, go at least very far towards showing that when we speak of the use of the Church of England we mean the special celebration of the particular rite, the singing or saying of that particular rite, according to the present Prayer Book, instead of singing or saying that particular rite according to the several uses which were prevalent before the Reformation.

(*The Dean of the Arches.*) In this particular division of the preface of the Prayer Book "of ceremonies, why some be abolished and some retained," do you consider the word "ceremonies" there to mean full service throughout?

(*Mr. Prideaux.*) I feel some difficulty about that, but I think in great measure even that can be explained when your Lordship bears in mind the distinction between an extern ceremony and an ordinary ceremony. Your Lordship will remember that I am considering the language of the penal clause.

(*The Dean of the Arches.*) You are no doubt; but you see there is a division of the Preface to the Prayer Book, headed "Of Ceremonies; why some be abolished and some retained?" Would you say that the word "ceremonies" there has a different meaning to the meaning which it has in the Act of Parliament?

(*Mr. Prideaux.*) I am not prepared to say. I think it is very doubtful; because I think you will find that these ceremonies relate especially to what are called in the introduction to the first Prayer Book extern ceremonies—that is to say, ceremonies which had crept into the services not being essentially a part of them.

(*The Dean of the Arches.*) Then those ceremonies would not be full services — those which are mentioned under the head of "Ceremonies, why some be abolished and some retained," would not be complete services.

(*Mr. Prideaux.*) They would not be full services, but they would be incidental services having forms of their own.

(*The Dean of the Arches.*) Would they be complete services?

(*Mr. Prideaux.*) In one sense they would be—in a certain sense.

(*The Dean of the Arches.*) You know the passage I am alluding to: "Of ceremonies, why some be abolished and some retained." Do you mean to say that each ceremony would be complete in itself?

(*Mr. Prideaux.*) A sort of incidental service which might be complete in itself, and possibly would be.

(*The Dean of the Arches.*) How do you construe this about "dark and dumb ceremonies"?

(*Mr. Prideaux.*) That is another point.

(*The Dean of the Arches.*) I mean to say they cannot be held to be complete services.

(*Mr. Prideaux.*) Your Lordship will observe that that provision which you are now referring to complains of the burden of them; that there were such a number of them.

(*The Dean of the Arches.*) "Some are put away "because the great excess and multitude of them "have so increased in these latter days that the bur-"den of them was intolerable." Then the writer goes on to say, "Whereof St. Augustine in his "time complained that they were grown to such "a number that the estate of Christian people "was in worse case concerning that matter than "were the Jews. And he counselled that such "yoke and burden should be taken away, as time "would serve quietly to do it. But what would St. "Augustine have said if he had seen the ceremonies "of late days used among us; whereunto the multi-"tude used in his time was not to be compared. "This our excessive multitude of ceremonies was "so great and many of them so dark, that they did "more confound and darken, than declare and set "forth Christ's benefits unto us." Then he goes on to mention those that are retained, and then he says, "Furthermore, the most weighty cause of the "abolishment of certain ceremonies was that they "were so far abused, partly by the superstitious "blunders of the rude and unlearned, and partly "by the unsatiable avarice of such as sought more "their own lucre, than the glory of God, that the "abuses could not well be taken away, the thing "remaining still." What I want to ask you, and it is merely to be quite sure that I fully understand your argument, is, do you say that the use of the word "ceremonies" in this portion of the Prayer Book which I have read has a different signification from the word "ceremony" in the Statute of Uniformity?

(*Mr. Prideaux.*) I say that they mean lesser ceremonies; and in that sense of the word it has not a different meaning. If your Lordship will allow me, I will instance what I mean. For instance, the Asperges. Your Lordship is aware that in the Roman Catholic Church the Mass always begins with the ceremony of the Asperges; that is to say, the priest comes in with the holy water, he performs certain ceremonials, he walks down the church, and he sprinkles the congregation.

(*The Dean of the Arches.*) Would not that sprinkling be part of the service of the Mass?

(*Mr. Prideaux.*) No, I say that is an extern ceremony.

(*The Dean of the Arches.*) It is not a service?

(*Mr. Prideaux.*) Yes, my Lord, it is a service. Your Lordship will find it laid down in all the books.

(*The Dean of the Arches.*) It does not fall within your definition of a ceremony, a service complete in itself?

(*Mr. Prideaux.*) No, my Lord. In one sense it is a service complete in itself, although it is ordinarily annexed to the service of the Mass in the Roman books. Still it is a service complete in itself; and I have a book by an old tutor of mine for whom I have great respect——

(*The Dean of the Arches.*) I merely want your argument with regard to ceremonies. I gather it to be that you adhere to the position with which you started at the outset.

(*Mr. Prideaux.*) Yes; but I add to that this consideration, that we are considering the word "ceremony" in the penal clause, and not here in this part of the Prayer Book.

(*The Dean of the Arches.*) You do not think the use of it here throws any light upon the word "ceremony" in the penal clause.

(*Mr. Prideaux.*) I do not think it aids my friends at all.

(*The Dean of the Arches.*) I did not say it aided your friends, but I say, do you think it throws any light upon the proper construction of the word ceremony in the penal clause?

(*Mr. Prideaux.*) I say it throws light on the use of the word in the introductory part of the first section of the Act of Uniformity. I say it throws light upon the use of the words "extern ceremony," and there is one passage which is conclusive to my mind, in this passage on ceremonial, showing that mere simple acts of ceremonial are not meant by those words "of ceremonies," and that is the fact of "the burden of them having become intolerable."

(*The Dean of the Arches.*) I do not wish to know anything more than what you consider to be the bearing of it.

(*Mr. Prideaux.*) I instance that ceremony of the well-known practice of creeping to the cross, and there are many others.

(*The Dean of the Arches.*) There may be a great many, I daresay; but the object of my question was this, does the word "ceremony" as used in the preface to the existing Prayer Book, "of Ceremonies, "why some be abolished and some retained," bear a different meaning from the word "ceremony" in the Statute of Uniformity?

(*Mr. Prideaux.*) I say it means what in the introduction of the Act is called an "extern ceremony." It means ceremonies which in a certain sense are complete in themselves, but which were ordinarily annexed to the services of the church, but were not an essential part of them, but foreign and extern to them.

(*The Dean of the Arches.*) Very well, that is an answer to my question. You say that "ceremonies" does not mean acts of ceremonial.

(*Mr. Prideaux.*) In one sense it does not mean ceremonial, it means something more than ceremonial.

(*The Dean of the Arches.*) It means a service complete in itself, however small.

(*Mr. Prideaux.*) A service complete in itself, however small. We all know there is the Asperges, there is the creeping to the cross, there is the Benediction, there is the Exposition of the Blessed Sacrament, there were numerous little by-ceremonies, if I may so say, in practice in the Church, which became so numerous that the burden of them was intolerable. Many of them were incomprehensible, and the Church of England has very wisely excluded them. But I say that the word "ceremony" there has no bearing whatever on the use of the word "ceremony" in the penal clause, except that I say that equally (not that that is material) with the penal clause it does not mean the mere ceremonial.

Now, my Lord, I am submitting, especially after having shown your Lordship the meaning attributed

to the word "use," first by citing the Prayer Book itself, and then by citing a passage from a very learned ecclesiastical writer of the present day, I am submitting to your Lordship that the distinction which was recognized in the various uses before the Reformation was not a distinction of ceremonial, but a distinction of service, and I am showing you by these passages which I have cited that the apparent object of introducing "the use according to the Church of England," was to secure one uniform method or manner of singing or saying the service. Bearing all that in mind I am submitting to your Lordship, that the fair construction to put upon this penal clause is to hold that it primarily and substantially has reference to securing that which the Statute requires, namely, service according to the use of the Church of England, and that, so far as it enforces ceremonial, it is limited to such ceremonial as is directly expressed or as is not repugnant to and inconsistent with the services given. I am directed to a passage in Mr. Perry's book, "Lawful Church Ornaments," and I must say (and I am sure my learned friend will agree with me) that there is no man whose learning and views upon this subject are entitled to greater respect than my friend Mr. Perry. It is really marvellous the attention he has paid to the subject.

(*Mr. Stephens.*) I entirely agree in that opinion except where the reverend gentleman differs from me.

(*Mr. Prideaux.*) I am quite sure you do, and he will bring you round probably to agree with him in time. I may remark incidentally here (for it is really a marvellous thing) that my learned friend has not produced a single conviction in either court supporting him. He cited one case from Dyer, or some old reporter, but when we come to look at it we find first that it was an indictment for saying a private mass, and secondly, that the judgment was reversed in error, so that really my learned friend has not cited a single case to support the view which he has maintained. I am now reading from Mr. Perry's book, but it will be found in Strype's Cranmer, book 1, page 85.

"Kemp, Vicar of Northgate, was charged that he "had not read the Bible since Pentecost as he was "commanded by the Ordinary. He doth not declare "to his parishioners the right use of holy water" —(I am citing this to show what was the meaning of the words "extern ceremonies")—"holy water, holy "bread, bearing of candles, creeping to the cross." "For lack whereof the most of the said parish be "ignorant in such thing as ever they were. He hath "not read to them the King's injunctions as he ought "to do, by reason whereof his parish be blind and "ignorant in them."

(*The Dean of the Arches.*) This was in 1543?

(*Mr. Prideaux.*) In 1543. Then there is another case in 1544. "John Bale, afterwards, in 1552, Bishop "of Ossory, wrote a commentary on the Apocalypse "called the 'Image of both Churches.' It bears no "date, but Strype quotes from it, under the date of "1544, as expressing the view of Bale then. His "words probably refer to the now expired Act, 32 "Henry VIII., c. 26, 1540, and also to the Rationale, "1541–2, when he complains, 'I think it is now much "'worse, for now they are become laudable cere-"'monies; whereas before time they were but "'ceremonies alone, now are they become necessary "'rites, godly constitutions, seemly usages, and civil "'ordinances; whereas afore they had no such "'names.'" But I understand your Lordship to intimate that at any rate, at this time, all that you desire is to ascertain whether in my judgment that Preface upon ceremonies had any substantial bearing upon the question under consideration.

(*The Dean of the Arches.*) Whether it would form any key to the use of the word "ceremony" in the statute.

(*Mr. Prideaux.*) I apprehend that it does not, but clearly it is not against us.

Well now, my Lord, it is clear that all these usages complained of were in force at the time of the Reformation by the common ecclesiastical law of England. That appears sufficiently with regard to the whole of them, except the lights upon the communion table from the Sarum use. The Sarum use directs the mixed chalice, it directs the burning of incense, it directs the elevation of the blessed sacrament, but it does not direct, and my learned friend seems to rejoice at it, but I say it is an argument in my favour, as I shall show you when I come to deal specifically with the use of lights, it does not direct the use of lights upon the altar, and for reasons I may as well mention at once—that they apparently were not considered part of the ceremony of the Lord's Supper, and if so, then my learned friend's case is gone.

(*The Dean of the Arches.*) You say in the Sarum missal there is no direction for the use of lights upon the altar?

(*Mr. Prideaux.*) No direction for the use of lights upon the altar. But I do not wish to discuss the use of lights now, because the first Injunctions of Edward VI., the Injunctions of 1547, (to say nothing of the earlier Canons and Constitutions, to which I will not refer at present,) clearly show that these candles were burnt upon the altar, because the instructions are not to burn for the first time candles upon the high altar; but whilst the Injunction is abolishing all candles which have been burned to superstitious uses, it directs that the two candles upon the altar before the sacrament shall still be retained. And therefore I say, it is clear that all these usages were in use as part and parcel of the common ecclesiastical law of England at the time of the Reformation, and being once the common ecclesiastical law, the question is, have the Statutes of Uniformity deprived, taken away that right of following the common ecclesiastical law of England? I say the presumption is against it. I have taken down the general principle from Dwarris on Statutes, page 518. It is in two volumes, but I am ashamed to say I cannot tell your Lordship which, I think it is the first: "Further, as a rule, of exposi-"tion, Statutes are to be construed in reference to "the principles of the common law; for it is not to "be presumed that the Legislature would make any "innovations upon the common law, further than the "case absolutely required. The law rather infers "that the Act did not intend to make any alteration "other than what is specified, and besides what has "been plainly pronounced for if Parliament had had "that design, it is naturally said they would have "expressed it." Now I refer to that principally for the purpose of showing that the general rule of law is that an Act of Parliament is to be construed with reference to the common law, and that it only operates upon the common law so far as the common law is repugnant to and inconsistent with the provisions of the Act of Parliament.

There is another rule of interpretation—in its common sense it is very analogous to it—and that is, what is called the incorporation into contracts of the custom of the country and the usages of trade. Your Lordship is aware that if a contract be entered into with reference to no known usages, something new and distinct for the time—an Act of Parliament for instance—for example making an Act of Parliament Church in the 16th century, not desirous of tracing itself back to the Primitive Catholic origin. I can understand that there, where a contract is entered into for the first time with reference to a new matter, you have nothing that you can fall back upon except the Act of Parliament, or the contract itself. But the principle acted upon with reference to contracts is the same as that which I have ventured (and this is really nothing more than a contract between the church and the country) to point out as the principle of construction of the Acts of Parliament. I am referring to this as a somewhat analogous case, namely, that where a contract is entered into, not with reference to some new matter which has had no existence before, but with reference to a state of circumstances where a known usage exists, such

elements of that known usage as are consistent with the contract, shall be deemed to be incorporated into it. I need scarcely refer your Lordship to any authority for that; the authorities are all collected together in the first volume of Smith's Leading Cases, in the case of Wriggleson v. Dallison, and there is another authority to which I should wish to refer you, which you will find mentioned in the notes to that case; the case of Hutton against Warren, in 1 Meeson and Welsby, page 466. It contains a very elaborate judgment by the present Lord Wensleydale, in which he goes very fully into the consideration of this question.

(*The Dean of the Arches.*) It is a question of contract, is not it?

(*Mr. Prideaux.*) A question of contract. There was a question in this particular case whether some provision was incorporated into a lease; but his Lordship goes very elaborately into the law upon the subject, and he says that there are three cases to which this doctrine is applied—First, when a contract is made with reference to some matter where there is a custom of the country covering that class of cases in which the custom of the country has been held to be incorporated into leases, wherever that custom is not excluded by the language of the lease; secondly, he refers to cases where a contract is entered into in respect of some trade where there is some general usage or custom of trade; and then he says, lastly, that it applies also to other contracts entered into with respect to any subject matter in reference to which there is a well-known and recognized usage. Now I am not going too strongly to press this analogous illustration, because I fall back rather upon that which is clear common sense; that no statute can be held to preclude and shut out any portion of the common and of the general law of the country existing as the use of the whole country, unless the portion sought to be shut out be either expressly or by necessary implication repealed by the Act of Parliament. Then I say that the principle is exactly the same. The principle is that the parties are assumed to contract with reference to a known state of circumstances amounting to usage, in other words, where it is part of the common law as regards a statute, or part of a special custom as regards a contract, there, although not expressly stated, the usage is held to be incorporated into the contract; and in principle as well as in essence, these Acts of Parliament are nothing more than a contract entered into between the church and the country for the good of the country.

Then, my Lord, is either of these practices forbidden expressly? Clearly not expressly—my learned friend does not even pretend that. He does indeed say (and with that I shall deal hereafter) that the elevation was forbidden; and he does say that the elevation is impliedly forbidden by the 28th Article, which (as I shall submit to your Lordship presently) has nothing whatever to do with the matter. But my learned friend does not pretend to say that the elevation is now forbidden by the Rubric that did exist in the first Prayer Book of Edward. My learned friend admits that it is repealed and was obliged to fall back upon ther argument that it was not necessary to have a prohibitory Rubric in order to forbid it; therefore the whole question is, are these usages or any of them impliedly forbidden by necessary implication of the Acts of Parliament, because as surely as according to the old saying, "Nature abhors a vacuum," and as surely as the air will creep into every crevice if it is not kept out, so surely, unless by express provision it be kept out, the common law will creep into every crevice, except where the Act of Parliament says you shall not creep in. Now I will deal with that because I think it is a very strong point. I really was astonished at the boldness of my learned friend Mr. Coleridge. He generally argues conclusively and well, but if ever a man did argue in a circle it is my learned friend Mr. Coleridge in this case, for he gravely put it to your Lordship, as an assumed fact, that because no manual acts are prescribed by the second Prayer Book of King Edward VI., therefore a clergyman could not lawfully perform the manual acts under that statute, and therefore he says you cannot perform these things. I think that is very likely, if my learned friend is right so far as these acts of Mr. Mackonochie are part and parcel of the ceremonial of the services; I think it is very likely that if my learned friend is right in saying that a clergyman could not perform the manual acts under the second Prayer Book, which for this purpose you will please remember prevailed from 1552 to 1661, I think it very probable that if my learned friend is right there he is right upon the other point. But is not he begging the question? What single argument has he produced to your Lordship for the purpose of showing that under that Prayer Book a clergyman could not perform the manual acts? I have ventured at any rate to suggest one in another direction, namely, that the object of the framers of the statute was to humour the prejudices of the Puritan party, and not to render these matters compulsory. Your Lordship will remember (and it is very important) that the second Act of Uniformity says that the second book has been made "fully perfect," "made fully perfect." If my construction of the meaning of the word "use" is right, if the word "use" mean "saying and singing" then I can understand the use of the phrase in the second Act of Uniformity that the second book has been made "fully perfect." But when I bear in mind that the second Act declares (as your Lordship has twice called our attention to the fact) that the first book was written under the direct guidance and inspiration of the Holy Ghost, and that the alterations are made in the second book, not because there was anything to object to in the first, but by reason of the scruples and dissatisfaction which existed among the Puritan party; when I call to mind the approval which the second Act passes upon the first Book, and when I look at the important ceremonial comprised in the first Book which is not to be found in the second, I say that especially in construing a penal clause, it is going a great way to ask your Lordship to conclude that when the Act of Parliament says that the second Prayer Book was made "fully perfect" it meant that the manual acts ought not to be performed.

(*The Dean of the Arches.*) What manual acts are you specially mentioning?

(*Mr. Prideaux.*) I am speaking of acts connected with the consecration of the holy elements in the celebration of the Holy Communion. There is no direction to put the bread and wine upon the altar; no direction for the priest to take the cup in his hand, and no direction to put his hand over the paten; there is no direction to break the bread. Now if the construction I have put upon the word "use" be the correct one, if "use" has reference not to ceremonial, but to order and form of words, then I can understand the Act of Parliament stating that the second book was made fully perfect; but if it is intended to include ceremonial, of which there is a remarkable scarcity in that book as well as the use and form of words, then, bearing in mind the high approval which is passed upon the first book by the second Act, and the fact that an Act of Parliament now in force declares the first book to have been written under the guidance of the Holy Ghost—I say that if that Act of Parliament intended to enforce as the maximum only such ceremonial as is prescribed in the second book, then with great respect and with great confidence I say I cannot understand how the Legislature could have said that the second book had been made "fully perfect."

(*The Dean of the Arches.*) Your argument, I suppose, is that the acts of consecration, while the second book was in force, must have been borrowed from the first book?

(*Mr. Prideaux.*) Quite so; I say it is a tradition of the Church.

(*The Dean of the Arches.*) Your argument is that

otherwise, from 1552 to 1661, no manual acts could have been performed?

(*Mr. Prideaux.*) Exactly. We know, in point of fact, the usage is against my learned friend. I cannot refer to the passages at this moment, but we know in point of fact that in no less a place than in Cosins' works, Cosins states that in point of fact the manual acts of consecration were performed. In one place he is urging a direction for the consecration acts, no doubt for the purpose of making them compulsory; because there was a great reaction towards Puritan practices in the time of the second Prayer Book. Providence overruled matters in favour of the Church Catholic, and Edward VI. was no doubt at that time by a superintending Providence removed, and the downward tendency towards Protestantism (I do not like to use an offensive word), towards those peculiar views which my learned friend has been advocating was such, that Cosins was desirous (" for his better warrant " were his words) that the consecration acts should be made compulsory. But the important matter upon which I rely is this.

(*The Dean of the Arches.*) You say there must have been consecration acts performed during the time between 1552 and 1661.

(*Mr. Prideaux.*) Precisely, and there is none directed during all that time. If my contention is right that that which is essentially a part of the Sacrament, and which has been always used in the Catholic Church, of which our use is only an adaptation for the English nation, may still be used, provided it be essentially a part of the rite performed, then I can understand it; but I say it is utterly impossible for your Lordship to conceive for one moment, apart from the testimony borne by Bishop Cosins to the fact—I say it is absolutely impossible for your Lordship to conceive for one single moment that the Consecration Acts were not performed under the second Prayer Book of Edward, and the Prayer Book of Elizabeth, and if they were (for I am willing to take it as a crucial test—one test is as good as a hundred) my learned friend's argument that what is not expressly prescribed by the Prayer Book in matters of ritual is gone, cannot be for one moment sustained.

My learned friend, Mr. Coleridge, who understands the skill and subtlety of argument as well as any man living, felt the force of that difficulty, and, therefore, he thought fit to be guilty of a *petitio principii*, and in order to maintain his argument, he chose to assume that the consecration acts could not have been lawfully performed under the second Prayer Book of Edward VI. And, my Lord, my learned friend, Mr. Stephens, felt the force of the existence of a prohibitory Rubric in the first Prayer Book with reference to the elevation of the blessed Sacrament, he said that was the main point around which the affections of the people were bound, and, therefore, it was necessary to prohibit it as a matter of precaution (I suppose he means by direct prohibition). My Lord, no doubt the people were attached, as a very large portion of the members of the Church of England now are attached, to the great Catholic doctrine of a sacrament upon a sacrifice; and no doubt, unless it were forbidden, elevation would have been practised. But my learned friend did not seem to see that the same argument exactly or perhaps even more importantly applies to the acts of consecration. Can it be argued that you would have had elevation if it had not been prohibited, and yet that you would not have the act of consecration if it is not forbidden. I will pray you, my Lord, to put yourself into the position of the Catholic Church in England, before she had separated herself in one sense from Rome. I pray you to imagine that you have been taught that which is an undoubted fact, that the one great Christian service ordered to be celebrated by Christ's ordinance is the blessed Eucharist. I pray you to bear in mind the practices which were at that time considered as essentially parts at any rate (I will not put it further) of that celebration. I pray you to bear in mind that every priest at that time, when the first Act of Parliament came into operation, had been accustomed to perform the Divine liturgy according to the use of the Church of Sarum; and I ask you if it is possible to suppose that all the clergy, or even a large portion of the clergy, immediately upon the passing of Edward's second Prayer Book, would have ceased to use the acts of consecration, which they had also used under the first Prayer Book, when they were not forbidden. Nay, I go further, and I ask where can my learned friend show, even from any Puritan bishop, any prohibition of performing the acts of consecration. Minor acts are forbidden by some of them; rubbing the hands, touching the forehead, and certain other matters are forbidden, but where throughout the length and breadth of Puritan libraries, which my learned friends' clients have been searching up in order to follow out this prosecution, is there a single, even unauthorized, act of any Puritan bishop forbidding during all this time the acts of consecration? Where for the year 1554 is the great case of *Martin and Mackonochie;* where is the conviction either in the spiritual court or in the temporal court for the performance of any single act of consecration which your Lordship may be quite assured was as dear to the priests of that day as their lives? I say it is conclusive, looking at the fact that the consecration is essentially the most solemn part of the one great act of Catholic worship, celebrated alike in the Roman Church, in the Greek Church, and in the Church of England, but by each according to their own use—I say that if the construction which my learned friends are attempting to put upon this section be the correct one, there must have been innumerable convictions of the faithful Mackonochies of that day for performing the rites of the blessed Eucharist according to the institution of Christ. Where are they? My learned friend cannot get out of the difficulty. I accept my learned friend Mr. Coleridge's test; I only deny his major premise, and I do deny his assertion that it was not lawful for the clergymen of that day to perform the manual acts of consecration. My Lord, I say with confidence, that it is impossible upon any other supposition—it is contrary to human nature—to understand the absence even of an injunction from a bishop, to say nothing of a conviction in the courts during the whole of this period in any single instance against a clergyman for performing acts of consecration. Well, then, if that be so, what becomes of my friend's argument, that whatever is not expressly commanded by the Rubric is gone. As I said, I am willing to accept that as a crucial test. I admit that if my friend Mr. Coleridge is right in his assumption that a clergyman under the second Prayer Book of Edward VI. and under the Prayer Book of Elizabeth, could not lawfully perform the acts of consecration, I admit that so far as these practices of Mr. Mackonochie are in the estimation of your Lordship, parts of the ceremonial of the blessed Eucharist, he is liable to conviction. But then I claim the contrary position; I say that if I am right in the view which I am venturing to put to your Lordship (and it appears to me that it is impossible to explain the silence of the courts and the injunctions and the visitation articles upon this point in any other way) if I am right in saying that these manual acts of consecration could lawfully be practised under the second Prayer Book of Edward VI., then the whole of my friend's argument, the whole of it, I think I may leave it upon this one point so far,—the whole of my friend's argument, so far as it is based on the fact that what is not expressly enjoined is forbidden, necessarily falls to the ground.

Now, my Lord, hitherto I have only considered the penal clauses relating to the officiating priest; but there are other penal clauses in the Acts of Parliament which it will be important to consider—clauses for the purpose of precluding the laity from attending any other service than that which is according to the use of the Church of England, and

from maintaining or encouraging any clergyman to use any such services. And with a view of seeing what it was these statutes were really intended to operate upon, I think it would be well that I should briefly call your Lordship's attention to these penal clauses. The most important clause (there are others which I will only just mention) the best clause to use as a test is the 5th section of the second Act of Uniformity ; and I pray your Lordship to bear in mind that that section is in force now for enforcing the present Prayer Book; that the Toleration Acts did not deal at all with members of the Church of England, but merely tolerated the performance by persons who differ from the Church of England of services ; that even now, and *à fortiori* before the passing of the first Toleration Act, we are every one of us, ay and your Lordship on the bench, subject to the penalties of this section ; and I will undertake to say that if my friend's construction is correct, every person who knowingly goes to church where any man there, and especially the clergyman, bows at the sacred name of the Redeemer, he is liable to be committed to prison without bail or mainprise. I will take the liberty of reading the section because I think it is a crucial test. It is the 5th section of the second Act, "And by the authority "aforesaid it is now further enacted, that if any man- "ner of person or persons, inhabiting and being "within this realm, or any other the King's Majesty's "dominions, shall after the said Feast of All Saints, "willingly and wittingly hear and be present at any "other manner or form of Common Prayer, of "administration of the sacraments, of making of "ministers in the churches, or of any other rites "contained in the book annexed to this Act, than is "mentioned and set forth in the said book, or that is "contrary to the form of sundry provisions and ex- "ceptions contained in the aforesaid former statute." Your Lordship will remember that in the former statute there is a power to use certain prayers and hymns, provided they be taken from the Bible, "and "shall be thereof convicted according to the laws of "this realm before the justices of assize, justices of "oyer and determiner, justices of peace in their ses- "sion, or any of them, by the verdict of twelve men "or by his or their own confession or otherwise, shall "for the first offence suffer imprisonment for six "months, without bail or maynprise." My Lord, I believe everybody who goes to Mr. Mackonochie's church, if my friend is right in his construction, is liable to that punishment at this moment. "And for "the second offence being likewise convicted (as is "above said) imprisonment for one whole year; and "for the third offence, in like manner imprisonment "during his or their lives."

My Lord, if my friend's contention is right, although we know from Bishop Cosins, and although we know from our ordinary knowledge of human nature that it must have been so, that a very large number, to say the least, of the clergy during the time of Edward and Queen Elizabeth did use the consecrating acts, although we know that in compliance with the ancient custom of the Church from the complaints that were made to Charles II. that in point of fact the canon was complied with which required bowing at the sacred name of the Redeemer, and therefore we must know that hundreds and thousands of persons attended the churches under the second Act (and the Court will remember that this is the second Act, the very Act which dropped the manual acts), although we know that hundreds and thousands attended there, there is not a single hint or suggestion of any proceeding in any court for the purpose of enforcing this very severe penalty against such people. I submit with confidence, it is monstrous to suppose that the statute could have meant anything of the kind ; and yet I do not see how my learned friend can escape from that difficulty. Of course I am now dealing with the general question. It may be that these particular acts complained of here are or are not forbidden upon other grounds ; but I am only now dealing with the general position of my learned friend, that what is not expressly commanded by the Prayer Book is forbidden.

And, my Lord, with regard to one of the practices complained of, I think it is abundantly clear that it must have been practised, and that is the mixed chalice. When I come to deal with that question I shall scarcely address a single argument to your Lordship upon it ; because I am addressing a man conversant with the ancient ecclesiastical law and with the Primitive Church. I am not appealing to the prejudices and the ignorance and the narrow-mindedness of an Exeter Hall meeting, and I shall scarcely address a single argument to your Lordship for the purpose of proving that the mixed chalice was almost the universal practice of the whole Catholic Church of Christ in the primitive age. But now, bearing in mind that the mixed chalice—and I assume it now, and indeed I should be trifling with your Lordship if I attempted to argue that which is as manifest as the sun at noonday—bearing in mind that the mixed chalice was, with the single exception of the Armenians, whom I will deal with presently, the universal practice of the Church——

(*The Dean of the Arches.*) Do I understand that you are upon the mixed chalice now ?

(*Mr. Prideaux.*) No, my Lord, I am arguing that the consecration acts were not complained of. I am upon the question of the mixed chalice to this extent only, that I say, bearing in mind that the first Prayer Book of Edward VI. directed the mixed chalice, bearing in mind that the mixed chalice is (I may say it because the exception proves the rule) the universal practice of Christ's Holy Catholic Church, bearing in mind that the struggle was going on between the reformers and the anti-reformers at the time when the second Prayer Book of Edward VI. passed, I say that it is impossible to suppose that the use of the mixed chalice was not continued in a very large number of the churches of this country without the sanction of the Prayer Book of Edward VI. It is not forbidden ; it is called wine in the old Rituals, and in the Order of the Communion, and in the first Prayer Book of Edward VI., after mixture ; and therefore I say it is impossible to suppose that suddenly when an Act of Parliament passed for the sake of yielding to the prejudice of the Puritans, rendering it not absolutely necessary that certain things should be done, the use of the mixed chalice was not continued under that statute of Edward VI. And I say that if my friend's construction is correct then every man who willingly and wittingly attended at a church where in the administration of the Lord's Supper the mixed chalice was used, was liable by so doing for the first offence to be sent to prison for six months without bail or mainprise, on the second offence for one whole year, and for the third offence in like manner to be imprisoned during his life. Now I ask your Lordship, especially when you bear in mind the fact that all the documents of the Church of England show the great desire of the Church of England to adhere to primitive Christianity, "to Scripture and the Primitive Church," I ask you whether you are prepared to put a construction upon these statutes which will lead to that conclusion ? Because if you are prepared to adopt the broad position upon which my friend Dr. Stephens has placed his case, then I say you cannot avoid arriving at the conclusion that any man who, during the latter part of the reign of Edward VI. and during the reigns of Elizabeth and her successors down to Charles II., attended knowingly any service where the mixed chalice was used, was liable to these penalties which I have pointed out. Now I do venture to submit, with feelings of very great confidence, that is a *reductio ad absurdum*, and that it is quite impossible that the Court can put a construction upon the Act of Parliament which would lead to such consequences as that. If the object of the Act of Parliament was to secure the use of the English Prayer Book, and so prevent Divine Service being celebrated according to any other Use, if nothing was to be said

or sung but according to that Use, if the services of the Church Universal were only to be said or sung according to the Use of the Church of England, then, looking at the special object which was intended by the Acts of Parliament, I can understand the introduction of such a penal clause as this. But if a man was to be liable to these penalties, simply because he knowingly and wittingly attended at a church where a practice continued to be adopted, which up to that time had been universal in the Church of England, and which has ever been universal throughout the whole Catholic Church of Christ, then I say, if that was intended, it is impossible to my mind to conceive that such a section as this would have been introduced.

Now, my Lord, there are two other sections affecting third parties—the laity, which bear out this same view. I will not do much more than refer to them, because the argument to be addressed to them would be substantially the same, perhaps if anything not quite so strong, but still they all point in the same direction, and they all show that what the object of the Statute of Uniformity really was, was to get rid of all the old Uses, as Uses, and to compel the performance of the services of the Church according to the Use of the Church of England. The section to which I now beg to call your Lordship's attention is the third section of the first Act. There is a similar provision in, I think, the third section of Elizabeth's Act; it is this:—"And it is ordained and enacted by "the authority above said, that if any person or "persons whatsoever, after the said Feast of Pente- "cost next coming, shall in any interludes, plays, "songs, rhymes, or by other open words, declare or "speak anything in the derogation, depraving, or "despising of the same Book, or of anything therein "contained, or any part thereof, or shall by open "fact, deed,or by open threatenings, compel or cause "or otherwise procure or maintain any parson, vicar, "or other minister, in any cathedral or parish church, "or in any chapel or other place, to sing or say" (further showing what is understood by the word "use") "any common and open prayer." Now these words "sing and say," are evidently used synonymously with "use." They do not occur in the section which I have read previously in the second Act, and therefore my friend cannot make any distinction, "to "sing or say any common or open prayer, or to "minister any sacrament otherwise or in any other "manner or form than is mentioned in the said book, "or that by any of the said means shall unlawfully "interrupt or let any parson, vicar, or other minister "in any cathedral or parish church, chapel, or any "other place to sing or say any common prayer, or "to minister the sacraments or any of them in any "such manner and form as is mentioned in the said "book. That then every person being thereof law- "fully convicted in form above said, shall forfeit to "the King, our Sovereign Lord, his heirs and suc- "cessors, for the first offence, ten pounds; and if any "person or persons, being once convicted of any such "offence, eftsoons offend against any of the premises "and shall in form aforesaid be thereof lawfully con- "victed, that there the same person so offending and "convict shall for the second offence forfeit to the "King, our Sovereign Lord, his heirs and successors, "twenty pounds; and if any persons after be in form "aforesaid shall have been twice convicted of any "offence concerning any of the premises, shall offend "the third time and be thereof in form aforesaid "lawfully convicted, that then every person so offend- "ing and convicted shall for his third offence forfeit to "our Sovereign Lord, the King, all his goods and "chattels, and shall suffer imprisonment during his "life, and if any person or persons that for his first "offence concerning the premises, shall be convicted "in form aforesaid, do not pay the sum to be paid by "virtue of his conviction in such manner and form as "the same ought to be paid within six weeks next "after his conviction, that then every person so con- "victed and so not paying the same shall for the "same first offence, instead of the said ten pounds "suffer imprisonment by the space of three months, "without bail or maynprise; and if any person or "persons that for his second offence concerning the "premises shall be convicted in form aforesaid do "not pay the sum to be paid by virtue of his con- "viction in such manner and form as the same ought "to be paid within six weeks next after his said "second conviction; that then every person so con- "victed and so not paying the same, shall for the "same second offence instead of the said twenty "pounds, suffer imprisonment during six months "without bail or maynprise."

I need not trouble your Lordship with reading the section in the statute of Elizabeth which I think you will find completely analogous; and I quite admit that all these statutes are to be considered *in pari materia;* I quite admit that all these statutes are in force for the purpose of compelling obedience to the Book of Common Prayer, but I desire specifically to call your Lordship's attention to the highly penal character of these Acts, because the more highly penal they are the more careful should the Court be not to extend their meaning beyond that which it is clear they are intended to apply to, and I say that under these sections it is perfectly clear that not only a clerk in holy orders but any other person who takes any part whatever even by his presence, or by encouraging others in performing any service, however honestly he may believe that it was done in compliance with the Prayer Book, if my friend's contention is correct, he would be liable to these very heavy penalties and punishments, if in one single tittle anything was done which was not expressly required by the Act, although it might have been a practice hallowed not only from time immemorial in the Church of England, but also throughout the whole of Christ's Holy Catholic Church.

Now, if my friend's construction is correct, how do you account for the existence of certain canons regulating certain matters in the performance of divine service? Doctor Lushington lays it down, and there can be no doubt about it, I need not trouble you with the exact page of the judgment, because the case is so familiar to your Lordship. Dr. Lushington in his judgment in the Westerton *v.* Liddell case admits that no canon——

(*The Dean of the Arches.*) He says the doctrine of desuetude is unknown to the Church of England.

(*Mr. Prideaux.*) And that no canon can be of any effect against the statute, that is a very important matter.

(*The Dean of the Arches.*) No doubt.

(*Mr. Prideaux.*) None of the statutes direct that act of reverence which I rejoice to say is becoming more common every day in this land—the bowing at the sacred name of the Redeemer. It is ordered by the 18th canon; it is ordered by the injunction of Queen Elizabeth; it is recognized by the declaration of King Charles, from Breda, and in all these documents it is spoken of as an ancient custom of the church. But my friend's argument is that an ancient custom of the church goes for nothing if it is not expressly re-enacted in the Act of Uniformity. My Lord, I say with confidence that if my learned friend is right, he might have included among the charges in this prosecution the fact that the reverend defendant in this case made deep and lowly reverence whenever that special name of the Redeemer, which is so mystically connected with the Incarnation, is mentioned in his church. Is your Lordship prepared to take a view of this case which will bear out that position? Is your Lordship prepared to hold that every member of the Church of England throughout the length and breadth of this land, who willingly and knowingly bows his head, or goes to a church where at any rate the minister bows his head, at the mention of that sacred name, is liable to be sent to prison on his first offence for six months without bail or mainprise? I do not see how my friend is to get out of the argument. "I care not," my friend would say,

" for its being the practice of the Holy Catholic " Church ; I care not for its being prescribed by the " ancient canons ; I care not for its being prescribed " by Injunctions of Elizabeth and the canons of " 1604; what are they to me? Ours is a glorious " Protestant Act of Parliament Church, and I stand " upon the Act of Parliament and the Act of Parlia- " ment only, and say that whatever is not in the Act " of Parliament is forbidden; and looking at the " spirit with which the Reformers acted must be " deemed to be a Popish superstition. What do I " care for that ancient custom. I know that a very " large number, if not all the practices now prac- " tised throughout the Western Church are primitive " and ancient; but what do I care for that? We are " a glorious Act of Parliament Church established in " the 16th century, and we care nothing for the usages " of the Primitive Church; we care nothing for the " canons, because the canons are only made by an eccle- " siastical authority, and we do not care one straw for " an ecclesiastical authority ; my argument is this, " what says the Act of Parliament? Whatever the " Act of Parliament directs you shall do, that you " must do, and you shall not do anything beyond that " which it directs; for it must be assumed that all " these ancient practices which are not expressly " ordered by the Act of Parliament are Popish super- " stitions." I really understand my friend's argument to go that length. I have referred especially to the bowing at the sacred name of the Redeemer, because it is recognized by a canon which, if my view of the case is correct, is perfectly good, but if my friend's view of the case is correct, I assert, to use language of his own, and which he was very fond of employing in his address—'I assert as a proposition of law' cannot be a binding canon. It is consistent with my view because I say the Acts of Parliament only incidentally deal with ceremonial, and therefore I say that the Convocation had power to deal with ceremonial so long as they did not direct anything *contra* the Act of Parliament. And I say that whether the Convocation deal with the ceremonial or not, the people have a right to use ceremonial in the church if it be not directly contradictory to the Act of Parliament. In my view of the construction of these statutes, which I am respectfully submitting to the Court, I can understand the existence of a canon directing that deep and lowly reverence should be made at the mention of the name of the Redeemer; I can understand the existence of a canon directing that the Lord's Table shall be covered with a decent cloth; but if my friend's construction is correct, if nothing is to be done, if nothing is to be sanctioned, if everything is to be denounced as Popish superstition which is not expressly directed in the Act of Parliament, I cannot for the life of me understand how there can be such canons as we have, or how they can be of any binding authority whatever; because if any proposition is clear (and so far I am agreed with my friend) it is this: that the canon, whether passed before the Act of Parliament or after the Act of Parliament, is absolutely null and void so far as it is inconsistent with the Act of Parliament; and according to my friend it is inconsistent with the Act of Parliament altogether if it provides for any single matter which is not provided for in that Act, so that to say the least, according to my learned friend, the canon would be inoperative, and you cannot go beyond the Act of Parliament because you are tied within (to use his own language) the four corners of the Act of Parliament. But according to the humble view which I am submitting, I can understand how it is that matters of ceremonial and ornament have been more or less dealt with by the canons.

Now, my Lord, as I stated, I instanced specially the bowing at the name of the Redeemer, because no question has ever been made as to the validity of the canons of 1604. But I will direct your Lordship's attention to this—that the canons of 1640 direct the bowing to the altar. It may be that those canons are not of binding effect, and that you could not compel a clergyman to bow to the altar. It is better for me if they are not of binding effect, because then if the clergyman were charged with doing that which he had no right to do under the Act of Parliament, he could not shelter himself under the canons, and where is the prosecution for bowing to the altar? Are there, my Lord, or are there not cathedrals in this land where the uniform practice is to bow to the altar, not for the purpose of carrying out an act of Popish superstition—I use the word, assuming for one moment the views which my friend takes of the Romish Church to be correct, although I do not agree with him at all—not for the purpose of carrying out a Popish superstition, but for the purpose of doing due reverence to that upon which symbolically and typically at any rate, the great Christian sacrifice is celebrated in our church at the present day. My Lord, is a man guilty, am I guilty myself—I ought not to talk about myself; but whenever I see a bust of the immortal Shakespeare I always take my hat off to it—I ask my friend is that an act of idolatry?

(*Mr. Stephens.*) Very like it.

(*Mr. Prideaux.*) My friend says "very like it," I say it is not. If my friend meets a lady—I know his gallantry, and I have the pleasure of enjoying his private friendship, and nothing would grieve me more than that anything should interfere with that cordial friendship, which for so many years has existed between us, and I refer to it now because I know my friend well, and I know that if he meets a lady in the street he takes his hat off; and he is right. It is true it is not ordered either in the Prayer Book or in the Canons, and I daresay that some extreme members of the Protestant Association may possibly fancy that it is an act of Popish idolatry. But, my Lord, it is perfectly clear that it is idle, it is foolish, to take such a view of an act of reverence ; and yet I say there is no distinction between bowing to the sovereign ; there is no distinction between bowing to the throne of the Sovereign, which is frequently done; there is no distinction between taking your hat off to a lady and the act of reverence which is intended by bowing to the altar. None of these acts can be said in any sense to be matters of popish superstition. Bowing to the altar has been practised under that canon. There have been Martins, and there have been Lieut.-Col. Brockmans—the gallant gentleman who wrote a book or a preface to a book which I shall have to refer to presently—and there have been other persons in the olden time as well as now who would have been ready enough to take proceedings if they could. Where is the single prosecution against any Mackonochie of a bygone age for practising that which is a usage practised down to the present time in many cathedrals.

(*The Dean of the Arches.*) I know it was done all the time I was at Christchurch.

(*Mr. Prideaux.*) Precisely, my Lord. I was going to cite that instance. I recollect a friend of mine once called St. John's College, Cambridge, the great nursery of senior wranglers; and I think I may say that Christchurch, Oxford, is the great nursery of English statesmen. At any rate, if there is any place where it is necessary to guard against Popish superstition—if there is any place where it is desirable that anything which can be corrupted into Popish superstition should be checked, it is our universities, where the youths who are afterwards to bear part in the management and the legislation of this country are educated. And I say that if my friend is right—I do not know, I daresay your Lordship can tell me, who may happen to be the visitor of Christchurch, Oxford——

(*Mr. Stephens.*) The Queen.

(*Mr. Prideaux.*) Then, I want to know why the Queen, who is the keeper of our consciences, and who makes an oath that she will maintain in all its integrity the Church of England as by law established, I want to know why the Queen does not exercise her visitorial powers, and why she has permitted time out of mind

this Popish superstition of bowing to the altar to be practised in that church.

There is one other remark upon this point which I have to make. I wish to call your Lordship's attention to a very remarkable historical fact, showing what the opinion of the Legislature who actually passed the present Act of Uniformity was. If your Lordship will refer to Kennett's Register and Chronicle, Ecclesiastical and Civil, you will find the following entry under the date "*Die Lunæ, 28th Aprilis* 1662" at page 671 :—"The House of Commons" (this is a very remarkable fact, because it actually shows what the opinions were of the very men who passed this Act of Parliament) "resumed the debate upon the "amendments to the Bill of Uniformity. The proviso "for being uncovered and for using reverend gestures "at the time of divine service was twice read; but "the matter being held proper for Convocation, "ordered that such persons as shall be employed "to manage the conference with the Lords do in-"timate the desire of the House that it be recom-"mended to the Convocation to take order for "reverend and uniform gestures and demeanours "to be enforced at the time of divine service and "preaching."

(*Mr. Stephens.*) "And preaching."

(*Mr. Prideaux.*) "And preaching." That does not affect the thing at all. The only preaching that I know of that was recognised at that time was the sermon, which is part of the Communion Service, but I cite it for the purpose of showing that, at any rate in the opinion of the House of Commons, the Act of Parliament would not preclude the Convocation from dealing with those matters of reverential conduct, and that on the contrary the Convocation and not the temporal Legislature were the proper persons to deal with it. Then I find a second entry of the 8th May 1662, page 660, House of Lords, "Whereas it was "intimated by the conference yesterday at the desire "of the House of Commons that it be recommended "to the Convocation to take order that reverend and "uniform gestures and demeanours be enjoined at "the time of divine service and preaching, it is "ordered by this House and hereby recommended to "the Lords, the Bishops, and the rest of the Convoca-"tion and clergy, to prepare some canon or rule for "that purpose to be humbly presented to His Majesty "for his assent." And then in the same book, under the title May 12th, is a record in Latin (I have not taken the trouble to copy it out) that the 18th canon was amended and improved for the purpose of carrying out that object.

I think that is matter worthy of consideration because it shows what was the opinion of the very Legislature which passed the present Act of Uniformity as to whether it was possible or not in these matters to travel at all beyond the four corners of the Act of Parliament. It is quite clear that they thought it was competent to the Convocation to do this, and that they went further and said that in respect to such matters it was fitter that they should be enjoined by the Convocation than that they should be enjoined by the Legislature, and it follows that if the Convocation could direct it, and it is not contrary to the Act of Parliament, then, whether the Convocation had directed it or not, it cannot be said to be contrary to the Act of Parliament that that is done which it is admitted the Convocation (which could have no power or effect against the Act of Parliament) might direct.

(*The Dean of the Arches.*) It is now time to adjourn until 11 o'clock on Monday. Mr. Stephens, I believe you have a general reply upon the whole case?

(*Mr. Stephens.*) A general reply? I do not exactly understand your Lordship. Do you mean that you will take the case of Flamank *v.* Simpson before I reply in this case?

(*The Dean of the Arches.*) Yes.

(*Mr. Stephens.*) I must respectfully object to that course, because there are different counsel in that case.

(*The Dean of the Arches.*) They are the same points, are they not? There is very little difference between the two cases?

(*Mr. Stephens.*) I do not exactly know whether they are precisely the same points.

(*The Dean of the Arches.*) As I understand, then, you would wish to be heard in reply upon this case?

(*Mr. Stephens.*) Certainly, my Lord. I cannot at the present moment tell what line of argument the other side are going to take, and I feel that it would not be satisfactory to my clients nor to myself to be deprived of the benefit of a reply upon this case.

(*The Dean of the Arches.*) You desire to be heard in reply upon this case and in reply upon the other too?

(*Mr. Stephens.*) Certainly, my Lord.

(*The Dean of the Arches.*) The only objection to that course would be that it would tend to prolong the proceedings a great deal.

(*Mr. Stephens.*) I am very sorry that that should be the result, but still I feel that I should not be doing justice to my clients in this case if I were to postpone the reply till after the argument in Flamank *v.* Simpson had been heard, and then were to reply on the two cases.

(*The Dean of the Arches.*) Then all I can say is, I must trust to you (and, indeed, I am quite sure I may do so) not to repeat in Flamank *v.* Simpson what you may say in this case.

(*Mr. Stephens.*) Certainly, my Lord.

(*The Dean of the Arches.*) I have a recollection that there is some charge in Flamank *v.* Simpson which is not part of this case.

(*Mr. Stephens.*) It is so. There are two charges which are not contained in this case, but one of them, I believe, will not be proceeded with.

(*The Dean of the Arches.*) Who are the counsel in Flamank *v.* Simpson; can you tell me?

(*Mr. Stephens.*) Dr. Deane and Mr. Hannen are for the defendants, and Dr. Swabey and Mr. Droop are with me for the prosecution.

(*The Dean of the Arches.*) I rather thought it had been originally understood that there should be one reply in both cases.

(*Mr. Stephens.*) My Lord, I never so understood it. It may perhaps have been a misunderstanding on my part, but I am not aware of any such arrangement having been made.

Adjourned to 11 o'clock on Monday.

EIGHTH DAY.

Monday, January 13th, 1868.

(*The Dean of the Arches.*) Mr. Prideaux, before you begin your argument I wish to make an observation. You have dwelt very strongly before me upon this point, that these matters which are charged against Mr. Mackonochie are not rites and ceremonies. You say they may be ceremonial acts, but not rites and ceremonies; and a great part of your argument was directed to that object, to convince the Court that the proper construction of "rites and ceremonies" in the Prayer Book was what you contended for. Now I have found an authority which appears to me to be very much in conflict with your

position, and to which I will draw your attention, in order that either you or the learned gentleman who is with you may, if you think proper, deal with it before you close your argument. The words "rites and ceremonies" are of course translations of the Latin words "ritus" and "ceremoniæ," and they are also words of ecclesiastical art, if I may so speak, or of ecclesiastical nomenclature. Now in the Council of Trent, in the 22nd session, the 5th chapter, "*De Missæ Ceremoniis et ritibus*," is as follows: "Qu- "umque natura hominum ea sit, ut non facile queat "sine adminiculis exterioribus ad rerum divinarum "meditationem sustolli, propeterea pia matercclesia "ritus quosdam, ut scilicet quædam submissa voce, "alia vero elatiore in missâ pronunciarentur instituit "ceremonias item adhibuit; ut" (these are the instances of the ceremonies) "mysticas benedictiones, "lumina, thymiamata, vestes, aliaque id genus multa "ex apostolica disciplina et traditione, quo et majestas "tanti sacrificii commendaretur, et mentes fidelium "per hæc visibilia religionis et pietatis signa ad "rerum altissimarum, quæ in hoc sacrificio latent, "contemplationem excitarentur." Now whatever authority this may have, and I am not pronouncing as to the extent of its authority as to the construction of those words "rites and ceremonies," it would appear to include under the title *ceremoniæ*, among other things, the use of lights, the use of incense, and the use of vestments. It would not be therefore in accordance with your construction that "rites and ceremonies" mean perfect services in themselves, but rather that they are ingredients, elements, individual acts of a rite and ceremony in your sense of the word. Now of course the Court is seeking for information from counsel, and is most desirous of obtaining it, and I am drawing your attention to this passage, which it appears to me has an important bearing upon that point of your argument, in order that you may deal with it if you think proper in the course of your argument.

(*Mr. Prideaux.*) I am much obliged to your Lordship. At present I will rest upon it, and as it has been kindly brought to my notice by your Lordship, either I or my friend who is with me will take an opportunity of addressing your Lordship upon it.

(*The Dean of the Arches.*) I see, looking at the case of Flamank *v.* Simpson, that they do charge the use of lighted candles, and of mixing the wine with the water; and I understand, Mr. Stephens, you wish to have a separate reply in both cases.

(*Mr. Stephens.*) Certainly.

(*The Dean of the Arches.*) I must say I am of opinion that you are entitled to it if you choose to demand it; but of course you are aware that to repeat the same argument over again upon two cases consecutively of the same nature would be hardly consistent with your duty as an advocate. You are certainly entitled, as they are separate cases, to have two replies.

(*Mr. Stephens.*) They are separate cases, my Lord, and what is important, they appear by different counsel; if the counsel were the same I should not feel the slightest difficulty in making one reply on both cases.

(*The Dean of the Arches.*) If any new argument were introduced, you would have the opportunity of answering that of course.

(*Mr. Stephens.*) My Lord, I feel that the interests of my clients demand that I should reply upon this case.

(*The Dean of the Arches.*) Do as you think fit; I cannot control you—it is your right.

(*Mr. Stephens.*) I hope you will not think me disrespectful to the Court when I say that I prefer having a separate reply upon this case.

(*The Dean of the Arches.*) You are certainly entitled to it.

(*Mr. Stephens.*) Your Lordship may rely that the observations which you made on Saturday, and likewise to-day, shall receive my most respectful attention, namely, that I will compress my argument into the smallest possible compass in both cases.

(*The Dean of the Arches.*) Of course you are aware my only object is this, my time is the time of the public and not my own.

(*Mr. Stephens.*) Exactly, my Lord.

(*The Dean of the Arches.*) Mr. Hannen, I believe you are with Dr. Deane in the other case. I mean to hear Flamank *v.* Simpson with this case if I possibly can.

(*Mr. Hannen.*) I have already been requested to ask your Lordship if it was your intention to proceed with Flamank *v.* Simpson immediately upon the conclusion of this case.

(*The Dean of the Arches.*) Yes, it is, if I possibly can; because you know I cannot give judgment in one case without giving it in the other.

(*Mr. Hannen.*) I was asked to make the application to your Lordship for the convenience of my client; because there is another case in which he is engaged, the Bishop of Winchester *v.* Rugg, for which a day had been fixed.

(*The Dean of the Arches.*) Yes, there is that case; but I will hear Flamank *v.* Simpson before that. Mr. Stephens, you have got that reference to the Council of Trent which I have just mentioned?

(*Mr. Stephens.*) Yes, my Lord, I have.

(*Mr. Prideaux.*) My Lord, before I proceed, I wish to say one word upon an argument which I used on Saturday, and it is rather to save my friend the trouble of going off upon a collateral point than for any other reason. Your Lordship will remember that I dwelt at some length upon the penal clauses relating to third parties, and I mentioned that the effect of these penal clauses would be even now to render churchmen liable to be indicted, if my friend's construction is right, if they attended a church where the clergyman bowed at the sacred name of the Redeemer specially indicating the mystery of the Incarnation. I am not at all prepared to say that I am not right in that, but at all events, it does not affect my argument in the least, because, even supposing my friend should show that by the operation of the Toleration Acts the penalty would not now be incurred, it would not affect my argument as to the time before the Acts of Parliament came into operation.

(*The Dean of the Arches.*) Do you wish to withdraw that part of the argument?

(*Mr. Prideaux.*) Certainly not to withdraw that part of the argument; I merely wish to show that it is extern to the argument and rather supports me if it was necessary, that in the reign of William the III. an Act of Parliament should be passed to protect third parties.

(*The Dean of the Arches.*) This is upon the question of ceremonies?

(*Mr. Prideaux.*) I merely wish to say that I have not considered what effect the various Toleration Acts might have, but I am prepared to take my stand on the state of the law before the first Toleration Act was passed.

Now your Lordship has been pleased to lay great stress upon the first preface to the Book of Common Prayer; and I will in the next place resort to the consideration of that first preface again "concerning the service of the church." "And forasmuch as nothing can be so plainly set forth, but doubts may "arise in the use and practice of the same; to "appease all such diversity (if any arise) and for the "resolution of all doubts concerning the manner how "to understand, do, and execute the things contained "in this book; the parties that so doubt or diversly "take anything, shall alway resort to the bishop of "the diocese, who by his discretion shall take order "for the quieting and appeasing of the same; so that "the same order be not contrary to anything con- "tained in this book." Now, my Lord, I referred to that clause specially under the suggestion of your Lordship yesterday for the purpose of showing that the proper course would have been that the parties

should apply to the bishop. I now refer to it for the purpose of showing that the bishop has a discretion with regard to ceremonial. But the bishop could have no discretion with regard to ceremonial if he were merely to construe the strict letter of the Act, and the introduction of a discretion to the bishop here, which could not be at all needed with reference to the form and order of the words, shows that whilst the Act of Parliament deals specifically with the form and order of the words, it only deals incidentally with the ceremonial attending the service. To give the bishop a discretion with reference to the words would be idle; to give him a discretion at all if he was merely judicially to interpret the Act would be idle; and therefore these words "in his discretion," qualified as they are by the words which subsequently follow, "so that the same order be not contrary to anything contained in this book," is, as I submit, a clear proof that the statute admits that there may be matters of ceremonial appurtenant to the offices, but not necessarily essential parts of them, which are to be regulated by the discretion of the bishop. And I submit, with great confidence, that this is a view worthy of your Lordship's consideration. If my friend's construction is right that the officiating clergyman is to be bound by the iron letter of the book and by that only, and is not to go out of it, where can there be the ground for an appeal in a matter which is "taken diversly" in order that it may be regulated by "the discretion of the bishop;" the only limit to that discretion being not against his prescribing that which is not ordered in the book, but against his prescribing that which is contrary to the book?

(*The Dean of the Arches.*) Unless the appeal be to the bishop in his court. I am not expressing any opinion hostile to the view which you are now expressing, but of course it is capable of that construction.

(*Mr. Prideaux.*) My Lord, my answer to that is, that whether it be to the bishop in his court or to the bishop in his individual capacity, it does not alter the fact that it is a matter in which the bishop is not to be bound by the strict letter of the book, but in which he is to act according to his discretion.

(*The Dean of the Arches.*) As, for instance, in the matter of granting a faculty.

(*Mr. Prideaux.*) As in the matter of granting a faculty. And there is a passage in the judgment of the Judicial Committee of the Privy Council, which your Lordship remembers, no doubt, bearing upon this.

(*The Dean of the Arches.*) I remember the passage. It is a passage in which they say "Informed as we are by those conversant with ecclesiastical law that the bishop has a discretion"—is not that the passage?

(*Mr. Prideaux.*) In another passage in which they are speaking of the fair linen cloth they say, "This is a matter."

(*The Dean of the Arches.*) You had better refer me to the passage. The passage that I was referring to is at the close of that paragraph relating to stone altars.

(*Mr. Prideaux.*) My Lord, it is not that; it is the one that relates to the "fair linen cloth."

(*Dr. Swabey.*) It is the "embroidered cloths."

(*Mr. Prideaux.*) My Lord, I am sorry to say I labour under one very great disadvantage, I am very unmethodical. The passage in Moore is as follows: "Whether the cloths so used are suitable or not, is a "matter to be left to the discretion of the Ordinary. "In this case their Lordships do not see any sufficient "reason for interference, and they must, therefore, "advise the reversal of the sentence as to the cloths "used for the covering of the Lord's table during the "time of divine service." There is another passage besides that.

(*The Dean of the Arches.*) Yes. That passage Dr. Lushington referred to the other day in a case in which proceedings were taken before him in a civil form, I think, for the removal of certain cloths, and he said he considered that binding upon him. The altar cloths were shown to be the same as those used at St. Barnabas' Church in that case, and he said that he considered that decision binding upon him, namely that the Judicial Committee had expressed an opinion that the discretion of the Ordinary might be used in such matters. But there is another passage which I think is with regard to the communion table.

(*Mr. Prideaux.*) Yes, my Lord; this was the special passage.

(*The Dean of the Arches.*) After entering into the question of the embroidered linen and the lights and the Rubric, and the canon prescribing a "fair white linen cloth," they say:—"Although their Lordships "are not disposed in any case to restrict within "narrower limits than the law has imposed the "discretion which within those limits is justly allowed "to congregations by the rules both of the ecclesias-"tical and the common law courts, the directions "of the Rubric must be complied with."

(*Mr. Prideaux.*) I will point out the passage to your Lordship afterwards if I find it.

(*The Dean of the Arches.*) There is another passage in which it is certainly suggested that the discretion of the Ordinary may be exercised with regard to various matters which are in their own nature indifferent; that is to say, which are neither legal nor illegal. I have found the passage which I was looking for, it is at the bottom of page 175. Having come to the conclusion that the use of crosses as distinguished from crucifixes is lawful as architectural ornaments, there is this passage:—"Their "Lordships hope and believe that the laws in force "respecting the consecration of any building for a "church, and which forbid any subsequent alteration "without a faculty from the Ordinary, will be suffi-"cient to prevent any abuse in this respect." That is the point I was looking for.

(*Mr. Prideaux.*) I am almost sure there is another passage to which I wish to refer, and perhaps your Lordship will allow me to point it out to you at any time when I can find it. The passage I mean is one in which the Judicial Committee of the Privy Council (it may be that I am mistaking between them and the Dean of the Arches) in which the Court, in giving judgment, says:—"This is a matter within "the discretion of the Ordinary. The Ordinary has "already exercised his discretion, and we see no "sufficient reason for interfering with it." It is a passage, I think, to that effect.

(*The Dean of the Arches.*) You need hardly trouble upon that point, because there really is no doubt at all that there are certain matters as to which the Ordinary has a certain discretion to exercise, whether with regard to certain ornaments or certain other matters as to which the Rubric has been silent, and as to which no doubt the Ordinary has a discretion. The only point which you have to establish as to those ceremonies and rites, or whatever they are to be called, is this—does this ceremonial, this ritual, fall within the category of those things over which the Ordinary has a discretion?

(*Mr. Prideaux.*) That, no doubt, my Lord, is one of my points. Dr. Stephens has kindly referred me to the passage which I want. It is in the judgment of Sir John Dodson where he deals with the coverings of the communion table, and your Lordship will find it at page 131 of Moore's Report.

(*The Dean of the Arches.*) There is a case now pending before the Privy Council which will be decided in the course of this month (it has been argued) as to this very question of the discretion of the Ordinary, granting faculties. That is a case with regard to interment, but probably the whole matter may be somewhat touched upon in it.

(*Mr. Prideaux.*) My contention, as I have humbly submitted it to your Lordship, is that the statute regulates the ceremony as a whole, and renders compliance with the ceremonial necessary, so far as is expressly required, but is not exhaustive of ceremonial, and leaves the question what ceremonial shall be used

(provided it be consistent with the provision of the statute) an open question, to be regulated, if regulated at all, by the discretion of the Ordinary. It is something like what we find in the account given by Norfolk in his reference to perhaps the most gorgeous ceremony that we read of in the annals of English history—showing the distinction between the ceremonial and the ceremonies—

> " All this was ordered by the good discretion
> " Of the Right Reverend Cardinal of York."

Your Lordship will remember probably that passage in the first scene of the first Act of King Henry the VIII. where Norfolk is giving an account of the "Field of the Cloth of Gold."

Now your Lordship asked me, and no doubt *primâ facie* it presses apparently against me more than any other part of this branch of the argument, some questions concerning the use of the word "ceremonies" in the preface "Of ceremonies: Why some be abolished and some retained." I have already ventured (and your Lordship will understand me as insisting upon that) to say that it is very incidentally indeed, if at all, that we have to deal with this preface on ceremonies, because what I have to interpret is not the meaning of the words "rites and ceremonies" in this particular preface to the Prayer Book, but the meaning of the words "rite, ceremony," or indeed the whole of the passage in the penal clause; but, my Lord, I venture to suggest, that when carefully looked at, that preface does not point at ceremonial, that it points to what I called "lesser ceremonies." What is meant by the words upon which my friend so much relies, "extern ceremonies?" I answer ceremonies—ceremonial, that is to say, with accompanying words being in a certain sense ceremonies in themselves, but which had crept in *de facto* as part of the services of particular rites and ceremonies, being extern to them, and therefore being very much distinguished from those ceremonial rites, which I insist are not extern ceremonies, but intern ceremonies; that is to say, ceremonies actually and essentially part of the entire service, though, as I ventured to say before, not perhaps necessarily essential parts. One clause of the section I ventured to call your Lordship's attention to: "Some are put away "because the great excess and multitude of them hath "so increased in these latter days that the burden of "them was intolerable; whereof St. Augustine in his "time complained that they were grown to such a "number that the estate of Christian people was in "worse case concerning that matter than were the "Jews."

Now, my Lord, I will venture to submit that these incidental ceremonial rites could not be ceremonies in that sense; that is to say, ceremonies which had grown up to such an extent "that the burden of them was intolerable." It is impossible to say that there is any intolerable burden in the mere introduction of the burning of lights, or in the burning of incense, or in the mixed chalice, or in elevating the sacred elements somewhat higher than is absolutely necessary. I say that upon the face of that recital it is clear the passage points to separate and independent lesser ceremonies such as some of those which I ventured to mention, "creeping to the cross;" the "Asperges;" the "giving of holy bread;" the "sprinkling of houses with holy water;" the "blessing of crosses and beads;" the "giving of ashes on Ash Wednesday;" the "carrying of palms on Palm Sunday," and such like, all of which your Lordship will remember were accompanied by words, and constituted in themselves not mere ceremonial acts, but ceremonial acts pertinent to and accompanying words evidently upon the face of them no part of the various rites of the Church, but additional ceremonies which had been introduced some for good purposes, all probably for good purposes at first, in the course of the history of the Church, and which had become ultimately so numerous that the burden of them was intolerable. There is another passage in this preface on ceremonies which further illustrates that view, and it is the latter part of the fourth paragraph: "Furthermore the most weighty cause of the abolishment of certain ceremonies was"—now, I am quite sure that your Lordship will at once, if you look at this passage, see that it is impossible it can be held to refer in any sense to such simple ceremonial acts, which are merely ceremonial parts of a great rite, as are under consideration here; it is impossible that you can believe—"that they were so "far abused, partly by the superstitious blindness of "the rude and unlearned, and partly by the unsatiable "avarice of such as sought more their own lucre than "the glory of God, that the abuses could not well be "taken away, the thing remaining still." That shows that some might be and some are retained. Now, I submit that it is impossible that can apply to these mere ceremonial acts, part of the great Eucharistic service, which could not have been "abused for filthy "lucre's sake by those who care more for their own "lucre than the glory of God." I say it is impossible that section can apply to a mere ceremonial act which is part and parcel of a great Christian rite; but it may well apply to such rites as I have ventured to suggest to you—"the giving of the holy bread," which was always accompanied by words; "the giving of ashes on Ash Wednesday;" "the carrying of palms on Palm Sunday;" "the sprinkling of houses," and "the blessing of crosses"—because we know, as matter of history, that on such occasions payments were made; these have been abolished, whilst "the betrothal" and "the ring in marriage" have been retained. But the instances which I have cited are abolished because the burden of them had become intolerable, and because it was the practice to extort money for filthy lucre's sake when those extern ceremonies were performed; and I feel satisfied that the more your Lordship considers this case the more you will feel that the introduction of the word "extern" (and it is remarkable that it only occurs in the first Act when those ceremonies had been existing) is a fact which strongly supports the view of the reverend defendant in this case rather than that of the prosecution. It marks the limit. If within the meaning of the section these are extern ceremonies my friend might have some colour of a case, but if they are not extern ceremonies, but are what I have ventured to call intern ceremonies, as contradistinguished from extern ceremonies, then the introduction of the word "extern" in that section furnishes a strong argument in support of the legality of the acts complained of in this prosecution.

(*The Dean of the Arches.*) It has not escaped you, of course, that the division of the preface immediately before that just read is headed "Concerning the services of the Church." Then it is added, "Of ceremonies; why some be abolished and some retained." According to your argument, would it not be more proper to have said, "Of services, why some be abolished and some retained?"

(*Mr. Prideaux.*) No, my Lord, I apprehend not; and for this reason: because, although in a certain sense they are ceremonies in themselves, they are not services in themselves.

(*The Dean of the Arches.*) "Each ceremony a perfect service" was what I understood your argument to be?

(*Mr. Prideaux.*) I say so in a certain sense; but here they speak of the services of the Church which are continued, besides which it is not "concerning the services of the Church," as your Lordship read it, but "concerning the service of the Church." Here they are speaking of the great Christian services which are retained in the Church, and I apprehend that the word "service" there is evidently used in a somewhat different sense from the word "ceremonies" in the preface which we are now considering.

(*The Dean of the Arches.*) No doubt it is used in a different sense from "ceremonies," but that would be rather against your argument, would it not?

(*Mr. Prideaux.*) Your Lordship will remember we are not discussing a preface which appears in the present Prayer Book for the first time, we are

discussing a preface which appears also in the first Prayer Book, and I think (I will not be quite sure) that the order is different in the first Prayer Book. I think it is impossible, looking at the language used in this Preface, "Of ceremonies; why some be abolished and some retained," upon a fair and reasonable construction of that passage, to hold that it refers to mere simple acts of ceremonial which have no separate action of their own, but are merely part and parcel of the celebration of the great Christian mystery.

(*The Dean of the Arches.*) You see this is omitted in the first Prayer Book altogether.

(*Mr. Prideaux.*) I am not aware of that, my Lord.

(*The Dean of the Arches.*) In the first Prayer Book that part of the preface which begins "There was never anything by the wit of man so well devised," is there; but this part of the Preface "Of ceremonies; why some be abolished and some retained," is not.

(*Mr. Prideaux.*) Oh yes, my Lord, it is called the preface in the first Prayer Book.

(*The Dean of the Arches.*) Is it? I cannot find it here.

(*Mr. Prideaux.*) I think your Lordship will find it in the first book.

(*Dr. Swabey.*) In the Prayer Book of 1549 it is placed immediately after the service for the first day of Lent. It is brought in in Keeling in this place merely for the sake of comparison.

(*Mr. Prideaux.*) It is after the Commination Service.

(*Mr. Stephens.*) Your Lordship will find it at page 155 of the Parker edition.

(*Mr. Prideaux.*) Whether it is out of its place or not, it is in the book. As I understand, it is merely in a different place. Then there is another argument which I will venture to submit upon that point with regard to the services of the Church which supports my view; that what the Prayer Book formally intended to enforce was the singing or saying of the service according to the particular use, that is, according to the particular form and order of words, and I think if your Lordship looks carefully into the preface concerning the service of the Church, you will see that that preface deals not with ceremonial at all, but with the order and form of the words.

(*The Dean of the Arches.*) Oh yes, it does certainly, because I remember my attention was drawn by you or Mr. James to that note which is appended, "As "touching kneeling, crossing, holding up of hands, "knocking upon the breast, and other gestures they "may be used or left, as every man's devotion serveth "without blame." That is the note attached to the chapter of "Ceremonies; why some be abolished and some retained," in Edward VI.'s first book.

(*Mr. Prideaux.*) My friend, Mr. James, called attention to that, but I was going to call your Lordship's attention now to some passages in the body of the preface "concerning the service of the Church."

(*The Dean of the Arches.*) I do not believe there is any difference between this and the other.

(*Mr. Prideaux.*) None, my Lord, except that note which is appended in Edward's first book, there is no other difference except that note. I am now going to cite the second paragraph, "But these many years "passed, this godly and decent order of the ancient "fathers hath been so altered, broken, and neglected "by planting in uncertain stories and legends, with "multitudes of responds verses, vain repetitions, com "memorations, and synodals, that commonly when "any book of the Bible was begun, after three or four "chapters were read out, all the rest were unread, and "in this sort the book of Isaiah was begun in Advent, "and the book of Genesis in Septuagesima, but they "were only begun and never read through. After "like sort were other books of Holy Scripture used," (further showing the technical sense in which the word 'use' is introduced,) "and moreover whereas "St. Paul would have such language spoken to the "people in the church as they might understand, and "have profit by hearing the same, the service in this "Church of England these many years hath been read "in Latin to the people, which they understand not, so "that they have heard with their ears only, and their "heart, spirit, and mind have not been edified thereby. "They could not say 'Amen,' when they did say 'God "bless us!'" and furthermore, notwithstanding "that "the ancient fathers have divided the Psalms into "seven portions, whereof every one was called a "nocturn, now of late time a few of them have been "daily said, and the rest utterly omitted; moreover, "the number and hardness of the rules called the Pie, "and the manifold changings of the service, was the "cause that to turn the book only was so hard and "intricate a matter that many times there was more "business to find out what should be read than to read "it when it was found out. These inconveniences "therefore considered, here is set forth such an order" —(that is important as clearly pointing to the words and the succession of the words)—"whereby the same "shall be redressed. And for a readiness in this "matter, here is drawn out a calendar for that purpose, "which is plain and easy to be understood, wherein "(so much as may be) the reading of Holy Scripture "is so set forth, that all things shall be done in order, "without breaking one piece from another."

My Lord, I do not think that I need trouble the Court by reading any more of that preface. I think that the Court will see from the passages which I have read that that preface "concerning the service of the Church" has nothing whatever to do with the incidental ceremonial appurtenant to the service, and if so, it strengthens instead of weakens the argument which I have ventured to address to your Lordship.

(*The Dean of the Arches.*) You say it has nothing to do with ceremonial.

(*Mr. Prideaux.*) I say it has nothing to do with ceremonial.

(*The Dean of the Arches.*) And nothing to do with ceremony.

(*Mr. Prideaux.*) Nothing to do with ceremony, not as individual acts of ceremony, I mean.

(*The Dean of the Arches.*) Because the next division is "Of ceremonies." Thus there is a distinction between the service and the ceremonies. I thought I understood you to say that each ceremony is a perfect service in itself.

(*Mr. Prideaux.*) Each ceremony is a complete service in itself, but it deals here with parts of the service.

(*The Dean of the Arches.*) But I thought your distinction of a ceremony was—I do not mean to pin you down to the exact words, but your general distinction was—that each ceremony was a service, small it might be, but still complete in itself. And if that be so, if a ceremony be a service of whatever degree complete in itself, if it means that and that only, it is not the same thing as the ordinary use of the word "ceremony" would imply such as I have referred to in the Council of Trent, namely, the use of incense, the lighting of candles, and so on.

(*Mr. Prideaux.*) My Lord, I submit that it is perfectly clear the object of that preface is to deal with the order of the words.

(*The Dean of the Arches.*) Of which preface do you mean? "Of ceremonies," or "Of the service of the Church"?

(*Mr. Prideaux.*) "Of the service of the Church."

(*The Dean of the Arches.*) Certainly, there is no doubt.

(*Mr. Prideaux.*) It is a sort of explanation and justification of the alterations which have been made in the form and order of the words.

(*The Dean of the Arches.*) But it is a distinct thing from the one about ceremonies?

(*Mr. Prideaux.*) Yes.

(*The Dean of the Arches.*) Although ceremonies were the lesser services, as you say.

(*Mr. Prideaux.*) The one says, "We will explain why we have altered this form and order of the words," the other says, "We will give a reason why in the "services we have cut off extern ceremonies."

The Dean of the Arches.) Then it comes back to what is meant by "extern ceremonies."

(*Mr. Prideaux.*) Still I do not admit that even if my friend could carry his construction of the words "extern ceremonies" it would be injurious to my argument. But I do think it is very important to ascertain the meaning of the words "extern ceremonies."

(*The Dean of the Arches.*) Certainly, it might be very important if you could establish this proposition for which you are contending, namely, that to bring in and use incense during the service, or to light candles at a particular time, is not a ceremony within the meaning of this Act of Parliament and this Prayer Book, because your opponent, Mr. Stephens, has contended that it is so. But what I am asking is this: Do you displace his argument that it is a ceremony by showing me that there are two rubrics, one referring to the service of the church, and another concerning ceremonies.

(*Mr. Prideaux.*) Well, I think, looking at these prefaces fairly as a whole, they support my view; because it is clear that the preface concerning ceremonies was retained with a special object, and the word "ceremonies" there is to be read as if it were written "extern ceremonies."

(*The Dean of the Arches.*) And what are "extern ceremonies"?

(*Mr. Prideaux.*) I say they are what I have ventured to submit—"the lesser offices of the Church," which had sprung up in the course of time, and many of which had been introduced. They are lesser services which are extern to the services which are alone prescribed.

Now I will just call your Lordship's attention to the meaning of "ceremony" according to Johnson—"an extern rite."

(*The Dean of the Arches.*) No doubt.

(*Mr. Prideaux.*) The explanation of the word "extern" in Todd's Johnson is, "Without itself, not inherent, not intrinsic, not depending upon itself."

(*The Dean of the Arches.*) No doubt that is the general meaning of the word. "Ceremony" is a word of ecclesiastical art, and must receive its interpretation according to that application.

(*Mr. Prideaux.*) Whether the word "ceremony" is intended to mean a mere piece of ritual or not is not material; the important thing is in what sense it is used in these penal clauses.

(*The Dean of the Arches.*) Certainly.

(*Mr. Prideaux.*) With your Lordship's permission, I will deal with that passage from the Council of Trent at a future time, because I have not at present specifically directed my attention to that.

(*The Dean of the Arches.*) Certainly; you will understand I only called your attention to it as contributing to throw some light on the use of these ecclesiastical words "rites and ceremonies." Understand my object. I think it appears to throw a light on the meaning of those two words.

(*Mr. Prideaux.*) I am extremely obliged to your Lordship, not only as regards myself and the reverend defendant in this case, but I feel as strongly as any person can feel the extreme importance of this case being thoroughly sifted; and of course I would desire that everything that can be used or that can be suggested against the view I am contending for should be brought under my notice, in order that I may deal with it.

Now I will just call attention to one or two cases. I wrote to my clerk to bring down the books, but they have not arrived.

(*The Dean of the Arches.*) They are very likely here in the library.

(*Mr. Prideaux.*) I do not think it will be necessary to refer to them beyond giving your Lordship the notes. My letter miscarried and the books are not here. The first is Escot *v.* Mastin, the only report of which that I have is in a book—a very useful and valuable book—"Notes of Ecclesiastical and Maritime Cases."

(*The Dean of the Arches.*) They are by Thornton. There are no notes more reliable than those which are to be found in that book. They are extremely valuable, all of them.

(*Mr. Prideaux.*) I am very glad that your Lordship's view corresponds with that which I have humbly ventured to entertain of them. The only reason for referring to that case was that in the course of the judgment (your Lordship will find the case commences at page 532)——

(*The Dean of the Arches.*) What are you citing this for?

(*Mr. Prideaux.*) I am citing it with regard to what I ventured to contend on Saturday, that if my friend's construction is right, then a canon which in the slightest degree interfered with the provisions of the Act of Parliament is absolutely inoperative. Dr. Lushington deals with this maxim (and it is scarcely necessary that I should cite any authority upon it), but one of the canons of 1640, I think, is very carefully considered in that case.

(*The Dean of the Arches.*) Not of 1640. It is the canon of James of 1603.

(*Mr. Prideaux.*) I think it is the canon of Charles I.

(*The Dean of the Arches.*) It is a question of the burial of a child baptized by a Dissenter, and the Court ruled that where there had been the use of water and the invocation of the Holy Trinity, that was a baptism; and inasmuch as by the Rubric a clergyman is bound to bury all baptized children, he was held to be bound to bury a person who was baptized, though the baptism were performed by a Dissenter, if there had been the use of water and the invocation of the Holy Trinity.

(*Mr. Prideaux.*) Yes, I remember that all that was held to be of the essence of the sacrament was water and the use of the proper form, "In the name of the Father, and of the Son and of the Holy Ghost." But, my Lord, in the course of the argument the Court says, "This canon can have no effect so far as it pro-"vides anything contrary to the Act of Parliament; "nor even can it have the effect of a declaration as "to the meaning of the Act of Parliament, because "nothing but a declaratory Act can in any the slightest "degree modify the binding operation of an Act of "Parliament."

(*The Dean of the Arches.*) You cite it for that purpose to show that a canon cannot affect an Act of Parliament.

(*Mr. Prideaux.*) I cite it to show that a canon cannot affect an Act of Parliament, because I will not say one of my great points, because I have some stronger points than this, but one of my points is, that there are several canons (the canon relating to the altar cloth is one of them) which have always been acted upon, and always been regarded as binding, but which absolutely can have no effect at all if the construction which my learned friend is contending for is the true one.

(*The Dean of the Arches.*) Why? I do not quite follow you.

(*Mr. Prideaux.*) Because no altar cloth is directed in either of the Prayer Books.

(*The Dean of the Arches.*) But is not it subsidiary to the use of the table?

(*Mr. Prideaux.*) That is another point, my Lord. So, as I shall contend, are these other matters subsidiary.

(*The Dean of the Arches.*) As I understood Mr. Stephens's argument, it was not that you might not have something which was not expressly prohibited, but if it was not expressly provided for then it must fall under the expression "necessary or subsidiary to what is allowed."

(*Mr. Prideaux.*) Certainly, as I understand my friend's contention; but I cannot understand any legal application of that word "subsidiary" according to my friend's view, unless it means "necessarily involved;" and if by "subsidiary" you mean nothing more than "reasonably accessory," I cannot conceive anything being more clearly and essentially subsidiary than these

acts of ritual which are essentially parts of this particular service and are in no sense extern to it. If by the word "subsidiary" is meant "necessary," then properly neither an altar cloth nor an organ is subsidiary, but if by the word "subsidiary" is meant "reasonably consonant to the service," then I say that all these acts of ritual which are complained of are as subsidiary as the altar cloth and the organ.

But there is another case to which I wish to call your Lordship's attention.

(*The Dean of the Arches.*) The passage to which you have referred me is in the decision of the Privy Council in Escott *v.* Mastin.

(*Mr. Prideaux.*) I will refer your Lordship to the passage by-and-by.

But there is another case which is also reported in the "Notes of Ecclesiastical and Maritime Cases," to which I wish to call your attention, because no question of subsidiariness can arise there. I ventured to submit to your Lordship on Saturday that inasmuch as there is no direction in the Act of Parliament that the knee be bent at the mention of the sacred name, a clergyman might, as I regret to say many do, refuse (under the impression, I suppose, that bowing at the sacred name of the Redeemer is a Popish superstition) to bend his knee. But there is an express decision that a clergyman is bound by that canon. It is the case of Burder *v.* Hale, and which is reported in the sixth volume of "Notes of Cases," page 111. That was a proceeding against a clergyman for divers unseemly matters in the pulpit; and among other things I regret that any man who calls himself a clergyman of the Church of England should have yielded so far to the downward tendency towards irreverence, that characterises the spirit of Protestantism, as to have been guilty of such a matter; but it appears that this reverend gentleman had thought that it was within his Christian duty, had thought it was within the obligation which he owes to his incarnate Saviour, that he should denounce from the pulpit the bowing at that sacred name, and proceedings were taken against him for having done so.

(*The Dean of the Arches.*) In the Court of York, I think.

(*Mr. Prideaux.*) In the Court of York. I think it came up.

(*The Dean of the Arches.*) I argued the case, I remember I went down to argue it.

(*Mr. Prideaux.*) There was a very beautiful passage in the judgment referring to the beautiful manner in which that ancient custom in the church is described and referred to in the 18th canon, with a statement that he at least as a clergyman was bound by it. Now I ask if my friend's construction is correct, how was this reverend gentleman bound by it as a clergyman? If my friend's construction is correct he might at this moment have introduced an additional Article against Mr. Mackonochie, charging him with bowing at that sacred name during the celebration of the service, because from the beginning to the end of the Prayer Book there is no direction that that reverential act shall be performed. And therefore, my Lord, I do refer with some confidence to this case, and I do respectfully point out to your Lordship the fearful irreverence which is the natural tendency of the spirit that is regulating this prosecution.

Now, my Lord, I do not propose to enter at any length into the other instances of practices in the Church not prescribed by the Prayer Book, because they are all included, and more than included, in the great fact that neither the placing of the elements upon the Lord's table nor the performance of any of the manual acts of consecration is directed by the second Prayer Book of Edward VI. If that cannot be made a test upon the question whether everything which is not expressly provided is forbidden it would be almost idle in me to take up the time of the Court by pointing to minor instances, and therefore I shall only deal specifically with one, but I will call your Lordship's attention to the general fact that, so far as one can judge by usage from the commencement of the Reformation to the present time, practices have existed, and existed without objection, which are not directed and prescribed by the Prayer Book. I see your Lordship makes a gesture of dissent; but I say, as far as the evidence goes, it shows it.

(*The Dean of the Arches.*) Oh! I am not expressing any opinion at all. Do not misinterpret me.

(*Mr. Prideaux.*) I inferred from a certain gesture of your Lordship that you did not assent to my proposition.

(*The Dean of the Arches.*) Oh! no.

(*Mr. Prideaux.*) I shall refer you to two matters; but the one which I wish particularly to refer to is the fair linen cloth. By the canons of the Church a fair linen cloth is directed to be placed on the altar at the time of the celebration of the Mass. The first Prayer Book says nothing about it; the second Prayer Book, which, whilst it yielded to the prejudices of the Puritans as far as it could with propriety, was determined to enforce everything which was absolutely necessary to prevent unmitigated irreverence, ordered it. I ask, can there be a doubt that it was used in the meantime; can there be a doubt that it was lawful to use it in the meantime? I submit that, placing yourself in the position of the priests of that period, looking at the fact that time out of mind the fair linen cloth had been used, there can be no doubt whatever that it was lawful to use it although it was not prescribed. That the irreverent spirit of Protestantism was omitting it I think very probable; that the Reformers who prepared the second book therefore resolved at least to check this irreverence I think very probable; but the question is whether, when even in this scanty book as regards ritual, in order that at least that should be obeyed, it is felt necessary to introduce a direction—the question is whether your Lordship can infer from that that it was not lawful to use the fair linen cloth under the first book, and I do press this consideration upon your Lordship, because great light will be thrown upon the history of this case by bearing in mind that there were certain persons going ahead of the legal steps which were carried out by the Reformation in the downward course of Protestantism. My Lord, I doubt not (I shall have to deal with that presently) that that was the reason why kneeling was expressly enjoined in the receiving of the Holy Communion under the second Prayer Book. There is no direction to kneel in receiving the Holy Communion in the first Prayer Book. There were indeed the ancient canons, forming part and parcel of the common ecclesiastical law of England, directing kneeling, but my friend says you cannot look at the canons, that you are to be guided only by the words of the Act of Parliament. There is no direction to kneel in acknowledgment of those great and ineffable blessings that we receive when we communicate with the body and blood of our Redeemer, under the form of bread and wine; and I ask your Lordship if you can doubt that if in the intermediate time those people who recognised in this great mystery the ineffable presence of the Redeemer under the form of bread and wine (and that there were hundreds and thousands, thank God! who did so, I think it is impossible your Lordship can doubt) I ask you if you can doubt that those people under that deep impression recognising that Holy mystery "rightly discerning the Lord's body" knelt when they received the Blessed Sacrament of the body and blood of their Redeemer? And yet, if my friend is right, they were liable to be indicted for doing so. Can such a construction of this Act of Parliament be sustained? Can such a violation of every holy practice and belief in the one Holy Catholic and Apostolic Church be swept away from the Church of England, simply because there is an Act of Parliament which directs that you shall sing and say the divine office of the Communion of the Lord's Supper according to the Use of the Church of England instead of saying it according to the Use of Sarum, of York, or of Bangor, or of Hereford; because that is what my friends are contending for—my learned friend, who says that this is an Act of Parliament Church established by the Protestants in

the 16th century—that is what he is contending for. My Lord, thank God, it is not an Act of Parliament Church, but a branch of the one Holy and Apostolic Church, the celebration of the divine offices of which is to be carried on according to the Use of the Church of England; nor, my Lord, is it even an Act of Parliament Use. I will not even concede that to my friend; it is a Use prepared by the only authority which has power to deal with the rites and ceremonies of the Church of God; and we know that from the Articles, because the Articles tell us that it is "the Church that hath power to decree rites and ceremonies;" so that it is not even an Act of Parliament Use. It is a Use declared by the particular Church which "hath power to decree" a form of the rites and ceremonies ratified and upheld, thank God, by the temporal power. But the use is the use of the National Church of England; the obligation to use it, the civil liability for refusing to use it, the civil liability for using any other use, is the act of the Legislature; and to that extent and to that extent only has the Church of England an Act of Parliament use. My friend would make it an Act of Parliament use. My friend feeling galled at the fact that the lawful sacrificial vestments appointed by the Church (because if your Lordship looks at the Rubric of the First Prayer Book you will find that it evidently refers to vestments already appointed)—I say those who instruct my friend, feeling that, would try to make it an Act fo Parliament Church, and by the iron power of the temporal Parliament alone, they would interfere with the privileges and the rights, and the Catholic practices of the church upon that point. But, thank God! my Lord, they have failed, and under Divine Providence they will continue to fail. They have not ventured, although they know, and everybody knows that the reverend defendant, who is made the victim of this prosecution, uses according to law the vestments appointed by the ecclesiastical law; they have not ventured to charge that in this prosecution. But Parliament, thank God! knows its position too well, remembers the great recognition of the rites of the Church which are found in the preface to our present Prayer Book, and the Parliament, the peers, at least, refused to listen to that attempt which has been made, if possible, to convert a branch of the Holy Catholic Church into a state-made Church, and to cut her off from communion with the whole Church of Christ. Therefore, my Lord, I ask if it is possible that your Lordship can doubt for one moment that those who recognised in its effable mystery this great eucharistic service, knelt when they received the body and blood of their Redeemer under the form of bread and wine under the first Prayer Book; and I ask if your Lordship is prepared to hold that they were not legally entitled to do so? If they were, I ask again what becomes of my friend's argument?

Now, my Lord, at any rate there is one practice (and one good proof is as good as a hundred, especially in the absence of all evidence the other way) which is almost universal, and that is the singing of the *Gloria* at the time of the Gospel. That is almost universal. It is prescribed in the first Prayer Book; it is not prescribed in the second: it is not prescribed in Elizabeth's Book; it is not prescribed in the present Prayer Book; and yet it is continued to be used.

(*The Dean of the Arches.*) It is in the first Prayer Book?

(*Mr. Prideaux.*) It is in the first Prayer Book.

(*The Dean of the Arches.*) And in no subsequent book?

(*Mr. Prideaux.*) In no subsequent book. It is not necessary; if it had been it would have been ordered probably; it is not subsidiary in the sense of being anything approaching to a necessary adjunct; but it is an ancient Catholic practice of the Church, such a practice as the Church declares it is not her intention to depart from in her 30th canon. It is one that has ever been practised in the Anglican branch of the one great Catholic Church, and it has continued to this day. I will not trouble your Lordship by referring to any other instances, because I really feel that one instance is as good as a hundred. I will simply say that in a very elaborate pamphlet on the mixed chalice, written by the Rev. Mr. Grueber (a pamphlet to which I shall have to call your Lordship's attention when I come to deal with the mixed chalice), you will find an appendix setting out several of those instances in which practices are more or less universal which are not prescribed by the present Prayer Book, or indeed by any; and you will also find some of them referred to in the body of the pamphlet.

(*The Dean of the Arches.*) Is there any authority that you can refer me to for the introduction of hymns into the church?

(*Mr. Prideaux.*) No, my Lord, no authority; but I am told that complaints have been made from time to time of their being used. However, they seem to have been acquiesced in. There has been no bishop, no parishioner, no Mr. Martin, who has proceeded in the matter.

(*The Dean of the Arches.*) I mean have you any authority you can point me to.

(*Mr. Prideaux.*) No, my Lord.

Now, the next question to which I desire to call your Lordship's attention is the question of prohibitory rubrics. My friend felt the force of that, because he argued that the mystery and the divine action of the ceremony of the Mass were so dear to the priests that it was necessary to prohibit elevation — that was perhaps the best explanation that he could give; but I will show your Lordship in a moment that it will not hold water. Can your Lordship believe that the clergy, or a very large portion of them, of the Church of England, were so much less attached to the great ceremonials of the Mass in the latter part of the reign of Edward VI. and in the reign of Elizabeth, especially the earlier part of it immediately following the death of Queen Mary, than they were at the commencement of King Edward's reign, that it had become unnecessary to prohibit the elevation by express prohibition? If that was the reason—if it was necessary to prohibit the elevation by an express prohibition in the second year of the reign of King Edward VI., —why was it not continued in the sixth—why was its continuance not carried out by Queen Elizabeth? Because in Queen Elizabeth's Prayer Book, though the alterations were few, I do not agree with my friend they were all unimportant; they were well considered, and a step was taken showing the determination of those who prepared that Prayer Book still to uphold, without doubt or hesitation, the great mystery of the real objective presence of the Redeemer in the Eucharist, and that was the restoration of the words in communicating to the faithful "the body of our Lord Jesus Christ." Therefore, so far as the alteration of the words of the Prayer Book goes, it would rather give a lift, if I may use the phrase, to those who hold the high sacramental doctrine. If the prohibition was only introduced, not because silence did not amount to prohibition, but because it was necessary emphatically to forbid this particular practice, why was it not continued in the second Prayer Book of King Edward VI.? why was it not reinserted in that Prayer Book, amended as it was in the first year of the reign of Her Majesty Queen Elizabeth? I challenge my learned friend to say. I say that it is conclusive, upon this argument alone, that my friend's suggested reason is a very lame one. I do not wonder at his putting it forward, because unless my friend can account for the supposition of a prohibitory Rubric consistently with his position, that whatever is not enjoined is expressly forbidden, why there is an end of that part of his case. Again, I say, my friend cannot. And I say with some confidence, (and I am persuaded the more your Lordship considers this question the more you will see the fair force of the observation which I make,) that if the reason was that it was necessary to have a positive affirmative declaration or prohibition in aid of that great principle of law, for which my friend contends, that whatever is not

enjoined is forbidden, your Lordship cannot doubt that you would have had that prohibition continued both in the second Prayer Book of King Edward VI. and in the Prayer Book of Queen Elizabeth.

Now let us look to the second Prayer Book. Your Lordship is aware that there is a very important prohibitory Rubric, in the second Prayer Book, at the commencement where Morning and Evening Prayer was to be said: "And here it is to be noted that the "minister at the time of Communion, and at all other "times of administration, shall use neither alb, vest- "ment, nor cope, but, being archbishop or bishop, he "shall have and wear a rochet, and, being a priest or "deacon, he shall have and wear a surplice only." Why was that prohibitory Rubric introduced, if indeed it be prohibitory? But there are very learned men who hold that the true meaning of that Rubric is, that clergymen shall not be compelled to wear anything more. There are, no doubt, some very learned ritualists who contend that this Rubric is not prohibitory, but is merely carrying out the whole spirit in which this second Prayer Book seems to have been compiled, as regards ritual, namely, prescribing that which was lawful to be a minimum; but I do not ask your Lordship to take that view, and I cannot say that I am personally looking at the thing as a lawyer, prepared myself to insist upon it, but I say why was that prohibitory Rubric introduced? According to my friend, it was not necessary. But the Legislature knew better. They knew not only that the provisions of the first Prayer Book would be operative, but that the ancient canon law, appointing the proper sacrificial vestments, would also be operative; and that unless they were expressly forbidden they would be used.

There is also a prohibitory Rubric which I will only just refer to, because it is not so strong, and does not perhaps furnish so good an argument as the other two which I will cite for the purpose of showing your Lordship that there are prohibitory Rubrics in all the Prayer Books, and that is the sixth Rubric at the end of the Communion Office at the end of the present Prayer Book. "And if any of the bread and wine "remain unconsecrated the curate shall have it to his "own use, but if any remain of that which was con- "secrated, it shall not be carried out of the church, "but the priest and such other of the communicants "as he shall call unto him shall immediately after the "blessing reverently eat and drink the same." My Lord, that is the first Rubric which prohibits the reservation of the Blessed Sacrament for the use of the sick. The first Prayer Book of Edward VI. enjoins it. The second Prayer Book of Edward VI. is silent on it. Does my learned friend mean to say that if this Rubric had not been introduced the blessed sacrament might not have been reserved and carried out of the church for the communion of the sick? Therefore, your Lordship sees there are three prohibitory Rubrics, each of which is out of place, as I submit (because I have endeavoured to show, and I hope with some success, that the reason which my friend has attempted to give for the introduction of the prohibitory Rubric against elevation cannot be sustained),—I say there are three prohibitory Rubrics, one in each Prayer Book, which unnecessarily burden the Prayer Book without the slightest use in the world, if my friend's position is correct, that whatever is not expressly enjoined is forbidden.

I have referred your Lordship to the very valuable pamphlet on the Mixed Chalice by the Rev. Mr. Grueber. With permission I will read one passage from that work bearing upon this question. You will find it in page 15, and it is this: "Again, if the posi- "tion be true that that which is not ordered is "forbidden, what place would be left for such a "thing as a prohibitory Rubric? Surely, there could "be no need of one." Now, there was in the first book of Edward a Rubric prohibiting the elevation, as has been noticed, and in our present Prayer Book there are Rubrics prohibiting a celebration if there be not three persons to communicate with the priest (that is another instance which I did not give your Lordship), and the reservation. There is also the Black Rubric. I shall have something to say about the Black Rubric presently. "The very existence of such Rubrics is fatal to the position in question." But my friend attempts to get out of that difficulty by referring to the Morning Prayer of the first book very triumphantly—the Matins. Your Lordship will find it in the commencement of the Order for Matins daily throughout the Year. I say my friend referred to it very triumphantly, conceiving that it completely met the argument which with confidence I am submitting to your Lordship upon the effect of prohibitory Rubrics.

(*The Dean of the Arches.*) What are you going to read from now?

(*Mr. Prideaux.*) From the very first page of the Order for Matins Daily throughout the Year, in the first book, about half-way down, "Then shall be said "or sung without any invitatory, this Psalm, *Venite* "*exultemus*, &c., in English, as follows"—Now, my friend, in fact, suggests that that is an answer to the argument which I am urging upon the Court with reference to the effect of the prohibitory Rubrics. I respectfully submit that it does not touch the case.

(*The Dean of the Arches.*) I forget how that was used as an argument.

(*Mr. Prideaux.*) It was used in this way. My friend says if a prohibitory Rubric is necessary to forbid a thing, why say "without any invitatory?" That is my friend's argument. It strikes me that the answer is in the following, that that is rather a directory than a prohibitory Rubric. The practice of the church was so universal to couple the invitatory with the hymn, the *Venite*, that if the instruction had simply been, Then shall follow this hymn, the *Venite exultemus*, you naturally would have had the invitatory also. In a certain sense, speaking in a Catholic sense, referring to the hymn with reference to the services of the Holy Catholic Church, the invitatory might be regarded in a certain sense as part and parcel of the hymn itself; therefore it is necessary there to say, "Here shall follow the hymn:" and mind when we say "the hymn," we do not mean the hymn in the popular sense in which you would always understand it—the hymn in connection with the invitatory—but we mean the hymn alone. Then, perhaps, my friend will carry out the argument and say "why is that discontinued?" but that will not help him because the matter having been once stopped, and the preface "concerning the service of the Church" declaring, as it does, that they have done away with all invitatories, one can well understand that after the Legislature had once affirmatively expressed their opinion that there was to be no invitatory, it might safely be left out. Now, I respectfully submit that that is a fair and satisfactory answer to that very weak argument of my learned friend. I do not think, if I recollect right, that he was enabled to instance any other rubric upon this question. And your Lordship will do me the favour throughout, to bear in mind the great distinction which I am insisting upon between words, or ceremonial accompanied by words, and mere acts of ceremonial in themselves.

Now, there is another difficulty which my friend has felt. He says that you cannot go out of the four corners of the existing Prayer Book; you must not go to the Prayer Book of Edward VI., because if you went to the Prayer Book of Edward VI. you would let in the mixed chalice. Whatever you do, whether it be the use of words, or whether it be ritual connected with ceremonial or not, you cannot go outside what he calls "the four corners of the Act of Parliament." He knows that he rests entirely upon the Act of Parliament. No ornament, no implement, no furniture, unless it be expressly required or required by necessary implication, in the present book. Then I ask—my friend was pressed with this; he tried to give an explanation of it, but failed—I ask, in the name of Goodness, what is the use of the Ornaments Rubric? And I confidently and unhesitatingly say that if my friend is right in his contention that you can

use no implement and no ornament which is not either expressed or necessarily or reasonably required by the present Prayer Book, the Ornaments Rubric is a dead letter.

Now, we all know that at the time of the Restoration there was a great discussion about the continuance of the Ornaments Rubric. Does your Lordship believe that those great bishops, who in their answer to the Puritan divines insisted upon their determination to adhere to the customs of the Church, declining, even for the sake of peace, to break the customs of the Church—"we have no such custom, neither the Churches of God"—does your Lordship believe that when those great bishops, those catholic-minded men, those men who desired as far as the spirit of the time would permit, to bring back in every respect our Anglican branch of the one Holy Catholic Church to the model of the Primitive Church—that in introducing a Rubric regulating the ornaments and vestments appointed by the Church and used universally throughout the whole of Christ's Church they intended to introduce a dead letter? And yet, if my friend is right in saying that nothing can be used or done which is not to be found within the four corners of the present Prayer Book, I unhesitatingly and fearlessly say, that that Rubric is a dead letter.

My friend says, "Oh! no; it was declaratory." Declaratory! Of what? Of that which you did not want a declaration for, that you might use such instruments as are expressly or by necessary implication prescribed by the present Prayer Book? "Oh! but," says my friend, "there are certain things, some few things, which are mentioned by name in the first Prayer Book." What does that signify? The Rubric has been applied to things which are not mentioned by name in the first Prayer Book. The Rubric has been applied to organs. Where are organs mentioned in the first Prayer Book? The Rubric has been applied to altar cloths. Where are altar cloths mentioned in the first Prayer Book? The Rubric has been applied to credence tables. Where are credence tables mentioned in the first Prayer Book? Therefore, my Lord, if the construction could be borne out, and had been borne out by the Judicial Committee of the Privy Council, that nothing which was not expressly named in the first Prayer Book could be lawfully used, there might be something in the argument of my friend, but when we find that the principle of implication is applied to the determination of what was lawful under the first Prayer Book equally with the question as to what is lawful under the second, what is my friend's argument upon that point worth? Nothing. I assert with great respect and great reverence to the Court, it is worth nothing; and if my learned friend is right in his contention, that most invaluable and glorious Rubric which the bishops had their special attention called to, and were determined to maintain and keep in force, is absolutely a dead letter and worth nothing.

Now, my Lord, I have another argument to place before you. I have had put into my hand (and it really is a very valuable passage) a passage from a work which I daresay your Lordship well knows, "The "Law of Ritualism explained in its relation to the "Word of God, to the Primitive Church, to the "Church of England, and to the Protestant Episcopal "Church in the United States, by the Right Reverend "John Henry Hopkins, D.D., LL.D., Bishop of "Vermont."

(*The Dean of the Arches.*) What edition?

(*Mr. Prideaux.*) It is the cheap shilling edition of this year, published by Masters. The passage is at page 66: To maintain "that these terms" (omission and prohibition) "are synonymous, and that omissions "and prohibitions are precisely equivalent, is an "absurdity so great that I cannot suppose any "reasonably literate man would adopt so preposterous a proposition. But there are many in our "church whose attention has never been directed to "the subject, hence their notions are unavoidably "confused and indistinct, needing a plain explanation. "In the hope of aiding them to form a clear and just "conclusion upon this important point, I ask their "consideration to the following statement: It is a "well-settled rule in all our courts of justice that "every part of the common statute laws of England "which were in force throughout the colonies "adapted to their circumstances before the War of "Independence, with the single exception of the "rights of the Crown, continue to be the law of the "land, notwithstanding the Revolution, and are still "obligatory, unless changed and done away with by "subsequent Acts of our own Legislature. Of that "position there is and can be no doubt whatever."

(*The Dean of the Arches.*) That is as to the English law being binding in America?

(*Mr. Prideaux.*) Yes, my Lord; it illustrates the broad principle with which I ventured almost to open this case, namely, that the common law is operative, excepting so far as by express prohibition it is done away with.

(*The Dean of the Arches.*) That passage which you read I understood to be to the effect that the English law was binding in America?

(*Mr. Prideaux.*) Yes; but it is quite the same argument which I ventured to submit to your Lordship, I think, on the second day on which I had the honour of addressing you. Now, there is another class of cases in the Prayer Book which has nothing do with the matter, and that is the discretionary power which is given to the officiating minister in certain cases. Your Lordship is aware (I need not enter into particulars) that there are several instances of this. Take the Prayer for the Queen, for example, "Here shall follow this Prayer or this." Therefore, my learned friend infers because in certain cases where the Legislature thought fit that one act at least should be done, that one thing should be read, to give a discretion as to whether it should be A or B, therefore says my learned friend that is an argument for saying that if you were to have had the option for instance of mixing water with the wine that would have been expressly provided. Now, my Lord, I say in the first place, that deals entirely with prayers; and secondly, that it deals with the alternative position. It is this, "We will have it, you must say one or the other." If it had been a mere question of alternity and of reading of prayers, it might have been somewhat in point. But I submit that my learned friend must be very hard up for an argument indeed if he is to insist that these incidental pieces of ritual, which I say are essentially parts of the service in question, are forbidden; because in respect of certain prayers the minister has a discretion as to whether he will read one or the other, and as to how many he will read. As for instance in the case of the collects after the Communion Service, when there is a Communion the collects may be omitted; but if there be no Communion the minister is to use one or two or more in his discretion. I think I should be trifling with your Lordship if I were to occupy more time upon that part of the case.

Now, my Lord, my learned friend has exulted very much because an Act of Parliament was passed, I think in the third and fourth years of Edward VI., directing the destruction of Mass Books. What has that to do with the case? Have we ever denied that we are bound now to sing or say the divine offices of the Church according to the use of the Church of England, and that we are not at liberty to say them according to the use of the Church of Rome, or according to the use of Bangor, or of Hereford, or of York, or according to any other use? I have already pointed out to your Lordship from the preface to the Book of Common Prayer that the object of the old uses was not to regulate the ceremonial; the ceremonial was substantially one and the same, according to all the uses; and even the old uses, some being fuller, and some less full, and all being fuller probably than the present English use; but even the old uses are not complete as regards ceremonial, nor were they intended to be so, because the object of the use

was to show the order and form in which the services were to be said or sung. Mr. Mackonochie does not deny for one moment that he is bound to sing or say the Holy Service of the Communion according to the use of the Church of England; and he does not deny for one moment that after those Acts of Parliament passed, it was illegal to sing or say the offices of the Church according to any other use. Then what argument can my learned friend possibly base upon the destruction of these old Latin Missals to support him in his position that Mr. Mackonochie is not at liberty to introduce such subsidiary ceremonial, essentially part of the service as has ever been practised in the Church Catholic, and in the Church of England, and has never been prohibited? I confess I cannot see the weight of my learned friend's argument, and I must leave him in his reply to patch it up if he can.

But then he exults in the fact that there was an order that the service should be said without cauteles. I have not got the injunction here that was referred to, but what has that to do with it? My learned friend referred to a very elaborate and learned book of the Reverend Dr. Lee, the *Directorium Anglicanum*.

Now, my Lord, we are not bound by any opinion or any view which Dr. Lee may entertain; and therefore, so far as the book expresses any opinion, it is quite irrelevant and quite immaterial whether Dr. Lee has taken exactly correct views of this matter or not, but my learned friend referred to it also for the purpose of showing what cauteles are, and therefore I beg to call your Lordship's attention to what they really are. They have nothing to do with the great and essential rite, or with ceremonial—hey deal entirely with collateral matters. No doubt they arose out of the deep and holy reverence with which members of the Roman Church, and I think I may say of the Church Catholic, dealt with the consecrated elements. They are "cautions," directing you to be careful that in the performance of that sacred rite you do not in any way desecrate the blessed Sacrament. These cautions may be necessary or they may not; they may be desirable or they may not. The English clergy have the liberty not to use them, perhaps even they were enjoined not to use them, (though that injunction may not perhaps be legal,) because they were told to use the service without cautele. But the position I lay down before your Lordship is this, and I pray you to look at that very learned book of Dr. Lee, and see whether it does not bear me out, that the cauteles have nothing whatever to do with the essential ceremony of the action of the mass, they deal entirely with incidental matters. At that time, and by many in the Church of England now, the consecrated elements were looked upon with deep and great reverence. Whether they are right or whether they are wrong, a very large proportion of those who are in communion with the Holy Catholic Church, whether they belong to the Roman Church or to the English Church, or to the Greek Church, believe that in some mysterious and ineffable way, there is veiled under the forms of bread and wine the blessed body and blood of the Redeemer. And that belief naturally, in a man whose mind and feelings are not utterly gone as regards the instinct of reverence, generates a desire that the sacred elements should be handled with reverence, and that nothing should be done, which even in the mind of the most sensitive man would amount to that which looks like disrespect and irreverence, to what is at least, according to the very language of the Church of England, the Sacrament of the Body and Blood of the Redeemer. And the cauteles not dealing with the essential ceremonies of the divine mystery, but dealing with incidental matters, guiding and assisting the officiating priest as to the course which he is to adopt if by any accident anything should occur which would look like a desecration of these sacred elements, desirous of securing his so celebrating that sacred rite, that no such accident should occur, give him exact and minute directions, very valuable at any rate in the estimation of those who take a high view of the character of this blessed Sacrament, but not relating to essential parts of the ceremony itself. Therefore what is the use of my learned friend's argument, when we are not now considering whether Mr. Mackonochie would be justified out of his abundant reverence and veneration for that blessed Sacrament in carrying out all these directions, we are not considering that, we are now considering whether what is done, being according to the testimony and practice of the whole Catholic Church of Christ essentially parts of the action of the divine mystery, having been practised as essentially parts of the action of the divine mystery—we are now considering whether Mr. Mackonochie is prohibited from complying with those parts or essential parts of the divine mystery. And what has the question whether Mr. Mackonochie is dealing or is not dealing under the instructions and directions of these precautions which are pointed out in the cauteles, to do with this matter? If there had been any direct prohibition against any of these, which as I say are essentially parts of the action of divine mystery, then, indeed, there might have been something in the argument. But I defy my learned friend, whatever be the effect of these injunctions in point of law, with the single exception of one or two prohibitions against elevation, and I shall hope to show your Lordship presently that those prohibitions do not point to elevation to God as part of the celebration of the sacred rite, but to the separate elevation or showing to the people; but assuming for the present that there are prohibitions against the elevation I ask my learned friend whether he has shown, either having legal effect or not having legal effect, any prohibition whatever directing that the chalice shall not be mixed, any prohibition whatever directing that incense shall not be burnt, any prohibition whatever (except just at the commencement, on one or two occasions shortly after the first Prayer Book passed) even pointing to a prohibition of candles.

(*The Dean of the Arches.*) You say no prohibition of incense?

(*Mr. Prideaux.*) I say my learned friend cannot show a single prohibition of incense. Of course I shall deal with that more fully when I come to deal with the charge of using incense, but I say my learned friend cannot produce a single prohibition against incense.

(*The Dean of the Arches.*) Or against any of those three things?

(*Mr. Prideaux.*) He has cited from Bishop Pilkington, who accuses Moses of idolatry because he burnt incense; but he has not, and he cannot produce a single prohibition against the burning of incense; he has not, and I will undertake to say he cannot produce a single prohibition against the mixed chalice. The apparent prohibitions which he has produced against the burning of candles upon the altar I shall deal with presently, but he has not, and he cannot produce a single prohibition against worshipping the Redeemer mystically and ineffably present under the forms of bread and wine; and I shall also respectfully submit to your Lordship, when I come to deal with the question of elevation, that he has not produced and he cannot produce a single prohibition forbidding the elevation of the blessed Sacrament as an offering to God, distinct from the separate object of elevating and showing it to the people. One thing is quite clear, and this is what I am dealing with now, that these particular ceremonial acts which are the subject of this discussion are beside the object with which the cauteles were prepared. It was not supposed to be necessary to give the priests cautionary directions with reference to these essential parts of the service; but we can well understand that it may have been considered well (and, for aught I know, it might be well now, and I am sure it would with regard to some celebrants), that some cautionary direction should be given for the purpose of securing the reverend handling of and dealing with these blessed consecrated elements. Therefore, my Lord, I respectfully submit that the existence of the cauteles proves nothing

against us. The prohibition is of the cauteles and of the cauteles only; and the fact that they did not go on to prohibit those rites which are essentially part of the great sacrificial rite, furnishes rather a proof that there was no intention to prohibit the latter, although there might have been an intention to prohibit those cautionary and reverential precautions which the old Catholic clergy of the Church of England were directed to follow when they were celebrating the divine mystery.

Now, my Lord, has it not appeared very strange to your Lordship that my learned friend has not cited a single case in either of the courts in point to support his view. The only direct cases which can be cited I think I may venture to say are, first the case of the King *v.* Sparks, which is a direct authority against my learned friend, and furnishes an *à fortiori* argument, because it deals with the order and form of words. The King *v.* Sparks decided that if you did not interfere with the order of the sérvice, or even if you did, because in that case there was an interference with it—that if you say the service, if you say Morning Prayer, or if you celebrate the blessed Eucharist according to the use of the Church of England, you do not offend against the statute by introducing additional prayers even in the middle of the service.

(*The Dean of the Arches.*) Do you think it goes that length?

(*Mr. Prideaux.*) Well, my Lord, I will call your attention to what the decision was. The plaintiff was indicted for saying "other prayers." The decision was the indictment ought to have charged that he said "other prayers instead."

(*The Dean of the Arches.*) It might have been the prayer before the sermon, they said.

(*Mr. Prideaux.*) Well, that is part of the service. "It might have been the prayer before the sermon, and so no offence."

(*The Dean of the Arches.*) It is ordered by the canon.

(*Mr. Prideaux.*) I ask your Lordship whether the sermon, according to the Church of England, is or is not part of the office of the celebration of the Holy Communion? Is the sermon anything distinct? Undoubtedly not. The sermon is part of the office of the Holy Communion. Following immediately after the saying or singing of the Nicene Creed comes the Rubric: "Here shall follow the sermon, or one of "the homilies set forth by authority, or hereafter to "be set forth by authority."

(*The Dean of the Arches.*) Perhaps I do not understand your proposition rightly, but I understood you to say that it was lawful for the clergyman to read any other prayers than those provided?

(*Mr. Prideaux.*) No, I do not say "any other," because I think it may depend upon the character of the prayer itself. All I say is that The King *v.* Sparks is an express authority that if you say and sing the service according to the use of the Church of England, you may say another prayer. I confess if it does not decide that, I do not understand what it does decide. The indictment was for using "other prayers." The judgment was reversed. Why?

(*The Dean of the Arches.*) The consequences of such a doctrine as that are rather serious, are they not?

(*Mr. Prideaux.*) That may be. Whether your Lordship is sitting in judgment upon the case is another point. But I say that the case is a direct authority in justification of the practice which is universal almost of having a prayer before the sermon and a prayer after, I think.

(*The Dean of the Arches.*) I have taken down a note of your argument.

(*Mr. Prideaux.*) If your Lordship pleases. Then I will not carry it further.

Now, my learned friend also cites as one authority against me (and it is the only authority he can find), the case of *Newbery* v. *Goodwin*, which is reported in 1 Phillimore, 282.

(*The Dean of the Arches.*) That is a case of brawling, is not it?

(*Mr. Prideaux.*) In one sense it was a case of brawling, but it was really and substantially a case of making alterations and omissions in the service. It was under the form of brawling, and there was a charge of brawling also. It is important that I should call your Lordship's attention to what was really decided, because in one sense there certainly is an extrajudicial statement by the learned judge there, Sir John Nicoll, and I think his statement is, for two reasons at least, quite compatible with the view for which I am contending. My learned friend cited the case for these words in it, which your Lordship will recollect. "The "law directs that a clergyman is not to diminish in "any respect or to add to the prescribed form of "worship. Uniformity in this respect is one of the "leading and distinguishing principles of the Church "of England; nothing is left to the fancy and discre-"tion of the individual."

(*The Dean of the Arches.*) No *aliæ præces?*

(*Mr. Prideaux.*) No *aliæ præces.* "According to "this view, if every minister were to alter and omit, "or add, according to his own taste, this uniformity "would soon be destroyed, and though alteration "might begin with little things, yet it would soon "extend itself to more important changes in the "public worship of the Established Church; and even "in the Scriptures themselves, most important passages "might be materially altered under the notion of giving "a more accurate version, or omitted altogether as un-"authorized interpolations." Now, my Lord, that is the nearest authority that my learned friend can find, and what I wish particularly to direct your Lordship's attention to is this, that the statement that the clergyman was to add nothing is extrajudicial. The charge against the Defendant in that case was for omitting and altering.

(*The Dean of the Arches.*) That was not a case of brawling, I see.

(*Mr. Prideaux.*) No, but there was a charge of brawling also.

(*The Dean of the Arches.*) That was a criminal suit by letters of request brought from the Consistory Court of Chichester?

(*Mr. Prideaux.*) Yes; the marginal note of the very learned editor of these Reports is quite correct; it bears out my view of what is really in issue, and does not go further—"A clergyman in performance "of divine worship not at liberty to alter or omit "any part of the service."

(*The Dean of the Arches.*) It was partly for brawling in church, and partly for irregularities in reading the Holy Scriptures, but it was not under the Act against brawling; it was under the general law.

(*Mr. Prideaux.*) Yes; but I am not dealing with the brawling question, because that is not material. My learned friend has tried to make as much capital as he can out of the words, "The law directs that "the clergyman is not to diminish in any respect, "or to add to the prescribed form of worship." My learned friend relies upon those words in the judgment. Now, what I say is, that there is no decision upon that point.

(*The Dean of the Arches.*) Is there no decision?

(*Mr. Prideaux.*) There is no decision upon that point. The charge is "omitting and altering."

(*The Dean of the Arches.*) I see that at the end of the judgment it is said, "These Articles are certainly "proper to be admitted; whether they can or cannot "be proved I am not to anticipate; but if they can, "I am of opinion that the conduct of the minister is "illegal, and will subject him to censure, and to the "costs of the proceeding. He therefore will consider "well whether he will act discreetly and advisedly "in defending the suit." I see at the end that the Defendant gave an affirmative issue, and was suspended for a fortnight.

(*Mr. Prideaux.*) I do not dispute that, but I say that if your Lordship looks at the articles, you will find there is no charge of adding.

(*The Dean of the Arches.*) No, there is no charge of adding.

(*Mr. Prideaux.*) That is what I am insisting upon, the marginal note is strictly correct.

(*The Dean of the Arches.*) We will look at the articles, I will send for them.

(*Mr. Prideaux.*) The marginal note is correct, "a "clergyman in performance of divine worship is not "at liberty to alter or omit any part of the service." This reverend gentleman had some strange Protestant notions of his own, and he altered, I think, the words of the Scripture somewhat.

(*The Dean of the Arches.*) Yes, he admitted that he had done so. He said, I have been accused by some ill-natured neighbour of making alterations in the service; I have done so before and I shall do so again.

(*Mr. Prideaux.*) But what he did was to omit and substitute.

(*The Dean of the Arches.*) Not add.

(*Mr. Prideaux.*) No, not add. Of course, I have not seen the articles, and my friend will make such use of the language which is put into the mouth of the learned judge as he can make of it. I am simply calling your Lordship's attention to the fact that it is no decision against Mr. Mackonochie. It is no decision that as regards words addition may not be made which is consistent with the Prayer Book, and does not interfere with the full performance of the service, in fact, I submit, as I have said before, it is expressly decided that that may be done in the other case.

(*The Dean of the Arches.*) You say it is no decision that words may not be added to the service.

(*Mr. Prideaux.*) Your Lordship will do me the favour to bear in mind the great distinction I make throughout between words and gestures.

(*The Dean of the Arches.*) Yes.

(*Mr. Prideaux.*) I say it is no decision even that words may not be added.

I will now call your Lordship's attention, because there is a reference to other cases, to a passage in the judgment of the Judicial Committee in the Westerton case on this point, in which they refer to Newbury *v.* Goodwin. The passage is at 186 of Moore, and it is that part of the judgment relating to the credence table. "The next question is as to the "credence tables. Here the Rubrics of the Prayer "Book become important. Their Lordships entirely "agree with the opinions expressed by the learned "judges in these cases, and in Faulkner *v.* Lichfield, "that in the performance of the services, rites, and "ceremonies ordered by the Prayer Book, the direc- "tions contained in it must be strictly observed, that "no omission and no addition can be permitted; but "they are not prepared to hold that the use of all "articles not expressly mentioned in the Rubric, "although quite consistent with, and even subsidiary "to the service, is forbidden." Now, my Lord, no doubt the Privy Council there in terms apparently adopt the language of the learned judge in Newbury *v.* Goodwin, and it is necessary to bear in mind the particular object with which they were giving their judgment at that time. Their object was to let in the credence table; they saw that they could let in the credence table by adopting that view without explaining it or inquiring into it, and therefore they adopt that view, and they say that even in accordance with that view the credence table may be let in.

(*The Dean of the Arches.*) They do not refer to Newbury *v.* Goodwin, I believe?

(*Mr. Prideaux.*) No, I beg your Lordship's pardon, they do not; they refer to Faulkner *v.* Lichfield. And with regard to Faulkner *v.* Lichfield in reference to the judgment of the learned judges in the Court, I would respectfully submit to your Lordship—I am not going fully into it because Dr. Tristram is kind enough to say he will call your Lordship's attention to such passages in that as are important—I content myself with laying down the broad proposition that this broad inference is not warranted by that judgment.

(*The Dean of the Arches.*) Do you mean to say their Lordships of the Privy Council miscarried on that point?

(*Mr. Prideaux.*) I do not say that they miscarried, because I do not complain of their judgment. I say that they did not minutely and carefully consider the question with reference to all additions, because they saw a sufficient means of holding the legality of the credence table without doing so.

(*The Dean of the Arches.*) But you hold that the expression is incorrect.

(*Mr. Prideaux.*) I hold that it is too wide. If it is to be taken in its broad sense it would shut out the "Glory be to Thee, O God," at the Gospel; it would shut out hymns before and after sermon; it would shut out the prayer before sermon; it would shut out the bishop's charge at confirmation; it would shut out innumerable things which are invariably practised; and it is impossible that their Lordships could intend to apply it in its broadest sense. Well, then, if they did not intend to apply it in its broadest sense I may fairly submit to the Court, and in submitting that I am not asking your Lordship really to review the decision of the Privy Council, because I would not ask you to do that for a moment, that they looked at this altogether with special reference to the matter they were dealing with, and finding that the judgment which they had to give did not interfere with that language, they adopted it so far only. In effect, even supposing it in its strict letter to be true, that does not interfere with the question of the admissibility of the credence table, because the credence table though not prescribed by any Rubric, and though not necessary to thecommunion table, is a reasonable adjunct to it. Now, I will just read to your Lordship part of the judgment of Dr. Lushington in this case, because he refers to Faulkner *v.* Lichfield. The same argument was urged before him, and it will show that really the Privy Council could not have meant to extend the principle so far as the mere words they seem to have used would appear to warrant. Dr. Lushington says, "With "regard to the church furniture, ornaments, deco- "rations, or by whatever other name we can compre- "hend the fittings of the interior of a parish church, "the primary authority being the Rubric, it is per- "fectly clear that whatever is therein prescribed "ought to be done"—that I do not dispute—"and that "whatsoever is in any degree inconsistent with what "is therein prescribed ought not to be done." There we are agreed. "There are not wanting passages" (your Lordship will recollect this is Dr. Lushington's commentary on the judgment of the learned judge in Faulkner *v.* Lichfield) "in the judgment of Sir "Herbert Jenner Fust which tend to show that, in his "opinion, the silence of the Rubrics or of the canons "is, *primâ facie*, at least presumptive proof against "what is not mentioned; and for the truth of this "remark I refer more particularly to his observations "as to credence tables." That, my Lord, is in page 30, and is Dr. Lushington's comment upon the very same judgment in respect of which the Privy Council say, "Their Lordships entirely agree with the opinions "expressed by the learned judges in these cases, "and in Faulkner *v.* Lichfield, that in the performance "of the services, rites, and ceremonies, ordered by "the Prayer Book, the directions contained in it must "be strictly observed; that no omission and no "addition can be permitted." Now, my Lord, I admit that the "silence of the Rubrics or of the "canons is, *primâ facie* at least, presumptive proof "against what is not mentioned;" but I submit that I have abundantly removed that *primâ facie* presumption. And I submit with confidence that if effect is to be given at all to the use of that word "addition" in the judgment of the Privy Council it must be held to apply not to matters which are merely incidental, and essentially parts of the services, but to substantial and independent additions, at least so far as regards the ornaments and the mere ceremonial. My Lord, I do not trouble your Lordship with reading the judgment of the Dean of Arches in this Westerton case; but I say if it is examined it

will be found also that when looked at it hardly as a whole warrants the very general language in which the Privy Council appear to have handled the question.

Now, my Lord, I have already called your attention to the fact that organs are held to be lawful although they are neither prescribed or necessary. We know that they are not prescribed; it is equally clear that they are not necessary. Because I believe I am right in saying—but if I am wrong there is a reverend gentleman here whose knowledge of the practice of the Greek Church is as great, I believe, as his knowledge of the practice of his own, who will set me right if I am wrong.

(*The Dean of the Arches.*) Not here in this Court.

(*Mr. Prideaux.*) I mean, my Lord, privately, because I should be sorry to make a statement in this Court which is not correct. I believe I am right in saying that instrumental music is never used in the Greek Church; and yet we know that the musical services of the Greek Church are overpoweringly grand. I recollect hearing that the first time Madame Catalani attended divine service in a Greek Church she was so overpowered with the solemnity and beauty of the music that she was melted to tears. Therefore, my Lord, it is perfectly clear that organs are not necessary and are not necessarily involved in the Rubric.

(*The Dean of the Arches.*) They are certainly not necessary ornaments of the English Church. There are several decisions upon that point. But the question is whether they are not subsidiary to the singing of anthems.

(*Mr. Prideaux.*) No doubt they are subsidiary but not necessary. I am just reminded that in the Pope's Chapel—I am going to give my learned friend a little Popery, and it is very plain and very simple——

(*Mr. Stephens.*) You have given me nothing else, Mr. Prideaux.

(*Mr. Prideaux.*) I am told that in the Pope's Chapel there is no instrumental music. I admit organs are reasonably subsidiary.

(*The Dean of the Arches.*) That is the point.

(*Mr. Prideaux.*) But, my Lord, I say, if it is a question of what is reasonably subsidiary, then you come to the discretion of the bishop. I can understand as a proposition of law its being laid down that that which is required by necessary implication shall be decided by the construction of the statute; but if you once let in any ornament of any kind which is not necessary by the construction of the statute, then, I say, a question immediately arises in which doubts may honestly be entertained as to how to construe the statute, and the appeal should be to the bishop.

(*The Dean of the Arches.*) You say that wherever there are doubts that Rubric applies.

(*Mr. Prideaux.*) Quite so, and I say that there must be doubts, and there must be discretion if the question is one not of necessary adjunct, but of an article being reasonably subsidiary. The same argument applies to altar cloths, how are they necessary? Clearly they are not. They may be reasonably proper, and it may be well that it should be a matter for discretion; but I am told, my Lord, in point of fact, that in the Roman Church there are plenty of altars upon which there is no altar cloth. However, I need not labour that point. It is perfectly clear that they are not necessary.

My Lord, I have only one general remark to make further upon this part of the case, and that is to call your attention—my friend must pardon me for using the language—to the worthless character of a large number of his authorities—citing such a person as Mr. Hickeringill, and such a person as Pilkington, and then that absurd story that Mr. Goode gives us.

(*Mr. Stephens.*) Dean Goode you mean.

(*Mr. Prideaux.*) About some person having been told by some Dr. Achilli of that age of some conspiracy that they had at the Council of Trent against the Church of England, by endeavouring to set that church at loggerheads by preaching different doctrines.

My Lord, I am not going into particulars, but I really am astonished that my friend should cite such books. What this absurd story—about some pervert from the Roman Church having been said to have communicated to some third person a conspiracy which the cardinals and other dignitaries of Trent had against the English Church—has to do with the question, I cannot conceive. Perhaps I may be allowed—I will furnish my friend with a case, if I shall not be thought out of order, which occurred to myself, for it is quite analogous, and it is very short. It was simply this: Many years ago——

(*The Dean of the Arches.*) If you set a precedent I am afraid it will be followed, and Mr. Stephens will tell us something that happened to himself.

(*Mr. Stephens.*) I have not the slightest objection to my friend telling his story.

(*Mr. Prideaux.*) I was merely going to say that some years ago an old lady, who was a constant reader of the "Record," tried to prevent me from going up upon the battlements of Lulworth Castle by telling me that some months ago they had thrown a Protestant from the battlements and broken his neck. Upon inquiry I found that there had been some time before a struggle between the Revenue officers and a smuggler, and the officer had been thrown down.

(*The Dean of the Arches.*) Did you ascertain whether the smuggler was a Papist or not?

(*Mr. Prideaux.*) No, my Lord; but I will undertake to say he was a good Protestant. At any rate, one thing is quite sure, he had very little reverence for the laws of God.

(*Mr. Stephens.*) I hope the old lady will be called, in order that I may have an opportunity of cross-examining her.

Adjourned for a short time.

(*Mr. Prideaux.*) My Lord, in support of the proposition that I have been laying down (I have very nearly done with it) that the Rubrics are not exhaustive, I will, with your Lordship's permission, read two short extracts from a book which has several times been referred to, "The Annotated Book of Common Prayer," and then one passage from a Pastoral Letter of the Bishop of Exeter. Then, I am happy to say (and I really regret that I have taken up the time of the Court so long), I shall have done with this general question. I am about to refer to page 21 of the historical preface of the Annotated Book of Common Prayer; and I cite it not only as showing the view of learned living men who have carefully considered this question, but as referring to a passage from Bishop Cosin's works. Because we all feel—my friend admits it—that in a question of the construction of the Rubrics the opinion of Bishop Cosins, who took such an active part in them, is of course entitled to very great weight. "The reconstructors of our devotional "offices acted wisely in reducing the number of "Rubrics, and generally moderating the ceremonial "system of the Church of England. They said that, "'the great excess and multitude of them hath so "increased in these latter days, that the burthen of "them was intolerable,' and they spoke with the "experience of practical men, who were familiarly "acquainted all their lives with that about which they "wrote. But one inconvenience has arisen out of the "manner in which they did their work, from which "later generations have suffered more than they could "foresee. They went upon the principle of ex-"pressing only the most essential things in the Rubric, "and left many others to tradition." Now, incidentally, I call attention to that word "tradition," because really to interpret these Rubrics we must go back to the time when the Acts of Parliament passed; because one can well understand, if we put ourselves in the position of those who lived in that time, that Rubrics might practically be quite sufficient then, although they are very insufficient for full guidance of persons at a subsequent period; and one can well

understand that the Rubrics may have been drawn up, as I insist they were, with reference to tradition, and only required such ritual acts as were considered absolutely necessary and were never to be dispensed with. As Bishop Cosin states it, "The book does "not everywhere enjoin and prescribe every little "order, what should be said or done, but takes it for "granted that people are acquainted with such "common things always used and done already." That is from Bishop Cosin's works, vol. v., p. 65. "Many of these usages are referred to in the subse- "quent pages of this volume, and need not be men- "tioned now. It is sufficient to say, that some of "them dropped out of memory altogether during the "persecution of the Church and the suppression of "the Establishment under the rule of the Common- "wealth, that others, from want of written authority, "have become the subject of controversy; and that "the ritual tradition to which the Reformers trusted "so much when they put forth their condensed form "of Rubric, has only been partially recovered even "in our own time."

My Lord, only one remark upon that—it is human nature, unless the heart and the affections are deeply interested, not to do more than you are compelled to do. I merely mention that for the purpose of showing how natural it is, having regard tothe constitution of the human mind, that these practices should gradually have been dropped, such of them as are not expressly required. It is the ordinary course of things which would necessarily occur; even the practices that are ordered are discontinued in many respects; how few clergymen, comparatively speaking, read the offertory prayer after the sermon where there is no Communion; and yet it is perfectly clear, even on the face of the Rubric, that they ought to do so. I merely mention that incidentally, because to a certain extent it meets an argument which may be urged against me from there being not so much evidence of the usage as perhaps would be expected. I respectfully submit that it is human nature that such usages and such ceremonial as are not required by the Rubric should gradually fall off, until at last we have got into the comparatively bare Rubrical system which it is the praiseworthy object of certain parties in the Church to remedy with regard to the present and the future time. Now, my Lord, the other passage which I propose to read is to the same effect, and it is shorter than the one I have already read. It is the conclusion of the very valuable Ritual Introduction. Of course I do not trouble you with the previous parts, as your Lordship has the book; but the conclusion which the writer draws is this: "These then are the principles of ceremonial "worship which pervade the Book of Common Prayer, "and for the practical expression of which provision "is made in the Rubrics and in the ritual tradition "to which the Rubrics directly or indirectly point."

Only one other passage upon this general part of the case; and I do not know that I should trouble your Lordship with that if I had not thought that it was scarcely fair of my friend (I am only saying behind his back what I would have said if he were here, (referring as he did to the address signed by the twenty-four archbishops and bishops, and which is published in the Appendix to the Ritual Commissioners' Report (of which your Lordship is a member), without referring to the extracts, which you also published, from a pastoral letter to his clergy by, I think I may say without any reflection upon any other bishop, most undoubtedly the greatest English prelate of the day—the Lord Bishop of Exeter.

(*The Dean of the Arches.*) What is the date of that?

(*Mr. Prideaux.*) 1851. It is in the 121st page of the Report of the Ritual Commissioners. "Extract "from the Pastoral Letter to the Clergy of the "Diocese of Exeter, on the present State of the "Church. By Henry, Lord Bishop of Exeter. "Published by John Murray, Albemarle Street, "1851." "Neither could I join in entering a clear and "unhesitating protest against the principle, that as "the Church of England is the ancient Catholic "Church settled in this land before the Reformation, "and was then reformed only by the casting away "of certain strictly defined corruptions, therefore, "whatever form or usage existed in the Church "before its reformation may now be freely introduced "and observed, unless there can be alleged against it "the distinct letter of some formal prohibition. To "this principle (making reasonable allowance for the "terms in which it is expressed, not by those who "profess, but by those who condemn it,) I am dis- "posed to ascribe much of weight and justice. "Where any office in the prescribed ritual, though "not in express words, yet in its plain spirit," (pointing out the difference between what I have ventured to call intern and extern ceremonial) "yet "in its plain spirit, or according to the analogy "of the service-book in general, rejects an ancient "usage or practice, which it may be attempted to "engraft upon it anew, there I should think the "attempt unreasonable or culpable. But where no "prohibition, expressed or implied, and no reason "drawn from the particular office, or from the general "tone and nature of our Liturgy, is opposed to the "introduction of a Catholic usage practised before "Edward VI.'s reign, I am not prepared to say "that such a thing is always improper, much less "merits the reprobation of the whole episcopal "body."

Now, my Lord, I come to deal—and I am happy to say I shall not have to deal with the detailed subjects at the same length in which in this very important case I have felt it my duty to handle the broad question—I come to deal now specifically with the four individual charges against the reverend defendant. With your Lordship's permission, I will leave the question of elevation until last. I will deal with the other three charges in their order. They all involve the consideration of a question which is not involved in the question of elevation, namely, the use of some instrument, whether an ornament in the sense of the word used by the Judicial Committee of the Privy Council (and your Lordship will do me the favour to bear in mind that whenever I use the word "ornament" in this argument, I shall apply it exclusively in the meaning of the word as used in that judgment), or whether an implement or embellishment, which may be one of the questions which your Lordship will have to consider. And now as to lights. Let us deal first with their symbolical meaning—supposing them to be symbolical. My friend says that they symbolise Popish superstition. Of course, if they simply symbolise Popish superstition they are not to be allowed, but I certainly was very much astonished to hear my learned friend asserting that they symbolise Popish superstition, because Lynwode says that the burning of lights symbolises Christ.

(*The Dean of the Arches.*) "Christum esse splen- dorem lucis."

(*Mr. Prideaux.*) Well, I do not know (and I believe I may say that I am a sincere member of the Church of England), but I think I have a somewhat different notion about what constitutes Popery from that of my friend Dr. Stephens. And at the same time I am at an utter loss to see how that is a Popish superstition. Well, then, what is it declared to signify by the Injunctions of King Edward? My friend says, "What does it signify?" I said, The Injunctions will tell you; and he was quite angry, and said, "I don't want to "know anything about the Injunctions." The Injunctions tell you that it is for the signification that Christ "is the true light that lighteth every man that "cometh into the world."

Now, my Lord, I do not know—we may learn something probably about the Mystery of Babylon in this argument—but I confess I am afraid I am a Papist, if it be Popery to believe that Christ is the true light that cometh into the world. My Lord, I have got here the definition of the Greek Church, the definition of the Roman Church, and the definition of the English Church.

(*The Dean of the Arches.*) You have not given those yet.

(*Mr. Prideaux.*) I will do so now. Let us see what definition the Greek Church gives of the two lights. I am about to read from the work of a man whom it is impossible to name without the deepest feeling of reverence and admiration. I speak of that great and good and holy man, the late Dr. Neale. In his "Introduction to the Liturgies of St. Mark, St. James, St. Clement, St. Chrysostom, and the Church at Malabar," which I shall have to refer to somewhat fully—(it is an English translation published by Hayes in 1859)—he gives you a most interesting introduction from a celebrated work by a Greek ritualist, Symeon on the Liturgy. No doubt the lights are used at a different time, but still these passages emphatically show the symbolical signification of the two lights. At page 20 of the introduction is this:—"But when the celebrant has "entered and has censed the holy table around, the "advent of the Holy Ghost is signified by him. For "the Spirit came to us from heaven, when Christ "went up into heaven. Furthermore, the bishop, "signing the Gospel crosswise by a certain double "taper, *dikerion*, typifies the illumination brought to "pass both in heaven and earth by the Incarnation "of Jesus in His two natures. For by the Incarnation "of the Word of God, He not only gave light to men, "but also to the angels."

I do not know whether my friend's contention is that to believe that by the mysterious Incarnation of the Word of God he not only gave light to men but also to angels is a Popish superstition. I am sure if it is, the Roman Catholic Church must be extremely obliged to my friend for showing how completely side by side go the superstitions of the Church of Rome and the Catholic belief of the whole Church universal. But, my Lord, it is idle to dwell upon this—it only shows the spirit in which this prosecution is carried on. My friend might as well say that the celebration of the Holy Communion is a Popish superstition, because you have the same rite celebrated in the Church of Rome. I say it is idle, and I really wonder at my friend; he must really have thought when he made that remark that he was in Exeter Hall; he could not have believed that he was addressing a learned ecclesiastical lawyer skilled in the history of the Early Church, and in scripture, and in primitive antiquity, and in the fathers. It really is painful to find partisanship allowed to go so far as to lead my friend gravely to argue before your Lordship that that which according to the Anglican branch of the Catholic Church typifies that Christ is the true light that cometh into the world, that that which according to the Roman branch typifies substantially the same thing, and which according to the teaching of the Holy Orthodox Eastern Church goes further, and typifies the Incarnation of the Word of God by which He not only gives light to men but also to angels, is a Popish superstition. I think therefore it is abundantly clear that whether these lights are lawful or not they are not Popish superstitions. I do not know whether my friend was, but I think he was, in the Westerton case, in which it was argued that the cross—the great symbol of that instrument through which in one sense the redemption of man was wrought—was a Popish superstition. Dr. Lushington, who seems to have forgotten that the Eucharistic service is a service common to the Greek Church, and the Roman Church, and the Anglican Church, said that the Mass was gone; and Dr. Lushington and your Lordship's learned predecessor both pronounced the cross—one upon one ground, and one upon another—to be a monument of idolatry and superstition. I am thankful to say, my Lord, for the comfort of all true members of the Church of England, and of all true members of the Holy Catholic Church, that the decision of the Privy Council has dispensed with the necessity of those who remain in the communion of the Church of England holding that the cross is to be denounced as a monument of idolatry and superstition.

But, my Lord, it would be idle and improper for me to occupy your time any longer upon this part of the case. It is abundantly clear, whatever Exeter Hall may think, that to symbolise the fact that Christ is the true light of the world, and that in His mysterious Incarnation He enlightened both men and angels, is not a Popish superstition, and therefore I shall proceed at once, having arrived at the conclusion to which I am sure your Lordship must come, that treating candles as symbolical, if they are to be so treated, at any rate that which they symbolise is Catholic truth and not superstition (I am aware that the two terms very frequently mean the same thing in the minds of gentlemen on the other side), I shall respectfully submit upon two grounds that the use of these candles is perfectly lawful.

Now, my Lord, my friend (I suppose he had some reason for it), said "I do not put it as ornaments." I was very glad to hear him say so, because it looks very much as if he felt pretty sure that if I could prove they were ornaments, the decision would be against him. He says, "I put them as ceremonies." Now, I say that these candles, having regard to the judgment of the Judicial Committee, and the interpretation which they have given of the meaning of the word "ornaments," are necessarily either embellishments or ornaments; it is impossible to put a third construction upon them. If they are embellishments, that is to say, if they are not used in any part of the ceremony of the Lord's Supper, how can the use of them be a violation of that penal clause? Because, even if that penal clause be held to apply to ceremonial, it can at any rate only apply to such ceremonial as is part and parcel of the service in question. If, therefore, the use of lights is not part and parcel of the service in question, then they are mere embellishments, furniture, amounting, if you please, to symbolical embellishments. If they are embellishments, then I say, from the very definition of the word "ornaments" by the Judicial Committee of the Privy Council, they are not used in the service, and if not, this using of them is no violation of the Acts of Uniformity, even though it may be the introduction of an unlawful ornament; and the objection to them cannot be sustained under this prosecution.

Now, I respectfully submit that my friend was right in saying they were not ornaments. I shall deal with the question of course in its double aspect, and I shall insist that, whether these lights are to be regarded as embellishments or ornaments, they are perfectly lawful.

(*The Dean of the Arches.*) What is your distinction between embellishment and ornament?

(*Mr. Prideaux.*) The distinction between embellishment and ornament is this, my Lord. The Judicial Committee of the Privy Council say that whatever implement is used in the service is an ornament. If, therefore, the candles are used in the service, that is, as part of the ceremony which is being celebrated, then they are ornaments; but if the candles are not used in the service, your Lordship is aware that it was on that ground that the use of the cross was justified in that case by the Judicial Committee; they said this cross is not used in the service, it is a mere embellishment, and, therefore, the Ornaments Rubric does not touch it. This is a charge against Mr. Mackonochie for performing the divine office of the Holy Communion service otherwise than as sanctioned by the Prayer Book. Of course if these candles are not instruments used in th e celebratin of the service, then, whether they are legally put into the church or not, they have nothing to do with the question whether Mr. Mackonochie has violated the statute in the performance of the divine office.

(*The Dean of the Arches.*) You see, Mr. Prideaux, you must distinguish between the candlesticks, which are, I presume, admitted to be lawful ornaments or embellishments, whichever you like to call them, and lighted candles.

(*Mr. Prideaux.*) I will deal with that, my Lord, by-and-by.

(*The Dean of the Arches.*) Are you now speaking of the lighted or of the unlighted candles?

(*Mr. Prideaux.*) I am not speaking of the unlighted candles; I am speaking of them lighted. I do not say which they are now, but I say there is no third alternative—they are either embellishments or ornaments. I am dealing with lighted candles, and I think a great deal of ingenuity has been exercised needlessly upon this, because I take it in nine cases out of ten where candles are spoken of it is quite clear from the context that lighted candles are meant. I say that what is not an ornament, that is to say, an implement used in the service, is an embellishment; and I say these candles are necessarily either ornaments or embellishments. I am now submitting to your Lordship that my friend, Mr. James, was correct in contending that they were embellishments and not ornaments, just as the Privy Council held that the cross was an embellishment.

(*The Dean of the Arches.*) You say that they are in the same category as the cross?

(*Mr. Prideaux.*) Yes, and I say that if they are in the same category as the cross, then, whatever they may symbolise, they are no implements used in the performance of the service; and if they are no implements used in the performance of the service, then, whether it be lawful to have these candles on the altar or not, this criminal prosecution cannot be sustained against Mr. Mackonochie. Now, grant that they are lighted; what does that prove? It is not alleged, but assume, for the purpose of argument, that being lighted it may be urged against Mr. Mackonochie they are symbolical. That does not make them not an embellishment. The cross is symbolical. The cross symbolises the virtues which we derive from the dying Saviour.

(*The Dean of the Arches.*) You do not mean to say that it is not charged that they are lighted?

(*Mr. Prideaux.*) No, I do not mean to say that.

(*The Dean of the Arches.*) I misunderstood what you said. I thought you said that there was no charge of their being lighted.

(*Mr. Prideaux.*) I am afraid I may not have expressed myself correctly. What I venture to contend for is this, that what my friend Mr. James argued before you is correct.

(*The Dean of the Arches.*) You say they are embellishments and not ornaments; that they are in the same category as the cross; and if so, they are not implements used in the service.

(*Mr. Prideaux.*) I say they are not implements used in the service; and if so, whether upon a civil proceeding they might be removed or not, Mr. Mackonochie cannot be prosecuted in this way concerning them. Now, I say the fact of their being lighted does not alter the fact of their being embellishments. And then I say, grant that the fact of their being lighted shows that they are symbolical, so is the cross, so are the varied altar cloths; and yet the cross has been held to be a lawful embellishment, and so have the varied altar cloths; because I apprehend that the decision upon the altar cloths turns upon their being embellishments and not ornaments.

(*The Dean of the Arches.*) In one sense the hanging of a church with black, which was admitted by the Privy Council to be lawful, is symbolical of mourning.

(*Mr. Prideaux.*) But none the less an embellishment. I am only submitting that the fact that the candles being lighted proves that they are symbolical does not go one step towards showing that they are ornaments.

(*The Dean of the Arches.*) I quite understand you upon that.

(*Mr. Prideaux.*) Because I say—and your Lordship has very kindly reminded me of the hanging of a church with black—an embellishment is not the less an embellishment because it is symbolical. The *onus probandi* is upon my friend, and I call upon him to show in any sense that these candles are used by Mr. Mackonochie as part of the service; that the candles are "implements used in the performance of divine service." I think those are the words of the Privy Council if I recollect right. He cannot do it.

(*The Dean of the Arches.*) You say they are not implements used in the performance of divine worship.

(*Mr. Prideaux.*) Precisely, they are implements used during divine service as varied altar cloths are, but they are implements so used as symbolical embellishments, not as part and parcel of the ceremonial performance of the divine mysteries. That is my first position, and, my Lord, there is one argument which my friend cited triumphantly for another purpose, which strongly bears out that, and that is the fact that there is no direction to put lighted candles upon the altar in the Sarum Missal. I do not mean to say that the Missals were exhaustive of ceremonial, but the Sarum Missal does direct what things were to be done in the course of the divine office; the Sarum Missal does direct that the taper bearers shall come in in procession, and shall place their burning tapers at the foot of the altar—and why? Because the use of burning tapers in procession, and the placing of burning tapers during the celebration of the divine office at the foot of the altar, is a ceremonial act in the progress of the service. But here the candles are lighted before the service begins. They are allowed to burn without interfering with the service in any way during the whole performance of the service until the end, and they are not touched until the service is over. This, my Lord, is a penal Statute. It is not a civil appeal to the bishop to know whether these candles are lawfully lighted or not, as was done in the Westerton *v.* Liddell case; it is a criminal proceeding against Mr. Mackonochie, charging him with having used in the divine office of the celebration of the Lord's Supper illegal ornaments, or rather, as my friend says, illegal ceremony. What ceremony, I ask, has Mr. Mackonochie performed with reference to these candles during the celebration of the Lord's Supper, simply because before he comes into the church he finds burning lights there, and because he leaves them there when he goes away? My Lord, I confess that when my friend, Mr. James, first suggested this view, it struck me that it was one not at all tenable; but upon mature reflection and consideration it does appear to me to be the correct view to take of this matter. And I say, that fortunately for us the introduction of the taper bearers during the progress of divine service in the Sarum use, and the fact that the taper bearers are directed during the progress of the divine office to place the lights at the foot of the altar, coupled with the fact that the lights upon the altar (and there can be no doubt that they were there—that is clear) which were lighted, according to the Sarum use, as well as now, before the commencement of the service, are not even glanced at in the Sarum Missal, strongly and clearly mark out the distinction between the symbolical embellishment which may be used or may not be used at certain times in the Church, and a symbolical implement which is used as part and parcel of the service, and thereby becomes a ceremonial act in the service which makes the article an ornament.

(*The Dean of the Arches.*) You see, you must bear in mind, Mr. Prideaux, that the fifth of these articles charges Mr. Mackonochie with having used lighted candles on the communion table during the ceremony of the Holy Communion, to which Mr. Mackonochie replies that he denies that the use of such lighted candles (not denying that he used them) is an unlawful addition to and variation from the form and order prescribed by the Book of Common Prayer.

(*Mr. Prideaux.*) Precisely, my Lord; and if my view is right Mr. Mackonochie is right, because it is no addition at all to the form and order.

(*The Dean of the Arches.*) The reason I referred to this was that you said he was not charged with using them during the Communion Service.

(*Mr. Prideaux.*) I do not say he is not charged.

(*The Dean of the Arches.*) He is distinctly charged with using them during the celebration of the Holy Communion, and that is not for the purpose of giving light; and his answer is a confession that he uses them, but he denies that it is unlawful.

(*Mr. Prideaux.*) That is not the whole of his answer,

my Lord, because he says that they are lighted before the commencement of the service.

(*The Dean of the Arches.*) He denies that "the use "of such lighted candles is an unlawful addition to and "variation from the form and order prescribed and "appointed by the said Statutes and by the Book of "Common Prayer and Administration of the Sacra- "ments and other Rites and Ceremonies of the Church, "and is contrary to the said Statutes," and so on, "as in the said, sixth article alleged."

(*Mr. Stephens.*) He says they are not placed on the altar, but on a moveable ledge.

(*The Dean of the Arches.*) Is that so, Mr. Stephens? Where is that?

(*Mr. Prideaux.*) But he also in his answer says, and that is important, that the lights were lighted before the commencement of the service, and I am relying upon the other part of the answer.

(*The Dean of the Arches.*) I have got your plea; it is in the answer to the amended articles, I suppose the 5th and 6th articles.

(*Mr. Prideaux*). Mr. Mackonochie's answer is a qualified one. The 5th article of the answer is, "And "whereas it is pleaded in the 5th article that the "said A. H. Mackonochie has in his said church . . "... used lighted candles on the communion "table during the celebration of the Holy Commu- "nion ... not for the purpose of giving light "... Now, the same is in part untruly pleaded, "for ... the said lighted candles were not "placed on the said communion table, but on a "narrow moveable ledge of wood resting on the said "table."

(*The Dean of the Arches.*) I see you are quite right. He says they were not placed on the communion table, but on a narrow moveable ledge.

(*Mr. Prideaux.*) I do not rely upon that, my Lord, because I do not think there is any real distinction between that and putting them on the altar.

(*The Dean of the Arches.*) He goes on to say, "And that the said candles were so placed and kept "lighted, not during the celebration of the Holy "Communion only, as falsely suggested in the said "5th article, but also during the whole reading of "the Communion Service." But do you hold, Mr. Prideaux, that to amount to a denial that they were used during the Communion Service?

(*Mr. Prideaux.*) He says it is partly untruly pleaded, because they are on a ledge.

(*The Dean of the Arches.*) Yes; which I agree with you does not amount to much; and then he says "that the said candles were kept lighted, not "during the celebration of the Holy Communion "only ... but also during the whole reading "of the Communion Service." Surely there is no denial in that, that they were used during the Communion Service.

(*Mr. Prideaux.*) I mean to say we must look at the common sense of the answer; he means that they were burning before, and they were left burning.

(*The Dean of the Arches.*) But when were they lighted?

(*Mr. Prideaux.*) Before the service commenced, and so it appears upon the answer, if I recollect right.

(*The Dean of the Arches.*) No; he says, "The "said lighted candles were so placed and kept lighted, "not during the celebration of the Holy Communion "only, as falsely suggested in the 5th article, but "also during the whole reading of the Communion "Service." The charge is, that he used lighted candles on the communion table during the celebration of the Holy Communion.

(*Mr. Prideaux.*) My Lord, I apprehend it is perfectly clear by the answer that all he means is that he had them there lighted before the service commenced, and that he did not make any other use of them.

(*The Dean of the Arches.*) What use, do you suggest, could be made of them but lighting them?

(*Mr. Prideaux.*) I say they were used, no doubt, as lighted candles, but not as a part of the service.

(*The Dean of the Arches.*) They were used during that service only?

(*Dr. Tristram.*) They were used also during the sermon and the singing.

(*Mr. Prideaux.*) The answer is that they were placed "upon a narrow moveable ledge of wood "resting on the said table, and that the said candles "were so placed and kept lighted, not during the "celebration of the Holy Communion only, as falsely "suggested in the said 5th article, but also during "the whole reading of the Communion Service, in- "cluding the Epistle and Gospel, and during the "singing after the reading of the Nicene Creed, and "during the delivery of the sermon."

(*The Dean of the Arches.*) But I think you have argued before me to-day that the whole Communion Service includes the sermon.

(*Mr. Prideaux.*) No doubt, my Lord. I cannot say that it does not. All that I mean is this, it shows that no separate or ceremonial use was made of the candles during the administration of the rite.

(*The Dean of the Arches.*) By that do you mean during the actual giving of the holy elements?

(*Mr. Prideaux.*) No, my Lord. I mean during the whole time.

(*The Dean of the Arches.*) During the whole time they were lighted and they were there?

(*Mr. Prideaux.*) During the whole time they were lighted; but how can it be said that because they were there they were used as part and parcel of the service?

(*The Dean of the Arches.*) Whatever the inference may be, the answer must be taken to be this,—they were lighted during the whole of the Communion Service, and during that service only. That must be the answer, whatever the inference may be; they were lighted during the whole of the Communion Service, and the sermon, and the singing, and during that service only; that is the fact that we have to deal with.

(*Mr. Prideaux.*) Your Lordship asks me how they might have been used during the service. I will suggest how. Supposing after the time of consecration the candles had been removed from the usual place and had been placed immediately before the elements, that, I apprehend, would have been a separate ceremonial use.

(*The Dean of the Arches.*) Of course they might have been used, but all I mean to show is, do not you put it too far when you say there is no proof in this case that they were not used during the celebration of the Holy Communion?

(*Mr. Prideaux.*) I do not say that they were not used, but I say in the use during the celebration, the use is something quite extern and distinct from the ceremonial part of the celebration.

(*The Dean of the Arches.*) They were used, not only during the celebration of the Holy Communion, but during that celebration only.

(*Mr. Prideaux.*) I will admit that.

(*The Dean of the Arches.*) I must get the fact before me; I do not mean the legal inference, of which I say nothing; but the fact—that the candles were lighted upon the altar or communion table during the service of the Communion, and during no other time.

(*Mr. Prideaux.*) I would rather say they continued lighted, because they were lighted before the commencement of the service.

(*The Dean of the Arches.*) Not during the other service?

(*Mr. Prideaux.*) No; I do not mean for one moment to deny what your Lordship has stated, but what I do mean to say is that that fact does not make the lighted candles any part of the ceremonial of the celebration of the Lord's Supper. It may be that it is wrong of Mr. Mackonochie to have them there; it may be that they are unlawful embellishments which ought not to be sanctioned, but your Lordship must recollect that in order to sustain this prosecution it must be alleged and proved that the candles were brought in as it were into the ceremonial of the

celebration, and I say that the mere fact of their being lighted does not amount to that.

(*The Dean of the Arches.*) You say that their being lighted during the celebration of the Holy Communion, and during that celebration only, is not using them for that celebration.

(*Mr. Prideaux.*) I say it is not using them *in* that celebration. Your Lordship says "during." But I say, bearing in mind that they are lighted before the ceremony begins, and that they are not only kept lighted during the ceremony but are lighted before it begins——

(*The Dean of the Arches.*) How can that affect it? They are lighted in no other part of the service.

(*Mr. Prideaux.*) Well, I think it might affect the thing if they were lighted afterwards. It might be said: here is an act affecting the celebration.

(*The Dean of the Arches.*) Do you think it would make any difference if they were lighted during the celebration or just after it had begun?

(*Mr. Prideaux.*) I am told, my Lord, that at Milan, at High Mass, the acolytes suddenly lift up lighted torches in one part of the service.

(*The Dean of the Arches.*) No doubt there are various ways of using the lights; but what I want to know is this, and I put it to you merely for the purpose of extracting an answer from you: Can you reasonably contend that if you have admitted that the candles are lighted during the Communion Service only, that they are not used for the Communion Service?

(*Mr. Prideaux.*) I think I may contend that they are no part of the rite, ceremony, order, form, and manner of celebrating the Communion Service. If they were handled at all it would be a different thing.

(*The Dean of the Arches.*) What are they lighted for?

(*Mr. Prideaux.*) My answer to that is, what is the cross put up in the church for?

(*The Dean of the Arches.*) I mean are they not lighted for the Holy Communion?

(*Mr. Prideaux.*) Well, my Lord, the Holy Communion is the most solemn office of the Church; but I apprehend they might be lighted at other times.

(*The Dean of the Arches.*) Well, Mr. Prideaux, if you think you can maintain that argument that although they are lighted during the Communion Service, and during that service only, they are not used in the Communion Service, I will take that as your position; only let me know what your position is, so that I may understand it clearly. Do I understand your position to be that, though you admit they were lighted during the Communion Service and during the Communion Service only, they were not used in the Communion Service in the sense of a ceremonial act?

(*Mr. Prideaux.*) Quite so, that is my contention, and I do not think I am bound to admit that they are lighted for the Communion Service only. All that Mr. Mackonochie admits in his answer is that they are used during the Communion Service. He does not say they are used at no other time.

(*The Dean of the Arches.*) But you are charged with that.

(*Mr. Prideaux.*) However, I am not going at any length to labour this part of the case.

(*The Dean of the Arches.*) But it is a pity there should be any doubts as to the facts.

(*Mr. Prideaux.*) My Lord, I do not know that there are any doubts as to the facts. I am relying upon this: there the candles are, they are burning, and they are kept burning no doubt upon the altar during the whole of the celebration of the office.

(*The Dean of the Arches.*) They are kept burning upon the altar during the whole of the celebration of the office, not having been used in any other office of the Church, and not being used after that office is over.

(*Mr. Prideaux.*) I do not think that appears, my Lord. In fact it certainly does not. All that Mr. Mackonochie says is this: "I admit that I have had "candles on the altar when not required for giving "light; but I say they have been there during the "whole of the service."

(*The Dean of the Arches.*) You are quite aware that that part of the charge which he does not deny, by implication he admits.

(*Mr. Prideaux.*) Quite so. But there is no word in the charge alleging that he did not use them elsewhere or at other times, nor is there an admission in the answer, as far as I recollect, that he did not use them at other times. The charge says you had lighted candles during the celebration of the Holy Communion; Mr. Mackonochie says it is true.

(*The Dean of the Arches.*) But surely this answer excludes the possibility of their being lighted at any other time. Do look at your answer. You say, "The "said candles were not placed on the said communion "table, but on a narrow moveable ledge of wood "resting on the said table, and that the said candles "were so placed and kept lighted, not during the "celebration of the Holy Communion only, as falsely "suggested in the said 5th article, but also during "the whole reading of the Communion Service, "including the Epistle and Gospel, and during the "singing after the reading of the Nicene Creed, and "during the delivery of the sermon." You very properly admit that the sermon and all those things are part of the Communion Service, and Mr. Mackonochie says they were lighted during all that time. Surely, it cannot mean that they were lighted at any other time. Is not that the natural inference?

(*Mr. Prideaux.*) However, my Lord, I do not think that question affects my argument.

(*The Dean of the Arches.*) I do not say it does; but the Court is naturally anxious to know what facts it has before it—what facts it has to apply the law to.

(*Mr. Prideaux.*) Well, my Lord, if you think that is the true construction——

(*The Dean of the Arches.*) If you think it is not I wish you would tell me so.

(*Mr. Prideaux.*) It does not, as I submit, affect my argument. I say that the mere lighting of candles, and having them lighted during the celebration of the service (because it can make no difference as far as this question is concerned whether it be morning or evening, or marriage or baptism, whatever it is, provided that lights are not necessary for the purpose of giving light), I say that the mere fact of lights being used at any service of the Church does not mean that they are part of the service that is being performed.

(*The Dean of the Arches.*) That is quite a clear argument.

(*Mr. Prideaux.*) That is my contention, and that is the view that Mr. James submitted to your Lordship. I say the case is just the same as if Mr. Mackonochie had the candles always lighted on the altar. Mr. Mackonochie's answer is, it is not unlawful to have them lighted on the altar, because they are kept lighted during the whole of the service.

(*The Dean of the Arches.*) What you have to make out is, that being lighted during the service they are not used for the purpose of the service; that is your position.

(*Mr. Prideaux.*) That is my position, which I am now maintaining. It does not follow at all that because they are lighted during the service they are used for the purpose of the service. It might as well be argued that if there be flowers on the altar during our festive seasons those flowers are used in the administration of the services which are being carried on; because it is not the practice in England to have churches always open, and we cannot suppose that the holly, for instance, is put up at Christmas except on the supposition that it should be there while Divine Service is going on. And I say that in principle there is no distinction between the holly upon the altar at Christmas during the several Christmas services, and this matter which is now under con-

sideration. The one is as much used in the celebration of the offices as the other, and it cannot signify upon this broad principle whether it be used during the celebration of one office, or of two offices, or of 20 offices. I say that the mere fact that the things are there during the celebration of the office does not necessarily or reasonably lead to the inference that they are used in any sense as part and parcel of the office. I cannot upon principle see any distinction in that respect between an ornament being placed upon the altar during a single service, and being placed upon the altar during any number of services. The principle is the same if it be a mere embellishment or a mere symbolical embellishment; whether it is used for one service, or whether it is used during all the year, or whether it is used during a particular season, appears to me to be in principle the same. If it is not made use of in the celebration of the service it is a mere embellishment and not an ornament.

(*The Dean of the Arches.*) Then it turns very much upon what "made use of" means, does not it? Your argument would very much depend upon that?

(*Mr. Prideaux.*) Of course it is not pretended that anything more is done than the fact of their being there lighted; and I confess I do not see how a candle is "made use of" any more than a holly branch which may be placed on the altar.

(*The Dean of the Arches.*) Well, but if the holly branch were put there just before the service commenced and taken away just after, would there not be a distinction?

(*Mr. Prideaux.*) No, my Lord, I say there is no distinction. If an ornament is there during all the services it is clearly no essential part of the particular service; and it can make no difference in principle that it happens to be there during the one service only; and, my Lord, you will recollect there is no charge that these candles are symbolical. I say there is no difference; it is immaterial to the question we are now considering, and that in order to make a light, a light "used in the service," it must be incorporated into the ceremonial of the service; and I say that lights which are there before the service begins and remain there until after the service is over are no more incorporated into the ceremonial of the service than is the holly branch which rests upon the altar at Christmas. I may remind your Lordship in point of fact, that at the Royal Chapel candles are always lighted during the Evening Service; are they used in the service? I will take the liberty of reading a passage from the Westerton case, which I think throws some light upon this. It is where the Privy Council are dealing with the question of crosses (Moore, page 171). But although "their Lordships "are of opinion that the law did not require the "removal from churches of crosses, merely as such, "both books of Common Prayer had excluded them "from use in the services. They were no longer to "be employed, and nothing is more probable, there-"fore, than that if they could be turned to any "profit they would be made the subject either of sale "or robbery, and that in the popular disturbances "which accompanied the great change in the religion "of the nation, and in many cases anticipated and "outran the acts of the Government, crosses would "share the fate of images." Now, can it be said, simply because these candles are upon the altar that they are used in the service? I respectfully submit that it cannot, and that in principle, as I have already suggested, no distinction can be taken between the candles and the holly branch.

(*The Dean of the Arches.*) You say the time of lighting the candles has nothing to do with it.

(*Mr. Prideaux.*) I say the time of lighting the candles has nothing to do with it. There might be a slightly different question probably, if the candles were lighted during the ceremonial; that might possibly make some difference. But as they are not lighted during the ceremonial, they are simply symbolical embellishments.

(*The Dean of the Arches.*) Are they not lighted for the ceremonial?

(*Mr. Prideaux.*) I say they are no part of the ceremonial, and, therefore, I cannot of course admit that they are lighted for the ceremonial.

They are no part of the rite, ceremony, order, form, and manner of celebrating the Lord's Supper. If they were used during the service, if they were moved about, placed before the sacrament, or carried about in any way so as to symbolise any of the divine actions as they were going on, if they were brought in there to symbolise any of the divine actions of the service, as in the Greek Church, in the very case I instanced to your Lordship, and were not used generally as symbols that Christ is the true light of the world, then perhaps it might be said they were used in the service. In the Greek Church the δικεριον, or two-forked candle, by which the priest performs that ceremony to which I have referred, is used in the service, because it is used for the purpose not of symbolising a great catholic truth, which is equally a truth, and the same whether that particular service is going on or not, but it is used for the purpose of symbolising a truth in connexion with the mystery which is then going on; I submit the distinction is a very manifest one. Now, there is one remarkable fact which I will just mention to you. Your Lordship is aware that in the book for which the public are indebted to yourself, I think, is a collection of church ornaments taken from Lyndwode. Among those ornaments you do not find the lights upon the altar. How is that? Because although there can be no doubt lights were burned upon the altar during the celebration of the divine mystery in Lyndwode's time, inasmuch as no use is made of them for any symbolical purpose during the action of the divine mystery, they are mere embellishments and not ornaments.

(*The Dean of the Arches.*) You say in the catalogue of ornaments, mentioned in Burns' book from Lyndwode, candles are not mentioned?

(*Mr. Prideaux.*) Candles upon the altar are not mentioned; in fact I am told that candles are not mentioned at all.

(*The Dean of the Arches.*) That passage which you cited to me just now from Lyndwode would imply that they are symbolically used.

(*Mr. Prideaux.*) Yes, my Lord, that they were symbolically used. I do not deny that, but I say they are not ceremonially used; they are not used as part of the ceremonial of the Mass. The cross is symbolically used, but it is not part of the ceremony; that is my contention. It is perfectly lawful to have a symbolical ornament; the very holly with which we decorate our churches at Christmas time is a symbolical ornament; the various flowers which we use at the different seasons of the year are symbolical ornaments; the different coloured altar cloths which we put on our altars at different periods of the year are symbolical; but that does not make them ornaments used in the celebration of the service. Let us take this case, for instance—we know it is frequently done—when some fair lady is about to be married. The church is adorned from one end to the other, and only for the one particular service; flowers of the choicest and most beautiful description are placed upon the altar, and they are placed there only for the one single ceremony of marriage. Does the officiating clergyman who marries the happy couple use those flowers in the service or ceremony of matrimony? I confess I do not see what distinction is to be taken between the two cases; and I put that argument before your Lordship with some confidence. Here we have a case in which the church is embellished for a special occasion, for a special single service, and so far as the question now under consideration is concerned, I have already submitted to your Lordship that it is perfectly immaterial what the service is. The doubt which seemed to exist in your Lordship's mind was whether it could be said that the particular implement was not an ornament if it was used for a single service.

I have ventured respectfully to call your Lordship's attention to the use of flowers, even of the choicest description, during the ceremony of marriage. There is another case which I will instance. Take the dedication festival of a church, or take any special joyous occasion in which there is some special ground for offering up special thanks to Almighty God for benefits and blessings received. Is it not a very common thing, under those circumstances, to adorn the church—ay, the altar—with flowers and other things, and only for the single service? Flowers and embellishments are placed upon the altar before the service begins. They are allowed to remain there during the whole of the service, and then, having done their duty, they are removed. Has the officiating clergyman used them during the celebration of the service which it has been his duty to perform?

(*The Dean of the Arches.*) You see, of course, with regard to candlesticks, they are always there. They are not put there for the occasion; but they are lighted only at that service.

(*Mr. Prideaux.*) That, I may say, certainly does not appear within the four corners of the legal proceedings. I do not know that it is very material, nor do I think it makes the slightest difference. I submit that, even if you were to take judicial notice of that, it would not make the slightest difference. It does not at all affect the question we are now considering, namely, what is the nature of the use which is made of these candles? And I say that they are candles burnt to symbolise the general Christian joy and thankfulness to Almighty God, just as flowers are put upon an altar at a marriage to symbolise the joy and thankfulness that exist upon that happy occasion. I do not know that I can argue this view further.

(*The Dean of the Arches.*) I think I quite understand your argument.

(*Mr. Prideaux.*) I do respectfully submit to your Lordship that it is an argument well worthy of consideration.

Now, I believe that in the Greek Church, during the process of the Divine Liturgy, the priest takes up the cross and kisses it. Then, it becomes an ornament used in the performance of divine service. But, my Lord, it has been held that a cross even upon the altar, if it be not affixed to the altar so as to make a communion table not a communion table, is lawful. If, for instance, the cross was a very valuable thing, and the clergyman was unwilling to have it left in the church, but still admired it as a handsome symbolical embellishment, could your Lordship hold that if the cross was always left upon the altar it would be an embellishment only and not an ornament, but if the clergyman every time he went to the church to perform the divine office took it with him and placed it on the communion table that would make it an ornament? The question as to the nature and the manner of the use must depend essentially upon what is done with the instrument, and not upon whether for a longer or a shorter time it remains there. My Lord, I do venture strongly to press this consideration upon you; and I am the more emboldened to do so because I took the liberty to state when I commenced this part of my argument; and I certainly felt as strongly against the possibility of maintaining the view when my friend first brought it under my notice, as at any rate I am afraid your Lordship did when I first broached it here.

(*The Dean of the Arches.*) The question then will be, which of the two opinions of Mr. Prideaux I must set most store by,—the first or the last?

(*Mr. Prideaux.*) No, my Lord. I do not desire that your Lordship should set any store upon either of my opinions. I merely venture to mention that—perhaps I ought not to have done so—for the purpose of bearing my humble testimony to the fact that a view which at any rate to my mind at first sight did not appear to be tenable, upon careful consideration of the subject, does appear to me, to say the least, to be worthy of great consideration. Now, assuming for the sake of argument that I am right in the view that these candles are not ornaments,—that they are but embellishments,—then, I take it, that the case of the reverend defendant, so far as regards the candles, is clearly established, and upon two grounds: first, because if they are not ornaments used in the celebration of the divine office, there clearly has been no violation of the Act of Parliament; and secondly, because if they are merely illegal embellishments, the matter is to be determined civilly and not criminally. If they be embellishments (and that would seem to be the case here) which might be lawful or might not be lawful, then I say they are matters for the discretion of the bishop.

(*The Dean of the Arches.*) Are you clear upon that point, that if they were merely illegal embellishments they could not be removed by proceedings under articles?

(*Mr. Prideaux.*) I do not think they could. At any rate the charge here is not a charge to remove them. It is a criminal proceeding against Mr. Mackonochie for his personal punishment.

(*The Dean of the Arches.*) An admonition it may be to remove them.

(*Mr. Prideaux.*) My Lord, they seek more than that. They do not pray that.

(*The Dean of the Arches.*) I merely put it to you whether the form of procedure adopted in this case would not enable the Court, if it thought right, to admonish Mr. Mackonochie to remove these things complained of.

(*Mr. Prideaux.*) If your Lordship would allow me, I would rather leave that to Dr. Tristram, because he is more conversant with the machinery of this Court.

(*The Dean of the Arches.*) It is a question of ecclesiastical law certainly.

(*Mr. Prideaux.*) My friend is more conversant with these matters; and although I have paid some attention to the broad questions of ecclesiastical law, I do not pretend to be conversant with the machinery and practice of these particular courts. Now I have to submit, that if these candles are embellishments, it is impossible to distinguish them in principle from the case of the crosses; because the Court will do me the favour to remember that the decision with regard to the crosses went to this: they are mere embellishments; they are not used in the service; they have always been used in the Church of England, and in the other branches of the Catholic Church, as embellishments, and, therefore, there is no reason why, at any rate, in the discretion of the Ordinary, they should not be allowed. Now, assuming for the sake of the argument for the moment, if your Lordship will kindly assume it for the moment, that I have established the proposition for which I have now been contending, namely, that these candles are not ornaments but embellishments, I respectfully ask wherein does the case differ from that of the crosses. Candles have always been used in the Church, candles are symbolical, and so are crosses. Wherein do the cases differ? I apprehend even if this were a question whether the candles should be allowed—and we must bear in mind that it is not but that it is a proceeding against a clerk for a violation of the Act of Uniformity—but even if it were a question whether the candles were to be allowed, every single element which enters into the consideration of the question of the crosses enters equally into the consideration of the question of lights as mere embellishments. I am not going to labour that, but I am going to call attention to a document which my friend did not refer to, and which I think as he referred to what was done in the Upper House of Convocation he ought to have referred to. But as he has not I will; and it is the "Report of the Committee of the Lower House of Convocation on Ritual." Your Lordship will find it in the Ritual Commission Report, page 160, headed "Altar Lights." "The Committee observe concerning lights, First, "that from very early times they have been recog- "nized by Christians as significant of many holy "things;"—(I may perhaps be allowed to say, incidentally, that there is no suggestion on the part of this Committee of the Lower House of Convocation that these altar-lights symbolise "popish superstition")

—"as, for example, of religious joy; and pre-
"eminently as symbolical of the Divine Nature
"and of Christ our Lord, the Light of the World.
"Secondly, that time out of mind in the East, and
"subsequently to the time of St. Jerome in the West
"also, lights have been symbolically used both by
"day and night on various occasions of divine
"service, as at baptisms," (they do not say *in* the service,) "burials, the reading of the Gospel, and
"the celebration of the Holy Communion. With
"regard to the precedents of the Church of England
"since the Reformation, the Committee remark that
"by the Injunctions of King Edward VI. in 1547,
"two lights were enjoined to be left upon the high
"altar 'for the signification that Christ is the very
"true light of the world;' when other lights, burnt
"before images and pictures, were ordered to be
"removed. The subsequent history of altar lights
"is involved in much obscurity; but candles and
"candlesticks have remained to the present day in
"cathedrals, collegiate churches, royal chapels, and
"in many parish churches. In some instances the
"candles appear to have been lighted during the
"celebration of the Holy Communion, but the
"instances which can be quoted are few and the
"evidence not beyond question." Then they go on (and I do not think I need trouble you with more) and they observe that it "is not without precedent in
"the Church of England since the Reformation;
"although it is a use which has not been generally
"adopted at any period since the Reformation." I simply refer to that in order to show a recognition generally that lights have been used in the Church from time to time, bringing the case, as I submit, exactly within the case of the crosses; and I must say say that I think the case, if possible, may be carried even further than the case of the crosses, because I cannot in the exercise of my common sense (although I know the answer which is given, that it was at night) understand why, when we bear in mind that Holy Scripture is given by the inspiration of God for instruction, and so forth, I cannot for the life of me understand why in the account given in the Acts of the Apostles, where we read of Eutychus falling out of the window, it is mentioned, "and there were many lights burning in the chamber." No doubt Protestants say, "Why, of course it was night." But what have we to do with that? I say it is a short glimpse of the then ceremonial of the Holy Communion; and if Scripture be given for instruction and improvement it might well be that that glimpse of the Holy Communion referred to the burning of lights as a testimony in proof of the early period at which lights were used in that sacred service. I cannot understand why a matter which is utterly irrelevant, which has no bearing whatever upon the matter which is being narrated, which would be self-evident if it merely had reference to giving light —I cannot conceive why in the Holy Scripture which is given for our improvement and instruction a special reference should be made in that allusion to that early celebration of the Holy Communion to the burning of lights except as a testimony to the fact that the burning of those lights was a primitive and apostolic practice. If not, I say it is calculated to mislead, just as the conduct of our blessed Saviour himself in allowing the first Protestants to go from him "and follow him no longer," when they asked "How can this man give us his flesh to eat?" Now, my Lord, I do submit very seriously that it is not fair to twist and pervert the language of Scripture to irrelevant meaningless purposes when the natural inference to be drawn is that every portion of it is full of instruction and doctrine. Let me put this hypothesis: suppose it were the practice even of the apostles themselves to celebrate the blessed Eucharist with lights, and suppose the Holy Spirit of God had foreseen that hereafter the Puritan spirit would insist that the burning of lights was a Popish superstition; then I can understand why the Apostle, writing as he was instructed by the Holy Ghost, should throw in, as it were incidentally, this remarkable fact that there were "many lights" burning in that upper chamber. But if the contention of my friend is right, and it was the mere accident of its being night at the time, then I am at a loss to conceive why the statement should have been made; and I respectfully submit that if that is the true construction to be put upon that statement, it is a passage calculated to mislead and deceive Christians into error and Popish superstition.

My Lord, I do not mean to press that argument with any undue weight, but I do pray it in aid as some additional proof at least of the lawfulness of the burning of lights on such an occasion; and I should expect at least, inasmuch as there is no relevant reason why the truism that they had lights there when they were assembled at night, should be mentioned for the purpose of showing simply that they wanted material light. I do respectfully submit (and it is with great reverence that I would venture even to make a suggestion of the kind) that if these lights were not intended to indicate and point out the burning of lights during this great celebration, even in those early times, you would have expected that for the improvement and the instruction and the safe guidance of the Church of Christ there would have been some additional intimation that they were there that St. Paul might see to read his sermon or something of that sort, although I have no doubt that St. Paul did not read his sermon at all, but spoke fluently and eloquently as he was instructed by the Holy Spirit.

(*The Dean of the Arches.*) Would you say that those lights (if your construction be right) were not used in the service?

(*Mr. Prideaux.*) Certainly; they were not used in the service. I say that they were used as Christian symbols of joy. I do not say that they were not used as Christian symbols. Your Lordship will bear in mind that. I say the argument applies equally to any other event. However, it is for your Lordship to determine. I shall of course argue presently, that we have a right to use them lawfully in the service; but I only refer to this circumstance, because I say that if a man would only lay aside his Protestant prejudices, he would necessarily come to the conclusion that the fair presumption is, that these remarkable words were introduced by the Holy Spirit for the very purpose of bearing testimony to some symbolical matter connected with the mysteries of the Christian religion.

(*The Dean of the Arches.*) You are not going to leave the subject of lights?

(*Mr. Prideaux.*) Certainly not.

(*The Dean of the Arches.*) I want to hear what you have got to say about "lights before the sacrament" before you leave it.

(*Mr. Prideaux.*) I shall not leave it until I have dealt with that point.

(*The Dean of the Arches.*) I thought you were going to leave the subject.

(*Mr. Prideaux.*) No, my Lord. I have several remarks to make upon the other supposition. There is one other passage upon this first question which may probably have a bearing upon both branches of the subject,—a passage to which I would wish to call your Lordship's attention, in the work of Archdeacon Freeman—"Rites and Ritual, a Plea for Apostolic Doctrine and Worship." It is the edition published by Murray in 1866. I propose to read a passage from page 175, bearing strongly upon the primitive usage of lights:
"The question of the legal position of the two lights
"upon the altar is a somewhat complicated one, but in
"its general aspect the usage derives a sanction and
"an interest from the fact that oil for the light is
"among the things recognized in the 3rd Apostolic
"canon; and further, that the two lights are used in
"the Syriac Liturgy of St. James, from which we
"may have derived them through Theodore of Tarsus;
"whereas all the west, except ourselves, have seven
"lights. In point of fact not much can be said for
"them, but the symbolism is beautiful and interesting.
"The Eastern Church in particular has always asso-
"ciated artificial light—viewed as dispelling natural
"darkness—with our Lord's coming to the world, as
"its supernatural and heavenly light. It is well to
"remember too, that the only accompaniment of the

"shew-bread, of which so much has been said above, "was, together with incense, artificial light, and even "in the blaze of heavenly ritual there were seven "lamps burning (Revelations, 4 & 5). These con- "siderations, joined to the well-known injunction of "Edward VI., for the retention of two lights, cer- "tainly give the usage a good position, when we are "considering what is the mind, fairly and liberally "estimated, of the English Church."

(*The Dean of the Arches.*) Let me look at that last authority, if you have done with it. (*The book was handed to the Court.*)

(*Mr. Prideaux.*) Now, I respectfully submit, as I did at the commencement of my observations upon this subject, that there is no alternative between treating these lights as symbolical embellishments, and treating them as lights used in the ceremonial of the service; and I now respectfully submit, that Mr. Mackonochie will not have violated the laws of the Church, even if your Lordship should be of opinion that he is to be held as having used these lights in the service of the celebration of the Holy Communion. That they were so used before the Reformation (as I ventured to submit to your Lordship either on the first or the second day that I had the honour of addressing you) is abundantly clear from the injunctions of Edward VI.; and so far as this question is concerned, it is immaterial whether the injunctions have strict legal binding effect or not. They bear direct testimony to the fact that lights at that time were used upon the altar; because the language of the injunction is, that they are "to beretained." I admit that they are to be "two lights upon the high altar before the sacrament."

Now, your Lordship asked whether those injunctions had binding legal effect. I think the answer that my learned friend, Mr. James, gave to that question is quite enough for us, at any rate in this Court. My learned friend directed your Lordship's attention to an elaborate judgment of Sir John Dodson upon that point, in which Sir John Dodson goes at great length into the arguments for and against the question of the validity of those injunctions. He decides that those injunctions were of binding legal effect, and he gives his judgment against the cross upon the very ground that the cross, if not an image, is at any rate, "a monument of idolatry and superstition," under the words of that injunction. Then the matter goes up before the Judicial Committee of the Privy Council, and their Lordships decided the case the other way upon very different grounds; but, throughout the whole of their judgment, if I recollect right, there is not a single doubt thrown out as to the legal binding effect of those injunctions. On the contrary, their judgment rather seems to assume that the injunctions are still in force; and I am thankful to say for the Church of England, and her faithful members who desire to cling to catholic truth and to catholic practices, the Judicial Committee of the Privy Council relieved us from the painful impression that we are to regard the cross—the great symbol of our redemption —as "a monument of idolatry and superstition." I assume, then, that these injunctions were originally legal. My friend has said something about some intermediate Act of Parliament, which he suggests has, by general terms, swept away these injunctions. I think that matter was sufficiently dealt with by your Lordship and my learned friend Mr. James, and therefore I shall not touch upon that particular point.

(*The Dean of the Arches.*) I do not think I have expressed any opinion; I certainly never intended to do so.

(*Mr. Prideaux.*) No.

(*Mr. Stephens.*) Your Lordship asked this question, whether I considered these injunctions of 1547 to be of statutable authority. I expressed a very strong opinion that they never were of statutable authority; but I also said, that they were merged in the Prayer Book of Edward VI., so far as regards the lights.

(*The Dean of the Arches.*) I do not remember to have expressed any opinion.

(*Mr. Stephens.*) I certainly did not hear your Lordship express any.

(*Mr. Prideaux.*) My friend, Mr. James, said, that even if the Act of Parliament had been repealed that would not affect the injunctions which had been issued previously under it; and I understood your Lordship to adopt that view.

(*The Dean of the Arches.*) That it would not retrospectively invalidate what was valid before.

(*Mr. Prideaux.*) Exactly; but I understood my learned friend Mr. Stephens' contention to be, that they were swallowed up in the Prayer Book.

(*Mr. Stephens.*) I think "merged or incorporated" was what I said.

(*Mr. Prideaux.*) My learned friend says, "merged or incorporated." I do not object to that latter word.

(*The Dean of the Arches.*) Part of his argument is, that they were never legally binding. Secondly, that they were invalidated. And thirdly, he says, hey cannot be legally binding, because they are inconsistent with the present service in that they provide, as he says, that the lights are to be burnt before the reserved sacrament.

(*Mr. Prideaux.*) I will deal with that directly. But my friend to-day has used language that I do not object to. He says they are "merged or incorporated" in the Prayer Book. I do not object to that expression.

(*Mr. Stephens.*) My Lord, I have been misunderstood. I meant to say, so far as regards the lighted candles before the sacrament, they were abolished by the first book of Edward VI.

(*Mr. Prideaux.*) Am I to understand (because that will relieve me a great deal) that my friend puts the argument entirely upon the question as to whether "before the sacrament" means "before the reserved sacrament"?

(*The Dean of the Arches.*) You had better not understand anything at all, Mr. Prideaux.

(*Mr. Prideaux.*) So I think, my Lord. Before I go to the Liturgies of Edward VI., let me say, that upon the true construction of the judgment of the judicial committee of the Privy Council upon the "Ornaments Rubric," whatever ornament was lawfully used under the first Prayer Book of Edward VI. is lawful now.

(*The Dean of the Arches.*) Do you find that proposition in all its breadth in the judgment of the Privy Council?

(*Mr. Prideaux.*) Your Lordship read the passage, "They all evidently mean the same thing, that whatever"——

(*The Dean of the Arches.*) "That whatever is mentioned in the Prayer Book."

(*Mr. Prideaux.*) No, my Lord, "Whatever was used under the Prayer Book."

(*The Dean of the Arches.*) You are aware that the construction which some persons have put upon the Judicial Committee's judgment is not that they must have been *de facto* in existence, but that they must have been actually mentioned in the Prayer Book.

(*Mr. Prideaux.*) That is one view; and that will depend (if I am driven to that) upon whether the injunction is sufficiently recognized by the Prayer Book to bring me under that rule. At present, however, I am arguing that inasmuch as they were *de facto* in lawful existence, inasmuch as they could lawfully be used under the first Prayer Book of Edward VI., in this view, I may ask your Lordship to uphold the legality of these lights without bringing you into conflict with the judgment of the Judicial Committee.

(*The Dean of the Arches.*) That judgment, I need not say, is binding upon me.

(*Mr. Prideaux.*) Of course I would not for one moment ask your Lordship even to review that which is said by the Judicial Committee. But when the Judicial Committee use language different in the one place from the language they use in another, I may fairly ask your Lordship to look at the judgment of the Judicial Committee as a whole,—not in any sense to review or overrule their decision, but to inquire what they really meant. Now, my contention is this: There is one passage, as your Lordship knows, as clear

as clear can be, in which the Judicial Committee say——

(*The Dean of the Arches.*) That is at page 159. "They all obviously mean the same thing; the same "dresses and the same utensils or articles which were "used under the First Prayer Book of Edward VI. may "still be used. None of them, therefore, can have any "reference to articles not used in the services, but set "up in churches as ornaments, in the sense of decora- "tions." And I think the other passage is at page 156.

(*Mr. Prideaux.*) The other passage no doubt uses the word "prescribed."

(*The Dean of the Arches.*) At page 156 there is this:—"Their Lordships, after much consideration, "are satisfied that the construction of this Rubric, "which they suggested at the hearing of the case, is "its true meaning, and that the word 'ornaments' "applies, and in this Rubric is confined to those "articles, the use of which in the services and minis- "trations of the Church is prescribed by the Prayer "Book of Edward VI."

(*Mr. Prideaux.*) Now, my Lord, those two passages in the judgment in terms—in mere letter—are not quite consistent, because the one would seem to admit as legal whatever ornaments were used under the first Prayer Book of Edward VI., and the other no doubt would seem to limit the legality of the ornaments to those that are prescribed by that book. The narrower view taken by the Judicial Committee was not necessary to sustain their judgment; and I respectfully submit that, without treating with any disrespect or in any way overruling the judgment, or even the language as a whole of the Judicial Committee, it is open to this Court to inquire whether they really meant to say that every lawful ornament must be prescribed by the book, or whether they merely meant to say that whatever was lawfully used under the first Prayer Book of Edward VI. may lawfully be used now, because their language in the first passage is as dogmatical, as clear, and as precise as their language in the other. And why should your Lordship be compelled to take the last?

(*The Dean of the Arches.*) It is the first.

(*Mr. Prideaux.*) Then that is better for me, because it is a universal principle of construction that if there be two passages in one document, and the one is inconsistent with the other, you are to give effect to the last, because the last passage is supposed to express the last and ultimate opinion of the writer. I am quite sure your Lordship is aware, from the experience you have had in considering wills and other legal documents, that as "a principle of law," as my learned friend says, in legal interpretation, where you have nothing else to guide you, that is the rule you are to go by. I do not mean to say it is a conclusive rule, and that you are not to look at the whole document for the purpose of seeing what is meant; but I do mean to say, that if you have no other satisfactory means of ascertaining what is meant, then the invariable rule of legal interpretation is, that you are to give effect to that which is last said; and, if you find that which is last said thoroughly and entirely consistent with the document as a whole, in this case with the judgment that is given, why should your Lordship depart from that legal principle of interpretation? You cannot give full effect, viewed by themselves, to either of those passages. In either event, you take a view contrary, in a certain sense, to the mere expressed letter of a portion of the judgment. But why should you be compelled to take that view, which is not, as I submit, consistent with the real status of the case, when it is equally open to you to take the other? Upon the construction, you must choose between the two, and I should say upon another ground, if you must choose between the two, let your own judgment turn the scale. I think I may fairly ask your Lordship to do that. Suppose there were two decisions separate and independent of the Judicial Committee of the Privy Council, and supposing one view had been ruled in one case, and the other in the other, I will venture to say, you would adopt either one of two courses. You would either say "I must be bound by the last," (and that will be quite satisfactory to me) or you would say "Well, here are two decisions; I "cannot tell which is the right one. I will collect as "much information and guidance as I can from the "two cases; but after all, as there is a conflict I "must determine for myself." Therefore, my Lord, whether the legal principle ordinarily applied to the interpretation of legal documents, that the language last used is to prevail, guide your Lordship, or whether you feel that you cannot see any certain guide at all owing to the conflict of the statements, I say in the one case, your decision must be affirmatively in my favour upon the point—that is, if you feel yourself bound by the last statement; and in the other I submit, that without any direspect whatever to the Judicial Committee of the Privy Council, it will be open for your Lordship to consider which is the more correct view, and when you have no certain decision to guide you upon which you can act, to determine for yourself.

Now, my Lord, which is the more correct view? What was intended? Can your Lordship entertain a doubt that the intention was, so far as ornaments were concerned, to revert to the state of law when the first Prayer Book of Edward the Sixth was in use by authority of Parliament? I submit to your Lordship that that is the true construction to be put upon the clause—the construction that legitimate legal reasoning warrants—and I cannot help thinking that some confusion arises in the consideration of this question from people losing sight a great deal of the Acts of Parliament, and regarding the books as the Acts themselves. My Lord, the provision is not "that such "ornaments shall be used as are prescribed by the first "book," but the provision is, "that such ornaments "shall be retained and be in use as were in this "Church of England by authority of Parliament in the "second and third year of King Edward VI."

(*The Dean of the Arches.*) No, it is this: "And "here it is to be noted that such ornaments of the "Church, and of the ministers thereof at all times of "their ministrations, shall be retained and be in use "as were in this Church of England by authority of "Parliament in the second year of the reign of King "Edward VI."

(*Mr. Prideaux.*) Quite so What the Judicial Committee have clearly determined, and the only clear point in this matter which they have determined, because the rest is left doubtful from their double language, is, that what is referred to by authority of Parliament is the first Act of Uniformity; and although, if necessary, we shall reserve to ourselves the right elsewhere of arguing that "authority of Parliament" has a wider interpretation, I should not be acting consistently with my duty if I were for one moment to ask your Lordship to hold—guided as you must be in this respect by the decision of the Judicial Committee, for there they have spoken with no uncertain sound—that by the words, "by authority of Parliament" is meant by "the first Act of Uniformity." But I say the object was, to return with regard to ornaments, to the same status in the Church of England as was the status in reference to ornaments under the first Prayer Book. And I say that the words of that Rubric are satisfied by holding them to mean, "That such ornaments "shall be retained and be in use as were in use in "the Church of England when the singing and saying "of divine service were regulated by authority of Par- "liament in the second year of King Edward the VI." I do respectfully submit to your Lordship, that it is the only reasonable and consistent construction that can be put upon the Rubric; because what other view (consistently I mean with the real circumstances of the case) can be taken.

The Rubric, and the provisions of the Act of Parliament in Queen Elizabeth's statute, and in Queen Elizabeth's Prayer Book, throw further light upon this point; because the Judicial Committee of the Privy Council say that all these provisions evidently mean the same thing, namely, that what-

ever was used under the first Prayer Book may be used now; therefore, my Lord, in endeavouring to arrive at a conclusion between the conflicting views to a certain extent, which are presented by these different statements in the judgment of the Judicial Committee, I pray you to revert to the time of the first year of Elizabeth. We know that Elizabeth (whose views were in favour of high ceremonial and high doctrine) was desirous of returning altogether to the status which existed under the first Prayer Book of Edward VI. She was overruled by those wise political councillors, to whom she was bound to bow, and she was bound, therefore, to submit and did submit so far as regarded the use as to the saying and the singing of the service. She submitted to the order and form of the second Prayer Book, subject to certain alterations which were made. But upon the other questions she carried her point, and whilst she was obliged to accept as a book "made fully perfect" the language and the order of the second Prayer Book, excepting in the few particulars (one a very important one) in which alterations were made, she took care to provide that, so far as regarded the ornaments of the Church, she should return to the state of circumstances which existed under the first book of her predecessor, King Edward VI. And there is a further part of this Rubric which bears out, I think, this view, and that is, the provision with regard to chancels. We must not lose sight of that, because to a certain extent it illustrates and explains the desire and determination that there was at that time, so far as regarded the furniture and the ornaments of the Church, to revert to the old state of things so far as was consistent.

(*The Dean of the Arches.*) You mean that Rubric, which states "the chancels shall remain as in times past," but that did not prevent the communion table being removed.

(*Mr. Prideaux.*) No doubt the communion table has been removed, but I am not aware that there is a decision that it might lawfully be so, and I should very much doubt it, although I say that with great respect. You know there was a great spirit of reformation going ahead of the Legislature, and doing a great many things which left the Legislature very far behind. There is one very remarkable proof of that, and I will call your Lordship's attention to it at once, because being a semi-binding document it is entitled to great weight, and it shows what a disposition there was in certain persons in England, edged on, no doubt, by the foreign Protestants, to go ahead of that which the Convocation and the Parliament were willing to adopt,—I allude to the Black Rubric.

Now, the view of the Black Rubric is this: we all know that a very learned book has been written, I have no doubt that your Lordship is familiar with it, intituled "The Declaration on Kneeling," by Mr. Perry, the object of which is to show that the Black Rubric, as it existed under the second Prayer Book of Edward VI., meant exactly the same thing as the declaration which is now affixed to the end of our Communion Service, namely, that it meant to negative the carnal view of the presence of the Redeemer in the sacrament, but not the real and ineffable presence of his sacramental body and blood. But, my Lord, I am not here at present at any rate to maintain that view, and I candidly confess that it may perhaps be very questionable whether that view can be maintained. What I wish to call attention to is this: almost cotemporaneously with the publication of the second Prayer Book were published the Edwardian articles; and in the article corresponding to our 28th article was a provision relating to the corporal presence of Christ, quite analogous to the present declaration in support of kneeling. Cotemporaneously with that, by Order of Council, but without sanction of Convocation, without sanction of Parliament, by the mere voluntary act of the Order of Council, is annexed to the Prayer Book after it had been published this declaration on kneeling, which introduces the words "real and essential" instead of "real and corporal," I think. I forget the exact words. Now, if they do mean anything different, what does it show? It shows that there was a party in England who were striving *per fas et nefas*, legally and illegally to go ahead of the country in carrying out the Reformation. That is important, because it will throw a great deal of light upon several remarks and several authorities which my learned friend cited; because when your Lordship bears in mind that the downward tendency of Protestantism was urging on a certain party in the country to run ahead of the Reformation as it was carried out by the consent of the country, and carry it out to a further extent, I say it furnishes an additional reason why your Lordship should look with the greatest care and jealousy upon any document being a document not of legally binding effect, which appears to have been issued at that time, and which has been cited by my friend.

(*The Dean of the Arches.*) That which you call the "Black Rubric" of Edward VI., is, "It is not "intended that any adoration is done, or ought to be "done, either under the sacramental bread or wine "there bodily received, or unto any real or essential "presence there being of Christ's natural flesh and "blood." And, as you know, that in our present Prayer Book is altered into "corporal presence" leaving the real presence untouched. But I do not think it was substituted for anything in the first book. I do not think there was any such Rubric in the first Prayer Book.

(*Mr. Prideaux.*) There was no Rubric, but there was the article.

(*The Dean of the Arches.*) There was a direction that the sacrament of Christ's body should be received in the mouth. I thought you said that the words "real and essential presence" are a substitution of something in the first book.

(*Mr. Prideaux.*) I say they are an attempt to go ahead of the Article. If I said the other I expressed myself incorrectly. What I meant to say is this, that in the first set of articles (King Edward's articles), which came out almost cotemporaneously with King Edward's Prayer Book, there is a provision in the article upon the Lord's Supper, entirely analogous to our present Black Rubric.

(*The Dean of the Arches.*) Yes, I have a note of that.

(*Mr. Prideaux.*) Then I say, that although that shows the mind of the Convocation certainly at that time, and although no mind contrary to that was ever expressed by the Legislature, some of those advanced go-ahead Protestants, who wanted to deprive the Church as far as they could of Catholic truth and Catholic discipline went ahead of that by illegally tacking on that declaration, and attempted to carry the reformed views with reference to the blessed Sacrament further than they are by the Article.

(*The Dean of the Arches.*) As at present advised, I hardly see how this Rubric bears on the question of lights?

(*Mr. Prideaux.*) Only in this way, my Lord. I cite it for the purpose of showing that there was a very advanced party in the country at that time, who were trying to carry out the Reformation to a further extent than Convocation, and the country were willing to carry it; and therefore, that your Lordship must regard with great caution any independent documents not being documents of a legal character, which are cited for the purpose of showing an advance in the Reformation. And further than that I say that the fair inference is that the country as a whole—the country who spoke by the Prayer Book, and the country as regards the clergy who spoke by their Convocation, hung back and were desirous, if possible, to retain such of the old doctrine and discipline as they found, saw, and believed to be consistent with the one Catholic faith. Therefore that raises an additional presumption that Parliament, acting under the control in this matter of Queen Elizabeth, would have intended to carry out to the fullest extent the provision that whatever was lawful under the first book of King

Edward VI. should be lawful still. I do not know that it has any other direct bearing on the case; and I think that the real secret of my discussion upon this particular point is, that having referred to that for some special purpose, and seeing that it had a bearing on the further part of the case, probably I may have shot off at a tangent, to a certain extent, to another part of the case. Again, there is the case of the linen cloth, for example, to which I have already called your Lordship's attention. But the main point which I am now really discussing is this: I say that any ornaments which were used under the first Prayer Book of Edward VI. (and the first Prayer Book derived its authority from the Act of Parliament so far as it was binding on the country) may fairly be said within the meaning of that Rubric to have been ornaments used by authority of Parliament in the second year of King Edward VI., that is to say, to have been used in the performance of divine service when the performance of divine service was regulated according to the provisions of the first Act of Uniformity, and when it would be unlawful to perform divine service excepting according to the provisions of that book. My Lord, you have a double view presented to you by the Privy Council. The question is, which are you to adopt. I am respectfully insisting that the language of the Rubric is satisfied by adopting the wider interpretation. I am respectfully insisting that every probability of the case, as well as the fair and natural interpretation of language, is that the intention of Queen Elizabeth's Parliament in the first instance, and of the Parliament at the time when the present Prayer Book was drawn up in the second, was, so far as the use of ornaments is concerned, to resort to the status which existed under the first Prayer Book of King Edward VI., of course as far as that status is consistent with the expressed terms and language of the subsequent Prayer Books. I submit that is a view which is well worthy of consideration, and I venture to hope that it is a view which your Lordship will adopt; because if you do adopt it I think one thing is quite clear and certain—that there cannot be a doubt candles were used *de facto* and that they could lawfully be used (for that is the real meaning of the passage I apprehend) *de jure* under the first Prayer Book of Edward VI.

Now I beg to call your Lordship's attention to a letter written by Martin Bucer and Paul Fagius to the Ministers at Strasburg. You will find it in the 44th page of the English Church Union Case.

(*The Dean of the Arches.*) I suppose they refer to an authority for that letter.

(*Mr. Prideaux.*) Yes, my Lord. I was going to give your Lordship the original reference. It is from the "Original Letters," published by the Parker Society, p. 535, and it is dated April 26, 1549, that is just before the first Prayer Book. It is important because I shall cite you another letter afterwards, and those two letters will show your Lordship, *de facto*, that those candles were used, and I will ask your Lordship to bear in mind that we have nothing to do with anything beyond the moment after this Act of Parliament was passed; if the moment this Act was passed these candles could lawfully be used, we have nothing in the world to do with anything else. "We yesterday waited upon the Archbishop of "Canterbury, that most benevolent and kind father "of the Churches, who receives and entertains us "as brethren. The cause of religion as far as apper- "tains to the establishment of doctrines and the "definition of rites" (evidently showing there that the word "rites" is used in the sense in which I contend it ought to be used in the penal clause, namely, having reference to the form and order of the service) "is pretty near what could be wished." [Here they enlarge upon the need of a suitable ministry.] "As soon as the description of the cere- "monies now in use shall have been translated into "Latin we will send it to you. We hear that some "concessions have been made both to a respect for "antiquity and to the infirmity of the present age, "such, for instance, as the vestments commonly used "in the Sacrament of the Eucharist and the use of "candles, so also in regard to the commemoration of "the dead and the use of chrism, for we know to what "extent or in what sort it prevails. They affirm "that there is no superstition in these things." Now this is important, as showing that at the time when the Act of Parliament passed, those who framed the Act did not regard the burning of candles on the altar as symbolising Popish superstition. "They affirm "there is no superstition in these things, and that "they are only to be retained for a time, lest the "people, not having yet learned Christ, should be "deterred by too extensive inno vations from em- "bracing His religion, and that rather they may be "won over."

Now I do not care for how short a time they might have been retained so far as this question is concerned. The question here is *eo instanti*. If these candles are ornaments, the question is *eo instanti* that Act of Parliament passed, was it lawful to use them and were they used *de facto* at first? I do not believe that is necessary, but I believe there is no doubt they were. These gentlemen, who were Puritan-minded men, as your Lordship knows, of some eminence, would have been very glad to get rid of these matters, and they make inquiry, and they say they are to be retained. They affirm that "there is no "superstition in these things, and that they are only "to be retained for a time, lest the people, not having "yet learned Christ, should be deterred by too ex- "tensive innovations from embracing His religion, "and that rather they may be won over," and then they hope they will be got rid of hereafter. We have nothing to do with the getting rid of hereafter; but I say the strong reason given here of the intention strengthens and supports my argument, when I say that the fair construction to be put upon this matter is that candles did continue lawfully in use under the first Prayer Book. Slight attempts were made to get rid of these candles afterwards, but that does not affect the question at all, and is quite against the inference, which he is not warranted in drawing as I submit, of Dr. Cardwell that those injunctions afterwards (the date is not at all ascertained, although he professes to give it) indicated the mind of the reformers upon the construction of the Prayer Book. I say as far as they are of any weight at all they carry out the suggestion which is found here. They affirm "that there is no superstition in these things, and "that they are only to be retained for a time, lest "the people not having yet learned Christ should be "deterred by too extensive innovations from em- "bracing His religion and that rather they may be "won over."

Now, my Lord, that may interpret those one or two injunctions which my learned friend relies on, issued at some period after the Prayer Book was passed when some of the more go-a-head members of the Reformation party may possibly have fancied that the time had come when these things were no longer to be retained; but the question we have to consider is whether upon the true construction of the statute (looking at the contemporary history of the times if we cannot construe the statute otherwise, but if we can we have no right to look at the contemporary history of the times) it was not intended that at the time that the first Prayer Book came into use candles should be used upon the altar, because if it was then Dr. Lushington himself admits that we have nothing to do with any alteration in the law which was made afterwards. If it be conceded that these candles are ornaments then the simple question as apart from the question, whether you are to take the words "used under" or the word "prescribed," assuming that I am right in my first position, the simple question is were those candles used, and were they lawfully used under the first Prayer Book of Edward VI., on the very day the Prayer Book came into operation? that is enough for my purpose. If they were, it does not signify one straw, as far as this question is concerned, even if

they had been rendered absolutely illegal on the second day.

(*The Dean of the Arches.*) You say that is dated April 26th 1549.

(*Mr. Prideaux.*) Yes, my Lord.

(*The Dean of the Arches.*) I see one of these editions of the Prayer Book is dated May 1549.

(*Mr. Prideaux.*) It came out very shortly afterwards. It is a contemporaneous document, in fact.

(*The Dean of the Arches.*) According to the liturgical services I see it says, "A.D. 1549, Mense Maii." It is the edition of Whitchurch, and is taken from the British Museum. April and May are very close together.

(*Mr. Prideaux.*) It is substantially a contemporaneous document bearing testimony to that which I submit is the only inference which can fairly be drawn from the language of the Act of Parliament, namely, that it was intended that the use of candles should be continued as lawful ornaments in the service under the first Prayer Book of King Edward VI. Then if they were not legally forbidden, I may urge the argument upon your Lordship which I have already urged upon you, and which applies to every matter in this case, you may be quite sure they were used; because men do not give up their old practices and usages unless under some power of law or other power they are compelled to do so. Therefore, I say if *de jure* these candles were lawful under the first Prayer Book of Edward VI. (and I believe I have shown that they were lawful), then we may take it they were in use in the Church of England within the true meaning of that word; and there can be no doubt they were *de facto* used. But very fortunately for this question we have a letter written very shortly after the first Prayer Book which sets that matter at rest, and which clearly shows that they were used at that time.

(*The Dean of the Arches.*) Give me the date of that second letter?

(*Mr. Prideaux.*) It is from John Hooper to Henry Bullinger, 7th December 1549, Original Letters, Parker Society, page 71. In the Church Union case it is in page 46, and the object of it is to show a *de facto* use.

(*The Dean of the Arches.*) If there is any particular passage you had better read it.

(*Mr. Prideaux.*) "The altars are here in many "churches changed into tables. The public cele- "bration of the Lord's Supper is celebrated three "times a-day. Where they used heretofore to cele- "brate in the morning the Mass of the Apostles, they "have now the Communion of the Apostles; where "they had the Mass of the Blessed Virgin, they have "now the Communion which they call the Communion "of the Virgin; where they had the principal or "High Mass, they now have, as they call it, the "High Communion. They still retain their vest- "ments and the candles before the altars."

Adjourned to Wednesday at 11 o'clock.

NINTH DAY.

Wednesday, January 15th, 1868.

(*Mr. Prideaux.*) My Lord, I am desirous of carrying out a suggestion which I can quite feel on public grounds your Lordship has deemed it necessary to be followed, and I have therefore endeavoured to compress my argument as much as I can, feeling that in addressing the tribunal which I have the honour to address I need do little more than just refer to the authorities which I shall have to cite in support of my case. At the same time there are several that it will be my duty to refer to, and I will do so as briefly as I can, simply reading those parts which appear to me to be very material and essential.

(*The Dean of the Arches.*) Pray do not curtail the legitimate extent of your argument, Mr. Prideaux. I only wish to impress upon counsel that the time of the Court is the time of the public. I have nothing to complain of whatever; on the contrary.

(*Mr. Prideaux.*) I am quite sure your Lordship did not say it in the spirit of complaint, and I am desirous of meeting your Lordship's views as far as I can consistently with what I owe to my client in this very serious and important case.

Before I go on with the thread of my argument I will take the liberty of reading a short passage from a book which my friend, Mr. Coleridge, has cited as of great authority, and which tends to illustrate strongly two of the positions which I have ventured to lay down in addressing your Lordship, namely, the real object of directing that the services should be performed according to the Use of the Church of England, taining the true meaning of the words "by authority of almost ent" in the Ornaments Rubric. My Lord, I second h great advantage which my friend, Mr. articles; anes not enjoy, and that is, I know that article was seeking to maintain is the truth, and sence of Christ to any authority however ancient ration in suppodence that if I do not find anything with that, by Ordi not find anything prejudicial to of Convocation, wit am quite sure that unless my the mere voluntary acwn and acknowledged Puritan annexed to the Prayer very book and every autholished this declaration on th fear and trembling lest the words "real and essent against him. Now, the book to which I refer is Maskell's Ancient Liturgies; and the passage is in the very first page of the preface. The book was published as long ago as the year 1846, and, therefore, it is quite clear that no suggestion in the nature of *post litem motam* can be urged against the fair weight to be given to this passage. It is this —I will begin at the beginning for it is very short:— "In the division entitled 'Concerning the service of "the Church,' which succeeds, if indeed it does not "rather form a part of the preface to our present "Book of Common Prayer, we find the following:— "'And whereas heretofore there hath been great "'diversity in saying and singing in churches within "'this realm; some following Salisbury Use, some "'Hereford Use, some the Use of Bangor, some the "'Use of York, and some of Lincoln, now from hence- "'forth all the whole realm shall have but one Use.' "In this passage the word 'heretofore' does not relate "to the time immediately preceding the last review of "the Common Prayer in 1662; for during more than "100 years, with the exception of the period of "rebellion and heretical ascendancy, there had been "only one use"—of what? "of saying and singing in "churches. We must go back to the beginning of the "reign of Queen Elizabeth, and beyond that again to "the year 1549, when the first book of King Edward "VI., having been approved by Convocation, was put "forth and enjoined by authority of the Parliament "and the Crown." Now, that shows, at any rate in the estimation of Mr. Maskell (writing *ante litem motam*), that the object of the present Prayer Book was to secure the singing and saying of the services of the Church according to the Use of the Church of England, and shows consequently (I apprehend that that construction is one warranted by the judgment of the Judicial Committee of the Privy Council —indeed it is the one which I was venturing to submit even upon strict legal grounds ought to be adopted by your Lordship) that by "authority of Parliament in the second year of King Edward VI.," is meant that the services are to be said and sung according to the use enjoined at a time when the first book having been appointed by Convocation was put forth and

enjoined by authority of the Parliament and the Crown. That is to say, the true meaning of the words "by authority of Parliament" in that Prayer Book is that you are to perform the services (and of course, all those incidental matters which spring out of and are part and parcel of the services) according to the Use of the Church of England; and that you are entitled in carrying out that use to avail yourselves of all the ornaments which were lawfully in use in the Church of England when the divine service was regulated by authority of Parliament under that Act.

(*The Dean of the Arches.*) What do you say is your construction of "by authority of Parliament"?

(*Mr. Prideaux.*) I say that the real object of the words "by authority of Parliament," is to point to the first book, that is my contention; and that "by authority of Parliament" does not mean according to the words of the first book that everything which is not actually and specifically prescribed is excluded; but I say the object is to say that the services are to be said and sung, and in all respects conducted in such a manner as they were authorized to be said and sung, when the saying and singing was regulated by authority of Parliament in the second year of King Edward VI.

(*The Dean of the Arches.*) That is to say by the first Prayer Book.

(*Mr. Prideaux.*) By the first Prayer Book, and I say that construction of that passage bears out the construction which I say upon true legal principles your Lordship ought to put on the language of the Rubric as interpreted by the judgment of the Judicial Committee of the Privy Council; because of course as I have already said, I should be going beyond my duty and I should not be behaving with that due propriety which I hope will always guide me, if I were to ask the Court to put any construction on these words which is not fairly warranted by the Judgment of the Judicial Committee. Therefore, I do not ask your Lordship to inquire into the question whether or not the term "authority of Parliament" may include any Injunction or any other matter not covered by the usage of the first book.

Now there are two other collateral matters—three in fact—which I will just refer to. One of them is an authority with which I have been furnished today, which appears to me, if my friend's construction be correct, to be utterly inconsistent and inconceivable. I am reading at the present moment from "The History of the Prayer Book and other Books of "Authority, by the Rev. Thomas Lathbury." This book I have no doubt is well known to your Lordship. The author is a gentleman who has written the history of Convocation and the history of the Prayer Book, and of whom I am sorry to say, by that fate which must come sooner or later to all of us, we have been deprived.

(*The Dean of the Arches.*) Is he dead then?

(*Mr. Prideaux.*) Yes, my Lord, he died about a half a year ago, at Clifton, where he resided. I am reading from page 150 of the book I referred to, under the title "Rubrics and Canons." I am sorry my friend Mr. Stephens is not here to hear what I am going to read because I should like to see his start of surprise. "Some of the customs of this period (the "20th of James) are now quite forgotten. An order "was made by the Chancellor of Norwich that "women coming to be churched should wear a white "veil. An individual refused"—now when I cite authorities I show that they are acted upon judicially; my friend only refers to a few Visitation Articles which at most can only show that the bishop thought he was carrying out that discretion which he supposed or thought he had. "An individual refused and she "was excommunicated. She prayed for a prohibition "of the sentence, alleging that no canon enjoined the "practice, and that custom was not sufficient. The "Judges consulted the Archbishop, who convened "his suffragans on the occasion. The prelates certified "that it was an ancient practice, and the judges "confirmed the decision of the Ecclesiastical Court, "refusing the prohibition."

(*The Dean of the Arches.*) What is the date of that?

(*Mr. Prideaux.*) 20th James I. I have the case here, my Lord; it is Eliza Shipton's case against Dr. Redman, the Chancellor of Norwich. It is a very remarkable case reported in Palmer's Reports, page 296. I do not trouble your Lordship with reading the report, but it bears out the same thing. It is alleged that it is not allowed by any canon or other law of the English Church. However I do not think I need trouble your Lordship with it.

(*The Dean of the Arches.*) Allow me to look at that for a moment. (*The book was handed to the Court.*)

(*Mr. Prideaux.*) It is a case which to my mind is almost conclusive against my friend's argument. This lady does not pretend simply to put her defence on the ground that it is not mentioned in the Prayer Book—she does not go that length, but she says there is no such direction in any canon; and the judges, upon prohibition being moved, feeling that that is specially a matter for ecclesiastical cognizance, consult the bishops, and they call a meeting that the matter may be most seriously and solemnly considered. The bishops report that it is an ancient practice of the English Church, and the prohibition is refused.

(*The Dean of the Arches.*) It is speaking of the old time I should think, because it says, "Sur que "contemt excommunicato et un certificate fait de ceo "al chancry: sur q̄ un br̃e de excommunicato "capiendo fuit d'estre agard vers luy et p̄ ceo pre-"venter et d'etre assayled et prya un prohibicion p̄ "motion de Sergt. Otto in Banco Regina alledging "q'est un novel ley nient allowed pour aucun custoume "ou canon ou auter ley de Eglise de Angleterre; et "dit q'est prerogative de cest Court mayntainer free-"dom de subjects del foreigne innovations et con-"cluder chacun Court deins lour bounds: Mes il "offre al Court q̄ so foet aucun custoume ou ley "d'Eglise de Angleterre q̄ ces command q̄ la clyent "ces voil obey: Mes quia fuit novel case q̄ ferra "un president"—that is that it would make a precedent,—"les judges desire de aver la resolution de "Archeveque de Canterbury et il convene tout les "eveques que fueront al Londres. Et il m̄ et le autre "eveques resolve et certify q̄ fuit le ancient custome "de Eglise d'Angleterre,"—they prove it was ancient custom.

(*Mr. Prideaux.*) They prove it was an ancient custom and the Court refused the prohibition.

(*The Dean of the Arches.*) "Et cest resolution fuit "declared pour Leu C. J. in Court. Et sur ces le pro-"hibition denyed d'estre granted."

(*Mr. Prideaux.*) Therefore I say that is a case entirely in my favour. I will just show my friend the passage, because he has been very kind to me lately.

(*Mr. Stephens.*) I am very much obliged to you. All that you have shown to me has been of service hitherto.

(*Mr. Prideaux.*) I shall be very much obliged to you if you can show me how that can be of use to you.

(*The Dean of the Arches.*) "*O qui complexus et guadia quanta fuerunt!*"

(*Mr. Prideaux.*) I will just direct your Lordship's attention to a letter published in the Domestic State Papers, which I have no doubt your Lordship is well acquainted with, and which is set out in the 45th page of the English Church Union case. It is a letter "from the Duke of Somerset to Cardinal Pole, dated June 4, 1549, and replying to the Cardinal's letters 'of the Sixth of Mai.'" In it the duke (after discussing some questions as to the relative claims and positions of England and the Roman See) informs the cardinal, who was then at Rome, of the completion of the new Prayer Book.

The Dean of the Arches.) This is the Duke of Somerset's letter.

(*Mr. Prideaux.*) Yes, my Lord, to Cardinal Pole, speaking of the completion of the new Prayer Book.

(*The Dean of the Arches.*) What Prayer Book is he speaking of then?

(*Mr. Prideaux.*) The first Prayer Book of Edward VI.; it is dated, "June 4th, 1549," and he informs the Cardinal, who was then at Rome, of the completion of the new Prayer Book, "and tells him, 'We have "delivered to those which brought your letters the "Boke of Common Service, the same whereof heir "before we have spoken, agreed on in the Parlia-"ment.' He further invites his judgment upon it, "expressing his belief that the Cardinal 'shall be "satisfied' if he should point out 'eny faulte' in it, "and concludes by inviting him to return to England, "adding, 'we are not in much feare but that it may "'well be if ye did se thinges here with your eyes, and "'conferred with learned men the reasons and causes "'of our doinges, the which now ye do not learn, "'but by report, which in tyme and distance en-"'creaseth, and made them which favoreth not the "'thing ys exaggerated to the worse; ye wold per-"'adventure condiscend yourself, and be in all poyntes "' satisfied, as at this present many both of busshops "'and other learned men be, which at the first did "'miche repyne. Fare you well.'" My Lord, I only cite that for this simple purpose, to show that if the construction which I venture to put upon the Prayer Books, and upon that Prayer Book among the rest, be correct, and if all the essential elements of the great Eucharistic sacrifice are retained in it, and all the essential ceremonial which has ever been so dear to the Catholic Church are lawful under it, it is quite consistent.

(*The Dean of the Arches.*) The letter is not printed yet?

(*Mr. Prideaux.*) No.

(*The Dean of the Arches.*) I mean it is a manuscript letter in the Record Office?

(*Mr. Prideaux.*) Precisely; but there is no doubt about its being there.

(*The Dean of the Arches.*) I did not mean that; I only meant I do not remember it among the Parker Society's letters.

(*Mr. Prideaux.*) No, my Lord. It is a very important letter, because if my friend's construction be true, it would be perfectly idle to write to a cardinal of the Roman branch of the Holy Catholic Church in this strain.

(*The Dean of the Arches.*) It is a very remarkable letter certainly.

(*Mr. Prideaux.*) Telling him that if he would carefully consider the matter there would be every reason to believe that he would be fully satisfied. But if my contention be true that all the essentials of the great Eucharistic sacrifice were retained in that book, and that all that is at all essentially material in the celebration of that great Eucharistic rite according to the views of the Church of Rome may lawfully be practised in the Church of England, then, and in that view only, I can well understand that a man might gravely and seriously write to the Cardinal and tell him, "We "have only altered the use; it is as much a use of the "Catholic Church as the Hereford and the Sarum, "and the Bangor, and the York Use; you have "never objected to celebrate divine service according "to those Uses; if you will only look fairly and "honestly at the present Use you will find that in all "essentials it adheres to the views, and the doctrines, "and the practices, and the ceremonial of the Catholic "Church. Every national Church—this cannot be "denied—before the Act of Parliament and every "province and every bishopric to a certain extent, "had the right of regulating its own Use. We feel "that for certain political purposes it is desirable that "there should be a single Use; but it is a Use of the "same great service; it is a Use sanctioning all the "essential parts of the same great ceremony; and if "you will only carefully and impartially, and without "prejudiced eyes, look at it, you will be fully satis-"fied." And your Lordship is aware—I forget when, but I think it was in the time of Elizabeth, when a still less stringent book in its terms, as regards ritual, was in force,—his Holiness the Pope was very much disposed to sanction the book. I have no doubt the reference can be given to your Lordship for that; but I am sure your Lordship is aware that upon certain very moderate conditions which his Holiness required, he expressed a willingness to sanction the book.

(*The Dean of the Arches.*) There is no doubt that Roman Catholics for many years attended our churches in Elizabeth's reign?

(*Mr. Prideaux.*) Yes; and what was required was nothing but what was essential.

(*The Dean of the Arches.*) In fact that practice went on until the Bull of excommunication.

(*Mr. Prideaux.*) Precisely; and the real truth is, although I desire to speak with respect of that great Queen, Elizabeth, that I very much suspect that Mary, Queen of Scots, stood in the way of the arrangement at that time.

Now, one other reference which is very remarkable for the purpose of showing that as regards ceremonial the Prayer Book was not intended to be exhaustive of the method of carrying out the ceremonies of the Lord's Supper.

(*The Dean of the Arches.*) You say "as regards ceremonial," you have drawn a distinction, have you not, between ceremony and ceremonial all through?

(*Mr. Prideaux.*) Yes, my Lord, I have, and I do. I am speaking now with regard to the method of carrying on the ceremonies. This is a very remarkable passage in my humble judgment—it is a direction for saying the General Confession in the office for the celebration of the Holy Communion; and perhaps I may mention that probably there never was a more extraordinary mistake than that which my friend Mr. Coleridge made in his reference to the present Prayer Book. He says, it is true the word "priest" was introduced; but if you come to look at the Prayer Book you find that exactly in those places where you would expect to find the word "priest," if the intention was to recognize the sacrificial office, it is omitted. That was the argument of my friend Mr. Coleridge. Now the fact is just the reverse. If you will look at the Morning Prayer you find the first part is directed to be performed by the minister; but by whom is the absolution to be pronounced? "By the priest alone." If your Lordship looks at the directions for the absolution in the Communion Service, by whom is it to be pronounced? By the priest. If your Lordship looks at the ritual directions with reference to the consecration, by whom is the bread and the cup to be taken and to be consecrated? By the priest. And the word "minister" appears to be used in some cases specially for the purpose of drawing a distinction and showing where there may be a mere ministerial act, and where, according to the view of the compilers of the present Prayer Book who introduced the word "priest" into the Act against the protest of the Puritans, the priestly act is clearly to be recognised. Now what I wish to call your Lordship's attention to is this:——

(*The Dean of the Arches.*) How do you say the word "minister" is introduced? What is your argument upon that? I understand your argument with regard to the word "priest," but that with regard to the word "minister" I do not quite catch.

(*Mr. Prideaux.*) I think that is comparatively an indifferent part of my argument; but what I mean to say is this: in places where, for instance, a deacon might act, where the act is not one which according to the universal doctrine of the Catholic Church belongs to the priestly office, you frequently find the word "minister;" but I will undertake to say that throughout the Prayer Book, wherever the act is a priestly act, that which the priest alone can perform, there you find the word "priest."

Now, my Lord, the Rubric to which I desire to call your attention is this. My friend talked a great deal about acolytes, and servers, and ministers, and so

forth, and "all that kind of foppery," I think he said.

(*The Dean of the Arches.*) I have nothing to do with that in this case; there is no charge about acolytes.

(*Mr. Prideaux.*) I am quite aware of that, and I merely mention it incidentally. My object is to show that these Rubrics show that the Prayer Book did not intend to be exhaustive in these matters; because in this single place, for there is nothing else that can be cited unless it be in general terms referring to the administration of the elements, there is an expression which shows that the Church of England adopts and recognizes the full service with assistant ministers, and, as I submit, with acolytes. That is why I cite it. "Then shall the General Confession be made in the "name of all those who are minded to receive the "Holy Communion," (by whom?) "by one of the "ministers; both he and all the people kneeling "humbly upon their knees." Now, where are there any other directions as to what is to be done by the "ministers" as distinguished from the officiating priest? It clearly means a difference, because in the first Prayer Book the Rubric is "by one of the "ministers or by the priest himself."

(*The Dean of the Arches.*) That is the Rubric before the celebration of the Eucharist.

(*Mr. Prideaux.*) Yes, my Lord; recognizing by a single glance the assistance of the ministers who take their part and did take their part, as your Lordship knows, under the old offices, assisting the priest, and called, in one of Queen Elizabeth's Injunctions, epistollers and gospellers.

(*The Dean of the Arches.*) You do not mean that under the term "ministers" acolytes are included?

(*Mr. Prideaux.*) They may be. I do not mean to say that under that term "ministers" acolytes are included, but I say that passage recognizes the existence of other persons than the officiating minister, taking essential parts in the celebration of the service.

(*The Dean of the Arches.*) Other clergymen?

(*Mr. Prideaux.*) It does not necessarily recognize more than that; but it certainly recognizes other clergymen, and as fulfilling some official duty in the performance of the service; we get it in the Roman mass "ministri respondeant," and so on.

I do not press this argument as one of very great weight, but I do say that it was the old practice at the high celebration.

(*The Dean of the Arches.*) In the passage that you have just read from the Roman Missal, what interpretation do you put upon "ministri respondeant;" surely persons in holy orders, are they not?

(*Mr. Prideaux.*) No doubt it means they are persons in holy orders.

(*The Dean of the Arches.*) It must be so, of course.

(*Mr. Prideaux.*) Yes. All that I mean to say is, that in the Roman Missal you have for the most part direct instructions when the "*ministri*" are to act and when the celebrating priest is to act.

(*The Dean of the Arches.*) You mean there is distinction drawn between the presbyter and the ministri?

(*Mr. Prideaux.*) Yes, my Lord, and I say it is only a glimpse in the passage that I have cited; because this is the only passage except that relating to the administration of the holy elements in which it is glimpsed at.

(*The Dean of the Arches.*) But what inference do you draw?

(*Mr. Prideaux.*) The inference is that on the direction contained in the Prayer Book you cannot suppose that the "ministers" are to be introduced simply that one of them in the name of the people may repeat the Confession—you cannot suppose that; and therefore I say that it is an incidental recognition of certain forms and ceremonials in the performance of the divine office which are not expressly regulated by the Prayer Book, and must therefore be left to the tradition of the Church. I am reminded that the technical Roman names for what are called in Queen Elizabeth's Injunctions the epistoller and the gospeller (and those very Injunctions recognize the existence of these assistant ministers) is *sacri ministri.*

(*The Dean of the Arches.*) I do not at present see how that helps your argument.

(*Mr. Prideaux.*) I do not place any great reliance upon it, but it helps my argument in this way,—it shows that certain actions and things to be done by certain persons were contemplated in the Prayer Book without being directed; because the only direction given is one single direction that "one of the "ministers" is to say the General Confession in the name of the people. I merely throw this in as an incidental argument.

And now, my Lord, I come to the question of lights, and I am happy to say that I shall not feel it necessary to occupy your Lordship upon that subject at any very great length. I have already stated that so far as the original validity——

(*The Dean of the Arches.*) You left off after having read that last letter to me, written in 1549, from Hooper I think it was.

(*Mr. Prideaux.*) Stating that they had retained their vestments and candles.

(*The Dean of the Arches.*) But it was after the first Prayer Book, I think, that Hooper wrote to Bullinger to say that they had retained the vestments and the candles.

(*Mr. Prideaux.*) Yes, my Lord. Therefore, I contend that the lights were *de jure* and *de facto* in use. I have already submitted that it is enough if they were *de jure* in use—that is, if they might have been used. I say they were *de jure* and *de facto* in use at the time when the first Prayer Book came into use. If that be so, then as this question is to be decided by the exact state of the law at that time, and as we have nothing to do with what alterations may have been made in the law afterwards, I submit that if I am right in the view which I venture to say your Lordship will be justified in taking of the language of the Judicial Committee of the Privy Council upon the meaning of that Ornaments Rubric, even supposing the lights to be used in the service within the meaning of that judgment, so as to be ornaments,—I say the case is proved against my friend without any further evidence.

(*The Dean of the Arches.*) Are you aware that in Lyndwode a distinction is taken between "ornamenta" and "utensilia."

(*Mr. Prideaux.*) No, my Lord, I am not. I merely throw that observation in incidentally, I do not specially rely upon it. But I do rely a great deal upon there being no direction to put lights on the altar in the Sarum Use; and I do throw that catalogue of lights and ornaments into the argument.

(*The Dean of the Arches.*) You will find it if it is necessary to look at it in the *De officii Archidiaconi*, Lib. 1. Tit. X. It is rather a remarkable passage, stating what it is the duty of an archdeacon to do. "Archidiaconi est prospicere ut Sacramenta rite "conserventur et administrentur, atque potissimum "Eucharistia et sanctum oleum sub clavibus custo-"dientur. Ornamenta quoque ecclesiarum ab eodem "visitentur et possessiones recenseantur."

Then there is the gloss of the learned editor of Lyndwode, which we know contains the most valuable information on the meaning of the words "utensilia" and "ornamenta," and a distinction is drawn between the two.

(*Mr. Prideaux.*) If your Lordship would spare that and would allow my friend Dr. Littledale to look at it I should be obliged.

(*The Dean of the Arches.*) As you are on the subject it is well to have every part of it discussed. It says, "*Ornamenta:* Quæ sic dicta sunt, quia eorum "cultu Ecclesiæ ornantur et decorantur. Sunt nam-"que secundum *Januen* decus, gloria, laus, dignitas, "sive preciosa vestimenta seu jocalia quorum cultu "Ecclesiæ decorantur." Then as to "utensilia," he

says, " *Utensilia* : i.e. ad utendum apta sive necessaria. " Hæc autem alibi vocantur Cimelia." Then he says, " Et per hac Utensilia intelliguntur vasa Ecclesiæ " quæcunque, sacrata vel non sacrata." He takes a distinction. Assuming that what is found in Lyndwood can throw light on the language of the Rubric, there would appear to be a distinction taken according to this ancient order, which I think is the order of Archbishop Chicheley, between " ornamenta " and " utensilia." I do not know whether anything will turn upon that.

(*Mr. Prideaux.*) I am very much obliged to your Lordship for calling my attention to it. Perhaps you will lend it to my friend, Dr. Littledale, while I go on with the argument.

(*The Dean of the Arches.*) I was not aware till lately that there was that distinction taken between " utensilia " and " ornamenta."

(*Mr. Prideaux.*) As I have stated upon this point, I quite follow the view of my learned friend, Mr. James; and I say I may rest upon the decision of the Dean of the Arches in the Westerton case as of sufficient authority in this Court to establish the legality of these Injunctions as having the authority of an Act of Parliament.

(*The Dean of the Arches.*) Then you contend that they were valid injunctions clothed with the authority of an Act of Parliament, and that the subsequent repeal of them cannot affect any acts which were done while they were in legal existence. That is your position?

(*Mr. Prideaux.*) That is my position; and moreover I say they were not repealed.

(*The Dean of the Arches.*) You say that also?

(*Mr. Prideaux.*) Yes, my Lord.

(*The Dean of the Arches.*) Then you infer their validity—it is important to understand your theory upon this—you deduce their validity from the Proclamation Act?

(*Mr. Prideaux.*) From the Proclamation Act.

(*The Dean of the Arches.*) Not from any power inherent in the Crown after the authority of the Pope was taken away in this country by Act of Parliament? You do not refer their validity to any authority inherent in the Crown as governor of the ecclesiastical status.

(*Mr. Prideaux.*) No, I do not admit that that would not be enough to give the authority, but I specially refer it to the Proclamation Act.

(*The Dean of the Arches.*) As Sir John Dodson does.

(*Mr. Prideaux.*) Yes; of course I am content, at any rate in this Court, to rest upon the view taken by Sir John Dodson, which certainly was rather upheld than questioned by the Judicial Committee of the Privy Council. But I do not refer only to that; I say that there are certain incidental matters which clearly show that they were of binding authority.

(*The Dean of the Arches.*) It is a very important part of your case.

(*Mr. Prideaux.*) Yes, my Lord, I feel it to be so. First of all I will just refer, without stopping to point out particular articles to those Injunctions and Visitation Articles subsequently issued which treat them as valid.

(*The Dean of the Arches.*) You refer to subsequent Injunctions; those Injunctions, if I remember rightly, are referred to in the first Prayer Book?

(*Mr. Prideaux.*) Yes, my Lord, I am coming to that. I say that even if they are repealed they are set up in the first Prayer Book; they are referred to in the plural number. It is an important passage, and I will just read it to your Lordship once more. It is the first Rubric after "the office of the Communion commonly called the Mass," in the first Prayer Book relating to the saying or singing of the Liturgy, which your Lordship will remember is directed to be said or sung by one of those very Injunctions, I forget which at this moment: " upon Wednesdays " and Fridays the English Litany shall be said or sung " in all places after such form as is appointed."

(*The Dean of the Arches.*) Where is this?

(*Mr. Prideaux.*) It is page 97 of the Liturgies of Edward VI. It is the very first Rubric after the Communion Office in the first Prayer Book. " The " English Litany shall be said or sung in all places after " such form as is appointed by the King's Majesty's " Injunctions." Now I say that that is a statutable recognition of these Injunctions; and what is much more it is an incorporation of these Injunctions into the present Prayer Book. So that even if your Lordship is bound to adopt the narrower construction put by the Judicial Committee upon the Ornaments Rubric, I say that by virtue of these words "after such " form as is appointed by the King's Majesty's In- " junctions,"—the retaining of these two lights is prescribed by the Prayer Book established by authority of Parliament in the second year of the reign of Edward VI.

(*The Dean of the Arches.*) There were no other Injunctions which could be referred to at that time —those were the only Injunctions extant at that time?

(*Mr. Prideaux.*) Those were the only Injunctions extant at that time, and certainly the only injunctions relating——

(*Mr. James.*) Your Lordship sees it is called the King's Majesty's Injunctions.

(*The Dean of the Arches.*) The King's Majesty's Injunctions—that is what I mean—referring evidently to the King upon the throne at that time.

(*Mr. James.*) Precisely.

(*Mr. Prideaux.*) That passage is very material; first because it is a recognition of the legality of the Injunctions; and secondly because it is an incorporation of the Injunctions into the first Prayer Book. Therefore, whatever is prescribed by the Injunctions is prescribed by the first Prayer Book into which they are incorporated, and therefore even according to the stricter interpretation of the Judicial Committee of the Privy Council, candles on the high altar are ornaments not merely in use under, but are ornaments prescribed by " the authority of Parliament."

(*The Dean of the Arches.*) That is to say lighted candles.

(*Mr. Prideaux.*) Lighted candles of course, my Lord. I think a great deal has been said upon that which really has no bearing upon this case. I take it whenever candles are mentioned lighted candles are meant.

(*The Dean of the Arches.*) Do you remember that passage about " lumina."

(*Mr. Prideaux.*) Oh yes, my Lord; but I never will believe that it was the intention of the Reformers to introduce an ornament into the Church which was to symbolize a Church deprived of sacramental grace.

(*The Dean of the Arches.*) I do not know who it was that was sent to the Tower.

(*Mr. Stephens.*) Andrew Marvel. There is a reference to it in Robertson.

(*The Dean of the Arches.*) It is referred to in Fuller's Church History.

(*Mr. Prideaux.*) At any rate the Injunction directs that they shall be lighted.

(*The Dean of the Arches.*) Yes, but that is another thing. I thought you were referring to the practice. You say that where candles are mentioned lighted candles are meant.

(*Mr. Prideaux.*) Lighted candles are meant; but I say that it is not material for me to consider that point there, because I say it is quite clear that what the Injunction meant was lighted candles.

(*The Dean of the Arches.*) Let me ask you, did the Injunction mean that they should be lighted during the whole service, or lighted at a particular time—supposing you are correct in your argument?

(*Mr. Prideaux.*) My Lord, I apprehend that the Injunction means exactly the same thing as the canon of Archbishop Reynolds.

(*The Dean of the Arches.*) That is in Lyndwode, the passage I referred to the other day.

(*Mr. Prideaux.*) Precisely, and the canon says "Tempore quo solennia missarum peraguntur." It "says in Lyndwode "Duæ candelæ vel ad minus una.'

(*The Dean of the Arches.*) Representing *Splendorem Christi.*

(*Mr. Prideaux.*) Yes. I say the Injunction is carrying out the same order which Archbishop Reynolds made.

(*The Dean of the Arches.*) Why would any Injunction accord ng to your argument be necessary if the old law remained in force where it was not expressly forbidden.

(*Mr. Prideaux.*) I do not think it was necessary; and if the Injunctions are not in force you may have candles all over the church. One of my arguments is the fact that candles had been discontinued everywhere else, and that you find them on the altar only; and that those candlesticks are of a peculiar description, showing that they have come down from an earlier period, is a standing and unanswerable proof of the effect of the Injunctions. I put my friend in this dilemma; if these Injunctions are not in force, I say that, according to the constant practice of the Catholic Church, you may have a hundred thousand candles burning during the celebration of the service; you may have "many lights burning in your upper chambers," and that they must have been lit then is quite clear.

(*The Dean of the Arches.*) Then, in fact, the Injunction was to operate as a prohibition, except as to what it enjoins—that is your theory?

(*Mr. Prideaux.*) The Injunction was to act as a prohibition, except as to what it enjoined. That is one of the difficulties my friend has to contend with. If the Injunctions were not in force we have a right to any amount of candles, and we have a right to place them anywhere we like; and the fact that a large number of these candlesticks with candles in them remain to the present day in so many churches of a peculiar construction, and all placed upon the altar, and nowhere else, is a proof, if the matter be looked at according to the fair principles of reasoning and induction, which clearly establishes the validity of these Injunctions, and explains how it is that the lights are to be found there and nowhere else.

(*The Dean of the Arches.*) Then part of your argument presently will be that they were never repealed?

(*Mr. Prideaux.*) Exactly, my Lord, never; I say that they were never repealed.

Now, my Lord, here is a photograph of an old picture of the coronation of William and Mary, which is in the British Museum, and here you have lighted candles. My friend has referred to pictures, and I do not see why I should not take advantage of them too.

(*Mr. Stephens.*) I have no objection to your Lordship seeing these pictures, but there is no evidence of their accuracy. However, I have not the slightest objection to their being exhibited.

(*Mr. James.*) I do not think such an objection would lie in the mouth of my friend Mr. Stephens afterwhat he has produced.

(*Mr. Prideaux.*) All I can say is, that if I were to stand upon strictness of objection, I should have shut out nine-tenths of my friend's argument.

(*The Dean of the Arches.*) He does not take the objection, and therefore you need not trouble yourself to answer it.

(*Mr. Stephens.*) I do not take the objection; I only make the remark that these pictures are not proved.

(*Mr. Prideaux.*) Of course they are not.

(*Mr. Stephens.*) Show them by all manner of means. It must be a bad case that depends upon pictures.

(*Mr. Prideaux.*) Those, my Lord, are the observations that I have to make with reference to lighted candles. There is one passage from the historical introduction of the Prayer Book, page 34, which is worth notice, however. Your Lordship has already glanced at this argument, and it is one of great weight: "It is worth notice, however, that the Book "of Common Prayer, as thus revised in 1559, was "quietly accepted by the great body of Romanist "laity." I think that is very important.

(*The Dean of the Arches.*) There is no doubt about it.

(*Mr. Prideaux.*) "And also that the Pope himself "saw so little to object to in it that he offered to "give the book his full sanction if his authority "were recognized by the Queen and Kingdom."

(*The Dean of the Arches.*) That is a more doubtful historical fact; I do not know whether it is supported by any reference. The other is an unquestionable fact that for three or four years the Roman Catholics came to our churches.

(*Mr. Prideaux*) For 10 years.

(*The Dean of the Arches.*) For some years at all events; I believe until the Bull of excommunication.

(*Mr. Prideaux.*) Until the Bull of excommunication. Then comes a passage from a very great authority, Sir Edward Coke: "As well these "restrained as generally all the Papists in this "kingdom not any of them did refuse to come to our "Church and yield their formal obedience to the "laws established. And those have all continued, "not any one refusing to come to our churches "during the first 10 years of Her Majesty's Govern-"ment."

(*The Dean of the Arches.*) That is a citation from Coke, is it?

(*Mr. Prideaux.*) From Coke: "His Speech and Charge; London, 1607."

(*The Dean of the Arches.*) Where is that to be found?

(*Mr. Prideaux.*) I am reading from Mr. Blunt's book. "See also Camden's Annals of Elizabeth, "1609, edition 1615, page 59."

(*Mr. Stephens.*) I do not know whether your Lordship has got the word "also"—"see also," it is not "see"—in support of the passage.

(*The Dean of the Arches.*) If necessary we must look at Camden himself.

(*Mr. James.*) It may not be material, but the first Act with regard to the Popish recusants was not till the 33 Elizabeth.

(*The Dean of the Arches.*) That was after the Bull of excommunication.

(*Mr. Prideaux.*) Your Lordship will find all here; and among them there is a reference to my learned namesake, Dr. Humphrey Prideaux, in 1638.

(*The Dean of the Arches.*) A very illustrious person.

(*Mr. Prideaux.*) Then I think I have mentioned already—I do not cite them—that with regard to the earlier Injunctions in the Visitation Articles that my friend has cited, they are treated as binding. Your Lordship will remember my friend relied for instance upon Ridley's, in which the instructions are that they are to omit certain things.

(*The Dean of the Arches.*) But that is before the second Prayer Book, is not it?

(*Mr. Prideaux.*) 1550.

(*The Dean of the Arches.*) They are referred to in Ridley's Visitation Articles before the second Prayer Book. I do not know that there is any reference to them in the second Prayer Book.

(*Mr. Prideaux.*) I am not aware whether there is at this moment or not; but at any rate as further proof that they were treated as valid I mention the fact that with regard to these Injunctions certain portions of them which speak of the "Popish Mass" as it is called, are to be omitted from the reading.

(*The Dean of the Arches.*) I think whatever argument you may found upon that, that refers as a matter of fact to a period between the two Prayer Books.

(*Mr. Droop.*) It is in 1550.

(*The Dean of the Arches.*) That would be between the two Prayer Books?

(*Mr. Prideaux.*) It would be; certainly the second Prayer Book has not altered the thing, and I should say that silence upon that matter——

(*The Dean of the Arches.*) I mean are you prepared to give me any authority showing a reference to this later than 1550?

(*Mr. Prideaux.*) Not of a later reference, but there is a remarkable fact that in Grindal's articles, which in many respects follow these Injunctions, enjoining the removal of all candles, tables, and so forth, my friend relied upon the silence about lights on the Lord's board as an argument that they were no longer continued. Now, I think it is pretty clear that if lights were continued in other parts of the church and at other places in connexion with the superstition of images, and so forth, I think it is pretty clear that the lights on the Lord's board would have been continued also. And yet the Injunctions of Grindal forbid only the use of any candles, tables, and so forth. It is quite clear "tables" cannot mean the communion table; and it is equally clear that the Injunction there, which is in fact the same as the 7th injunction of Edward VI., contains no reference whatever to lights on the Lord's table. I say that the silence of these Injunctions is a decisive proof that whatever desire certain prelates may have had to carry out the principle of discretion which they supposed they had at that time, and whatever they may have thought fit to do, I say that the silence of the Injunctions of Grindal with regard to the lights on the Lord's board, whilst he forbids the having lights on tables in any other place, is a strong proof that in the exercise of his judgment, Puritan as he was, he did not desire to put a stop to these lights. And Elizabeth's Injunctions again issued in the first year of her reign, have no reference whatever to these lights; and, my Lord, we know that at any rate in her own chapel those lights were used. Mary, in the meantime, having of course restored them, supposing them to have been taken away. That is a remarkable fact, very strong no doubt, that after they had once been restored by Mary there is no subsequent prohibition of them, although there is a prohibition in general terms of other lights and tables. Unless my friend can go the length of saying that that prohibition takes away the communion table, he certainly cannot say that it takes away lights upon the altar. I do not feel it necessary, unless your Lordship wishes me to answer any question, to detain you further upon that point.

Now I will address myself to the question which your Lordship directed my attention to, of the reserved Sacrament.

(*The Dean of the Arches.*) Just read the words of the Injunction which mentioned the reserved Sacrament, if you have got them there. It makes the argument so much clearer.

(*Mr. Prideaux.*) Yes, my Lord. It is a very important Injunction and throws a great deal of light upon this question. It is the third: "Item. All "such images as they know in any of their cures "to be or have been so abused with pilgrimages or "offerings of anything made thereunto, or shall "be hereafter censed unto, they and none other "private persons shall for the avoiding of that most "detestable offence of idolatry forthwith take or "cause to be taken down or destroy the same; and "shall suffer from henceforth no torches or candles, "tapers or images of wax, to be set afore any "image or picture; but only two lights on the "High Altar before the Sacrament, which for the "signification that Christ is the very true light of "the world they shall suffer to remain still."

(*The Dean of the Arches.*) Now you are going to explain the meaning of those words "before the Sacrament."

(*Mr. Prideaux.*) Yes, and before I enter into the detail of that question I will just mention one or two reasons in order that I may show your Lordship the exact tenor of the argument which I venture to address in support of my reason for saying that these words could not mean "before the reserved Sacrament." My first is that they are clearly carrying out the Injunction formerly given by Archbishop Reynolds. My second is that it was never the practice of the Church to have lights before the blessed Sacrament.

(*The Dean of the Arches.*) Do you say it never was the practice of the Church to have lights before the reserved Sacrament.

(*Mr. Prideaux.*) Not as a rule. It was the practice only to have one light, as I shall show your Lordship, before the blessed Sacrament.

(*The Dean of the Arches.*) You mean before the reserved Sacrament. As I understand it, the custom of the Roman Church at that time was that such portions of the consecrated bread as were not consumed were placed in a pyx which was placed in a tabernacle before which they burnt a perpetual light.

(*Mr. Prideaux.*) That is my point.

(*The Dean of the Arches.*) And that was renewed, according to the provisions of one of our bishops, recorded in Lyndwode, every Sunday. It was never allowed to go beyond from Sunday to Sunday. The reserved Sacrament as it was called was renewed every Sunday. Before that, you say, there was only one light burnt.

(*Mr. Prideaux.*) I say that the practice of the Church was to have only one light.

(*The Dean of the Arches.*) And therefore you say that these lights mentioned in the Injunction do not refer to the reserved Sacrament?

(*Mr. Prideaux.*) Do not refer to the reserved Sacrament; and the light before the rood loft which my friend cited as being the foundation of this Injunction cannot have anything to do with it. First, because it speaks of "lights;" and, secondly, because it speaks of lights other than those on the communion table.

(*The Dean of the Arches.*) You say the practice of the Church was only to have one light before the reserved Sacrament?

(*Mr. Prideaux.*) The practice of the Church was only to have one light before the reserved Sacrament. On certain occasions, for instance on Candlemas Day, they had more. There is an Injunction which my friend referred to of Henry VIII., and Cromwell's Injunction, with reference to lights, but that is evidently exceptive for the day; and your Lordship observes the words are "lights before the Sacrament," not "lights on the altar before the Sacrament."

(*The Dean of the Arches.*) Have you any authority to give me for that proposition, that there was only one light burnt before the reserved Sacrament, or is it merely a statement?

(*Mr. Prideaux.*) You will find the statement and the authorities given (some of them at least) in a note to a work which I think I have already referred you to—Mr. Chambers's work upon lights. But I am coming to that presently.

(*The Dean of the Arches.*) I do not want to interrupt you; I only mean that if you have authorities upon that point, it is as well to mention them now.

(*Mr. Prideaux.*) I have authorities, but what I am desirous of doing before I refer your Lordship to the authorities is to state the three or four main grounds upon which I insist that it is impossible that these words in the Injunction can refer to the light before the reserved Sacrament. I will refer your Lordship to the authorities presently. My first position is that the usage of the Church was that there should be one light; my second position is that that was to be a light always burning; whereas it is clear to my mind that, inasmuch as the Injunctions speak of lights previously existing on the communion table, and which are to be "retained," the Injunction does speak of lights kept upon the communion table during the celebration of the mysteries of the Mass, and it is clear that Dr. Lushington so thought.

(*The Dean of the Arches.*) During the celebration ?

(*Mr. Prideaux.*) Yes. That is my second point; that the light before the reserved Sacrament was continuously burnt. Without troubling you (because your Lordship is so well acquainted with the judgment) Dr. Lushington throughout in his judgment in the Westerton case, treats these lights as lights to be used during the celebration of the Holy Communion; because he says that they are gone because the Mass is gone, root and branch. Unless your Lordship desires it, this case has been so long before the Court that I won't trouble you by reading what Dr. Lushington says upon this point, but will merely state the result. He says that neither the canon of Archbishop Reynolds nor the Injunction coupling them together are consistent with the present Prayer Book; because the lights were to be burnt during the celebration of the Mass; and although (I say it with great respect for that learned judge) the first Prayer Book upon the face of it says it is the same office, "the office "of the Holy Communion commonly called the Mass," he says, these lights are gone because the Mass is gone root and branch. But, my Lord, the strongest argument, perhaps, which can be used upon this point is the fact that it was by no means even in England, although it may have prevailed at one time in England more than in other places, the invariable or anything like the invariable practice to keep the reserved Sacrament upon the altar. I believe it was never kept upon the altar or even hanging over the altar.

(*The Dean of the Arches.*) What, do you say the reserved Sacrament was never kept on the altar ?

(*Mr. Prideaux.*) I believe it was never kept on the altar; it was sometimes suspended over the altar. But your Lordship has read a passage in which the direction is, that it shall be kept in a pix and the pix kept in a tabernacle.

(*The Dean of the Arches.*) Yes.

(*Mr. Prideaux.*) Then I say that the words "on the high altar" are utterly inconsistent with that view.

(*The Dean of the Arches.*) It is at page 248 of Lyndwood. "Dignissimum Eucharistiæ Sacra- "mentum Præcipimus de cætero taliter custodiri ut "in qualibet Ecclesia Parochiali fiat Tabernaculum "cum clausura decens et honestum secundum curæ "magnitudinem, et Ecclesiæ facultates in quo ipsum "dominicum." (It is to be restored every Sunday.) It goes on:—"Quod quidem venerabile Sacra- "mentum omni die Dominica præcipimus innovari." Then there is an important note upon the question, and a discussion whether the parishioners were bound to provide the *tabernaculum* or not, and Lyndwood says they were not bound to do so although it was necessary; and there is an account of the pyxes. He does not, I think, state where the *tabernaculum* was to be. He gives this account of it:—"*Tabernaculum.* "Sic dictum quia de tabulis sit factum vel quia "tabulis vel lignis sit appensum," and so on; and he says the use of England is peculiar upon this matter:—"Et ex hoc videtur, quod usus observatus in *Anglia*, "ut scil. in conopeo pendeat super Altare, non est "commendabilis."

He says this Use of England in hanging it over the altar under a canopy is not commendable.

(*Mr. Prideaux.*) I do not think he says the high altar.

(*The Dean of the Arches.*) He goes on "Quia contra "mentem dicti *c. sane.* ubi statuitur quod non custi- "diatur in loco patenti sed singulari. Licet enim "consuetudo *Anglicana* commendabilissit illa consi- "deratione, qua citius representatur nostris aspectibus "adoranda; non tamen est commendabilis eo respectu "quo ponitur in loco publico, sic quod ad eam manus "temerariæ de facili valeant extendi." He says the custom of England (as we all know it was in many of these things)—"consuetudine Anglicani"—was peculiar in this matter.

(*Mr. Prideaux.*) It was the custom of putting it in a pyx and the pyx in a tabernacle.

(*Mr. James.*) I may mention as a fact which may or may not bear upon this question that the tabernacle in Salisbury Cathedral as we know in point of fact was not on the high altar but on the north side.

(*The Dean of the Arches.*) Lyndwood says it was the Anglicani consuetudo, and in one respect commendable, but not in another.

(*Mr. Prideaux.*) I was going to say that at that time the practice was as we know from Lyndwood, in England to suspend the reserved Sacrament over the altar; and no doubt to a considerable extent that practice had continued in England, even after Lyndwood's time. He complained of the practice, and says that he prefers the practice in vogue in certain other places, he says Spain and Portugal, I think.

(*The Dean of the Arches.*) Yes. But surely it is strong evidence that according to the English custom it was suspended over the altar, because he reasons upon it.

(*Mr. James.*) But not placed on the altar.

(*The Dean of the Arches.*) He reasons upon it. His argument is this: the "*Anglicana consuetudo*" is defended on this ground, that the blessed Sacrament is placed where everybody can see it; it is hung over the altar; and he says that is a commendable thing in one point of view. But he says it is not in another, because it is more likely to be injured and more open to possible desecration.

(*Mr. Prideaux.*) Yes, my Lord, there is no doubt it was a practice in Lyndwood's day to suspend the blessed Sacrament over the altar, and to suspend the light also. I do not deny it for one moment.

(*The Dean of the Arches.*) I see he goes on to say that the custom in Holland and Portugal is more commendable: "In quibus ordina tur unus locus singular is honestus propè Altare in quo reponitur Eucharistia sub clavibus." Therefore, it is clear that here he is dwelling upon the discrepancy of the English custom in that respect with that in use in the foreign churches, who did not put it upon the altar, but somewhere near the altar; whereas it was the invariable custom in Lyndwood's time to suspend it over the altar in England from reasons which he gives. Whatever may be the consequence of that, I think it is very strong evidence as to the fact that the reserved Sacrament in England was suspended over the altar.

(*Mr. Prideaux.*) No doubt it was so in Lyndwood's time, and probably to a great extent at the time of the Reformation. But even there it does not say "over the high altar;" and I apprehend that even in Lyndwood's time it was not necessary to suspend it over the high altar. However, one thing is quite certain——

(*The Dean of the Arches.*) When "altara" is used alone without any other word with it does it not always mean the high altar ?

(*Mr. Prideaux.*) It may or may not. I merely throw out that suggestion, and will not keep up the argument upon that point any longer; because as I say one thing is quite certain—I challenge my friend to find any authority in Lyndwood or anywhere else for burning more than one light before the reserved Sacrament, whether it be suspended over the high altar or not, and I challenge him to find any authority for burning that light *upon* the altar—therefore, if I am right in my suggestion your Lordship will see the importance of it.

(*The Dean of the Arches.*) Where do you say the light would be ?

(*Mr. Prideaux.*) The practice was to suspend the light before the Sacrament. In that very passage the thing occurs; my friend spoke of an Injunction directing a light to be suspended over the rood loft. In the Injunctions of 1538 (Cromwell's, I think) there occur in one place the words, "light before the rood loft," and in another case "light before the Sacrament of the altar;" but not "light upon the altar before the Sacrament." I challenge my learned friends to produce anywhere any glimpse or trace of the placing of a light upon the altar before the reserved Sacrament,

When honour to the blessed Sacrament is intended we find no reference to the high altar; and I submit that may be for a very good reason that the blessed Sacrament was not always kept there. We find a direction that there shall be a light before the rood loft; we find a direction that there shall be a light before the Sacrament of the altar. In 3 Wilkins, page 842, he sets out the Injunctions of King Henry of 1538; and we find that there they enjoin on a special occasion the burning of lights, but where? Before the Corpus Christi on Easter-day; he does not say upon the altar.

(*The Dean of the Arches.*) I think you will find that my position about the word "altara" meaning the chief altar is correct. I see the plural is almost always used when the others are meant.

(*Mr. Prideaux.*) That may be. I think your Lordship now has my view upon the point, and I do not desire to keep up the discussion. But I do rely, first, upon the fact that all the evidence shows that it was a light that was burnt before the blessed Sacrament; and secondly, that in all the Injunctions requiring a light, or upon any one or two occasions where upon special feasts, as, for instance, Candlemas Day, more than one light is used, the Injunctions are that they shall be burnt before the Sacrament or before the Sacrament of the altar.

(*The Dean of the Arches.*) This gloss of Lyndwood's upon the "duæ candelæ" would appear rather at first sight to support your argument about there not being lights before the reserved Sacrament, because he says, "Duæ candelæ: est enim à parte juris ordinatum "quod sacerdos sine lumine ignis non celebret missam. "Si tamen faciat nihilominus consisit licet graviter pec-"cet." That, you see, would go some way to support your argument as to the historical fact, because I do not know whether you have looked at the passage; but it is rather remarkable, because he gives the mystical reason why wax candles should be used on the altar during the celebration of the Mass. Now, the light that was burnt before the reserved Sacrament was a lamp, I take it, generally.

(*Mr. James.*) We know it was.

(*The Dean of the Arches.*) It could hardly have been a wax candle *hanging* before the reserved Sacrament, because the reserved Sacrament was renewed every week. It was kept for the event of persons being sick, and of its being necessary to take the Holy Eucharist to them when there would not be an opportunity of consecration; that was the object of it.

(*Mr. Prideaux.*) And your Lordship won't lose sight of the fact that Lyndwood gives substantially the same symbolic reason for these lights that the Injunctions did.

(*The Dean of the Arches.*) It so far bears upon your argument that wax for the candles was the only material to be used during the celebration of the mass, which would not apply to the reserved Sacrament. Have you any authority as to what the light was that was to be kept before the reserved Sacrament?

(*Mr. Prideaux.*) I believe it was ordinarily a lamp.

(*The Dean of the Arches.*) That is my belief now from modern custom, but I do not know whether you have any authority upon that?

(*Mr. James.*) It is in every respect probable.

(*Mr. Prideaux.*) A lamp is spoken of as more frequent before the pyx than a taper in the chancery certificate rolls. There is a very curious and interesting little book which I am going to refer to presently at no great length. It is a French work. "A treatise on the exposition of the blessed Sacrament of the altar," and it gives a great deal of very interesting information with reference to the progress of the various practices connected with the different honours paid to the blessed Sacrament; and, if I recollect right, in one of those parts the author does speak of churches which were too poor to keep up their light—I think he uses the word lamp—before the Sacrament. I will look for the passage and read it to your Lordship. But that was another argument which I was going to use. I say the fact that a symbolical meaning is given to these lights is conclusive against my friend's argument. I do not think my friend can show a trace of any symbolical meaning in the burning of the light before the Sacrament. That light was used not for symbolical purposes but for direct honour to the blessed Sacrament.

(*The Dean of the Arches.*) The light before the reserved Sacrament?

(*Mr. Prideaux.*) The light before the reserved Sacrament I say was not used for a symbolical purpose but for honour; and I think I am right in saying that my friend cannot point out any authority to show that the light used before the reserved Sacrament was intended to have any symbolical meaning. It was burnt for the express purpose of paying direct honour to the blessed Sacrament; and probably also in the church for the purpose of indicating——

(*The Dean of the Arches.*) Certainly; according to Lyndwood, it was burnt for the purpose of indicating where the Sacrament was.

(*Mr. Prideaux.*) I was just going to say it was burnt for the purpose of indicating where the Sacrament was, and I think Lyndwood makes a distinction. He says there are to be two candles burning during the celebration of Mass, to symbolise that Christ is the true Light of the World, and there shall be one light burning before the reserved Sacrament, to point out to the faithful the exact locality where the reserved Sacrament is to be placed, and no doubt also for the purpose of honouring the reserved Sacrament.

(*Mr. James.*) It may not be immaterial for your Lordship to know that there are two wax candles in the Eastern Church, and that there are not only two wax candles used in the Eastern Church, but the Lutherans also use them.

(*The Dean of the Arches.*) I expected I should hear something upon that point.

(*Mr. James.*) The Lutherans have them who have no reserved Sacrament whatever, and, as I mentioned to your Lordship, the Eastern Church have the same rule with regard to the two wax candles.

(*The Dean of the Arches.*) My recollection of the Lutheran Church is that they always have the lights and the crucifix.

(*Mr. James.*) Always.

(*The Dean of the Arches.*) It is so in the north of Germany, I know, whatever it may be in other parts.

(*Mr. James.*) Yes, my Lord, but the Eastern Church has the two lights on the altar and a lamp before the reserved Sacrament. And the Lutheran Church, which does not have a reserved Sacrament at all, has always maintained two lights on the altar.

(*Mr. Prideaux.*) And the crucifix.

(*The Dean of the Arches.*) I think that is so. Very few of us have been into a Lutheran church without seeing them.

(*Mr. Prideaux.*) I beg to call your Lordship's attention to page 70 of the English Church Union case, which sets out the will of Giles de Kelseye, dated Feb. 18th 1377: "An old bequest to the parish of St. "Dionis, Backchurch, London, which now produces "an annual income of about 500*l.*, helps to shew the "distinction between the two altar lights for the cele-"bration of the Eucharist, and the light before the "reserved Sacrament, the latter being a *perpetual* "light. The bequest is derived from the will of Giles "de Kelseye, dated Feb. 18th 1377, in which he "devises as follows: 'Also I devise to my executors "'all my tenement with the appurtenances situate in "'Lime Street, in London, between the tenement of "'Richard Preston on the one part, and the tenement "'late of John de Stodey on the other part, and the "'said street of Lime Street on the east part, and the "'place called Leadenhall on the west part, to have "'and to hold to my said executors, from the time of "'my decease unto the end of 10 years then next "'following, fully to be complete, to find thereout "'and sustain a lamp burning every day and night, "'before the high altar in the aforesaid church of "'St. Dionis, which said tenement, with the appur-

" ' tenances after the said 10 years fully completed, I " ' devise to remain to the rector and parishioners of " ' the aforesaid church of St. Dionis and their suc- " ' cessors, rectors, and parishioners for the time being, " ' to find thereout and sustain the lamp aforesaid " ' burning every day and night before the aforesaid " ' high altar for ever. And the whole of the profits " ' arising from the aforesaid tenement, beyond the " ' sustentation of the lamp aforesaid, and the repara- " ' tion and sustentation of the tenement aforesaid, I " ' leave for the amending and sustentation of the " ' books, vestments, and ornaments of the aforesaid " ' church.' " That shows clearly that as far back as the year 1377, what was burnt before the reserved Sacrament was a lamp, and that it was burnt perpetually every day and every night.

(*The Dean of the Arches.*) You see you must give some construction to the word "the Sacrament" in this Injunction; and if it was not the reserved Sacrament, what was it?

(*Mr. Prideaux.*) I say it means exactly the same thing as the "Tempore quo solennia missarum peraguntur."

(*The Dean of the Arches.*) The words are "before the Sacrament." I should be very glad to know what your interpretation of those words is. You do not mean to say that by that is meant before the service begins. I should like to hear your interpretation of those words "before the Sacrament."

(*Mr. Prideaux.*) My position is this: in the first place, the Injunction is speaking of something which is to be retained; it is not introducing anything new into the Church. You must therefore put an interpretation upon it which is consistent with what was practised in the Church before and at the time these Injunctions were issued; and I say that at that time the only practice which prevailed in the Church with regard to lights upon the altar was that of having at least two lights burning upon the altar, for a symbolical purpose, at the time when the divine mystery of the Eucharist was being celebrated; and I rely very much here upon the fact that it is quite impossible to read Dr. Lushington's judgment upon this point in the Westerton case without seeing that Dr. Lushington himself treats that Injunction as being an Injunction preserving lights, which were already prescribed during the solemnities of the Mass, by the constitution of Archbishop Reynolds.

(*The Dean of the Arches.*) I see your argument; you say they mean the same as this constitution, "Tempore quo solennia missarum peraguntur."

(*Mr. Prideaux.*) Quite so, my Lord.

(*The Dean of the Arches.*) But what I want to know is, what interpretation you give to this English word "before?"

(*Mr. Prideaux.*) "Coram;" that is to say, "In the presence of the celebration."

(*The Dean of the Arches.*) But this argument is worthy of attention, namely, that the blessed Sacrament is not properly so called until after the consecration.

(*Mr. James.*) The reserved Sacrament is always called "Corpus Christi." It is never called the Sacrament.

(*The Dean of the Arches.*) Still I must endeavour to interpret these words correctly, "before the Sacrament." Your contention is, that it is not the reserved Sacrament. As I understand, you say that "before the Sacrament" is a sort of translation of "Tempore quo solennia missarum peraguntur."

(*Mr. Prideaux.*) I do, my Lord.

(*The Dean of the Arches.*) Then I want you to make that out to me.

(*Mr. Prideaux.*) What I say is this: that looking at the matter historically it can mean nothing else, because the only practice then existing which could be retained in respect of the two lights on the altar is that which was retained, "Tempore quo solennia missarum peraguntur."

(*The Dean of the Arches.*) You must give me some interpretation of the words "before the Sacrament."

(*Mr. Prideaux.*) The Injunctions do not introduce anything new, that is my argument.

(*The Dean of the Arches.*) I understand your argument there.

(*Mr. Prideaux.*) Very well then, if your Lordship will allow me, I will refer to the 20th page of "Perry on Kneeling."

(*The Dean of the Arches.*) The words in Archbishop Reynolds' constitution are not "coram sacramentum."

(*Mr. Prideaux.*) I admit that the words are very peculiar, and *primâ facie* no doubt they would bear the interpretation my friend has contended for. But I say you must go back to the time that these Injunctions were issued, and must ask what was it that was to be retained. I will read your Lordship a passage from Vol. I. Cranmer's works, Parker Society's edition, page 3, which is set out in Mr. Perry's book on Kneeling, page 20. ' This word ' sacrament ' I do sometimes use." Now, it is quite clear that Cranmer must have known the meaning of the words of this Injunction, " (as it is many times taken among writers " and holy doctors) for the sacramental bread, water, " or wine; as when they say that sacramentum est " sacræ rei signum, ' a sacrament is the sign of a holy " thing.' But where I use to speak sometimes (as the " old authors do) that Christ is in the sacraments, I " mean the same as they did understand the matter; " that is to say, not of Christ's carnal presence in the " outward sacrament, but sometimes of his sacra- " mental presence. And sometimes by this word " ' sacrament ' I mean the whole ministration and " receiving of the Sacraments either of baptism or " of the Lord's Supper."

(*The Dean of the Arches.*) Supposing that were so, what light would that throw upon the words "before the Sacrament"?

(*Mr. Prideaux.*) I use it in this way. It shows that "before the Sacrament" means——

(*The Dean of the Arches.*) Not *coram*—it would not be that?

(*Mr. Prideaux.*) I say that it means during the whole administration and receiving of the Sacrament. It is almost a translation of the words of Archbishop Reynolds:—"Tempore quo solennia missarum peraguntur." That is to say, "Let there be lights during the celebration."

(*The Dean of the Arches.*) I do not quite understand what meaning you intend to affix upon these words; do you mean to say that this Injunction referred to the whole celebration?

(*Mr. Prideaux.*) Yes, my Lord, certainly; I say it means exactly the same thing as Cranmer's exposition of the word.

(*The Dean of the Arches.*) What do you mean by "before," in point of time or in point of place? *coram* or *ante?*

(*Mr. Prideaux.*) I should say it means rather before the place; but I say that the whole passage taken together means during the whole of the ministration and receiving of the Sacrament.

(*The Dean of the Arches.*) The exact words are, "before the Sacrament."

(*Mr. Prideaux.*) I say it is quite equivalent to the expression "At the time of High Mass," or, to use the language in Lyndwood, "Tempore quo solennia missarum peraguntur."

(*The Dean of the Arches.*) I do not understand your argument quite. You say "before the Sacrament" means "during the celebration," as I understand now.

(*Mr. Prideaux.*) Yes, my Lord.

(*The Dean of the Arches.*) You say that "before the Sacrament" and "during the celebration" are the same thing?

(*Mr. Prideaux.*) Yes, and I say it must mean it there, because there was no other practice of the Church then existing to which it could refer, and that it is clear from the language of Cranmer in the passage which I have read that that meaning at that time was given to those words.

(*The Dean of the Arches.*) Is there no authority

to be found which would throw more light on the meaning of the Injunctions than that; is there nothing you can refer me to? *Primâ facie*, of course it would imply that the consecrated elements were there, because it is an improper expression to use the word "Sacrament" till the elements have been consecrated.

(*Mr. Prideaux.*) I admit it is a remarkable expression; but I say it is quite clear it refers to something which was practised in the Church at the time, and it can refer to nothing but the time of the celebration of the High Mass or the Holy Communion.

(*The Dean of the Arches.*) You rely upon the words "shall be retained?"

(*Mr. Prideaux.*) "Retained"—I rely a great deal upon that—"but only two lights upon the high altar, "which for the signification that Christ is the true "Light of the World shall be retained." Now I venture to call your Lordship's attention to this, that in no direction with reference to the lamp before the reserved Sacrament is it directed to be put upon the altar, nor do I believe there is a single instance to be found in which the light before the reserved Sacrament is put upon the altar.

(*The Dean of the Arches.*) What is the modern practice?

(*Mr. Prideaux.*) Always to have a lamp suspended burning continuously before the blessed Sacrament.

(*The Dean of the Arches.*) Not upon the altar?

(*Mr. Prideaux.*) Not upon the altar. I believe it is universal. Go into any Roman Catholic church or chapel, and you will find the lamp is suspended before the blessed Sacrament.

(*The Dean of the Arches.*) Is there any direction in the *Missale Romanum* as to that?

(*Mr. Prideaux.*) I do not know. I rely very much upon the words of the Injunction, "which for the sig- "nification that Christ is the true Light of the World "they shall suffer to remain there still." So that it is perfectly clear the Injunction is speaking of a practice established, and the practice can clearly be shown even in England to have been considerably earlier than Archbishop Reynolds' Constitution, because we find in Johnson's Book among the canons of Edgar the following canon, anno 960.

(*The Dean of the Arches.*) What page of Johnson?

(*Mr. Prideaux.*) There are no pages in the edition that I have; they give the reference with regard to the year—and there is no other arrangement. "Let "a light be always burning in the church when Mass "is said."

(*The Dean of the Arches.*) What canon is that?

(*Mr. Prideaux.*) Canon 42.

(*The Dean of the Arches.*) "And that all things "near the altar or belonging to the church be very "cleanly and decently ordered, and let what is holy "be laid up with reverence." What is the meaning of this—"And let what is holy be laid up with reve- "rence, and let nothing come near it"? That is, I presume, the reserved Sacrament.

(*Mr. Prideaux.*) It may refer to that, and probably does, but not exclusively to that.

(*The Dean of the Arches.*) "Let a light be always "burning in the church when Mass is sung." I see here is a Saxon word "haligdom."

(*Mr. Prideaux.*) It refers to the relics of saints, and so on.

(*The Dean of the Arches.*) It is like the German word, "heiligthum." Now you are on the words it would be important to observe upon this, "and let "what is holy be laid up with reverence, and let "nothing come near it." Does not that mean the reserved Sacrament?

(*Mr. James.*) I should think it does. Then your Lordship sees there is a separate clause, "and let "a light be always burning in the church when Mass "is sung." I have got the Anglo-Catholic edition here, page 220, from which I am citing. This note upon the Anglo-Saxon word is in the book, it is not a comment of the Editor.

(*The Dean of the Arches.*) I know. "The Sacra- "ment or relics of saints, or both." That I think is the comment of the editor. But what do you say is meant by these words, "And let what is holy be laid "up with reverence, and let nothing come near it." In the original Saxon it is "haligdom."

(*Mr. James.*) "What is holy" means I think the Sacrament.

(*Mr. Prideaux.*) If it does so I think it helps me.

(*The Dean of the Arches.*) I daresay it does, but I want to know what interpretation do you put upon it?

(*Mr. Prideaux.*) Well, my Lord, I am not learned in Anglo-Saxon, and I am content to rely upon that which Johnson gives when he says it means "Sacra- ment," or "relics of saints," or both.

(*The Dean of the Arches.*) But you say that by the Sacrament is meant the reserved Sacrament?

(*Mr. Prideaux.*) No doubt, my Lord; that I say is in my favour.

(*The Dean of the Arches.*) Otherwise there would be no meaning in the words "Let nothing come near it."

(*Mr. Prideaux.*) I do not know that; it might refer to the relics of saints.

(*The Dean of the Arches.*) I mean as between the Sacrament celebrated at the time and the reserved Sacrament.

(*Mr. Prideaux.*) I have no doubt the Sacrament referred to in Johnson's note is the reserved Sacrament.

(*The Dean of the Arches.*) That was what I was asking you.

(*Mr. Prideaux.*) I have no doubt, my Lord, of that; but I say that helps me, because this canon directs, first, that the reserved Sacrament is to be laid up with reverence and that nothing is to come near it; because what the canon says is this: "Let the reserved Sacra- ment"—I will put that word in if you please instead of "what is holy." I think it strengthens and con- firms my argument—"be laid up with reverence and "let nothing come near it." Now if the intention was here to provide for the light before the reserved Sacrament the canon would have gone on and said, "Let a lamp be always kept burning before it."

(*The Dean of the Arches.*) Read what follows it.

(*Mr. Prideaux.*) "Let a light be always burning in the church," not before the Sacrament, but "when Mass is sung." Therefore I say not only am I willing to accept the interpretation that what is meant by "what is holy" is "the reserved Sacrament." but I gladly accept it because it strengthens my argument.

(*The Dean of the Arches.*) That would be very much in accordance with Lyndwood's provision, "vel ad minus una"?

(*Mr. Prideaux.*) Quite so, my Lord. But the im- portant matter is that the reference with regard to the light in the canon of Edgar does not relate to the reserved Sacrament, but relates to the singing of Mass. The canon does not say, "Let a light be always burning before the reserved Sacrament," though probably that may have been done at that time, but it says, "Let a light be always burnt in church when Mass is sung." So that, my Lord, this canon com- pletely bears out the constitution of Archbishop Reynolds, and shows, as I submit, that in the canon of Edgar, and in the constitution of Archbishop Reynolds, and in the Injunction, what is being dealt with is a certain symbolical representation which is to be carried out to represent our joy and the glory of the Redeemer during the celebration of Mass; and that it has nothing whatever to do with the reserved Sacrament.

There is one other matter which I wish particularly to call your Lordship's attention to upon this point, and that is an Injunction of Cardinal Pole. Cardinal Pole orders in his Legatine Constitution (Cardwell's Documentary Annals, vol. 1, page 179): "ut in "qualibet ecclesia parochiali fiat tabernaculum decens "et honestum cum sera et clavi, quod in altum eleva- "tum in medio summi altaris affigatur, si commode "fieri potest, alias in commodiori et honorabiliori et "magis summo altari vicino loco, qui haberi posset; "in quo tabernaculo sanctissimum Eucharistiæ Sacra- "mentum custodiatur;" and, where it can be afforded,

" ut perpetuo lampas vel cereus coram sanctissimo " hoc sacramento ardeat."

(*The Dean of the Arches.*) That is not very different from the rule I have mentioned. There is one point I want to put to you, Mr. Prideaux, and I shall be glad to have your answer. Of course I must put what I conceive to be the right judicial construction, if it should be necessary, upon these words, "before the Sacrament." Now, according to this provincial constitution peculiar to the Anglican Church, it appears that the blessed Sacrament was reserved, as I have said, in a tabernaculum suspended over the altar. You say that the candles were not burnt before that, but that it was a lamp?

(*Mr. Prideaux.*) Precisely.

(*The Dean of the Arches.*) Well, but observe, might not the Injunction mean this: that the reserved Sacrament being there (because the order goes on to say that it shall be there until it is renewed every Sunday) the candles shall be lighted in honour of the reserved Sacrament; because, although it was to be renovated on the Sunday it still was there until it was renovated? Can you tell me whether any reservation of the Sacrament was permitted at the time of the first Prayer Book, because that is important?

(*Mr. Prideaux.*) I apprehend that at the time of the first Prayer Book it was lawful. The first Prayer Book directs, in fact, that it shall be reserved.

(*The Dean of the Arches.*) Just so. If it was lawful to have a reserved Sacrament at the time the first Prayer Book was passed (I am not expressing any opinion, you know, but I merely put this to test your argument) would not the construction to be put upon these words be this: that these two candles to be burnt before the Sacrament meant "before the reserved Sacrament?" Would not that be the natural construction, although it may be when the Eucharist was not going to be celebrated there was only a lamp before it; still at the time the Eucharist was going to be celebrated that lights should be burnt before the Sacrament, this passage which I drew attention to being that it was to be there perpetually in the church, but to be renewed every Sunday. Then, you see, two lights would be burnt before the Sacrament without straining the construction of the word.

(*Mr. James.*) That would imply that the two lights should be burnt from week's end to week's end.

(*The Dean of the Arches.*) Why?

(*Mr. James.*) Because it says there shall be two lights burnt before the Sacrament. In that view it would be so.

(*The Dean of the Arches.*) Why?

(*Mr. James.*) If so they must be always kept burning before the Sacrament. It does not say during the celebration of the Sacrament, and your Lordship will recollect the candles were to be of wax, and taking into consideration the price of wax at that time——

(*The Dean of the Arches.*) That is certainly an important observation.

(*Mr. James.*) I take it, it must mean that the question is, Are they put before that which is to become the Sacrament during the celebration of the Mass? You light them at the beginning, and of course if they remain lighted until the consecration they will then be before the Sacrament at that moment. Those would be the two candles, which would be literally "before the Sacrament," because they are lighted for the purpose of being before the Sacrament, although it is true they are lighted at the beginning of the service for the administration of the Sacrament.

(*The Dean of the Arches.*) Your argument is that the word "Sacrament" is used, not strictly but to mean "what will become the Sacrament."

(*Mr. James.*) It is strictly used because they would be lighted before the Sacrament at the time of the celebration before and after consecration.

(*The Dean of the Arches.*) That would be using the word "before" in the sense of *coram*.

(*Mr. James.*) I think if your Lordship considers the price of wax at that time you will see that it could not mean they were to be lit from week's end to week's end.

(*The Dean of the Arches.*) I think there is a great deal to be said for that view certainly. I think it is very improbable that "before the Sacrament" meant that there were to be two wax candles always burning. I do not think that is borne out by the law or the practice of that time.

(*Mr. James.*) There is not a tittle of evidence of it, on the contrary.

(*The Dean of the Arches.*) Still my view is this, the words must have a natural construction put upon them if they are capable of it?

(*Mr. Prideaux.*) I say they are capable of it, because it is not an unnatural view to take of the words. They are to be burnt there during the celebration of the Sacrament of the body and blood of our Lord, and after a due time the elements do become strictly and literally the Sacrament.

(*The Dean of the Arches.*) You see, Mr. Prideaux, if this reserved Sacrament was allowed under this first Prayer Book of Edward VI., is there any direction with regard to the light burning before it?

(*Mr. James.*) It is not mentioned.

(*The Dean of the Arches.*) You are certain on that point?

(*Mr. Prideaux.*) I will read it to your Lordship in the Communion of the Sick, in order to show you the extent to which the reserved Sacrament was allowed under the first Prayer Book.

(*The Dean of the Arches.*) That is what I want to see, if you please.

(*Mr. Prideaux.*) It is the first Rubric to the office for the Communion of the Sick.

(*The Dean of the Arches.*) The Visitation of the Sick?

(*Mr. Prideaux.*) The Communion follows immediately after the Visitation; it is the next ceremony.

(*The Dean of the Arches.*) Yes; I have it now.

(*Mr. Prideaux.*) "Forasmuch as all mortal men " be subject to many sudden perils, diseases, and sick- " nesses, and ever uncertain what time they shall " depart out of this life; therefore, to the intent they " may be always in a readiness to die, whensoever it " shall please Almighty God to call them, the curates " shall diligently, from time to time, but specially in " the plague time, exhort their parishioners to the " oft receiving (in the church) of the holy Communion " of the body and blood of our Saviour Christ; which " if they do, they shall have no cause in their sudden " visitation, to be unquieted for lack of the same. But " if the sick person be not able to come to the church, " and yet is desirous to receive the Communion in his " house, then he must give knowledge over night, or " else early in the morning, to the curate, signifying " also how many be appointed to communicate with " him, and if the same day." Now I pray your Lordship's attention particularly to the introduction of these words, "the same day," because it shows that in the sense in which the blessed Sacrament is reserved in the Roman Church it was not continued.

(*The Dean of the Arches.*) That is the very question I put to you; I thought you answered it affirmatively.

(*Mr. Prideaux.*) I misunderstood your Lordship's question. I thought you were speaking of the law previous to this book. " And if the same day there " be a celebration of the Holy Communion in the ' Church, then shall the Priest reserve (at the open " Communion) so much of the Sacrament of the Body " and Blood as shall serve the sick person, and so " many as shall communicate with him."

(*The Dean of the Arches.*) Then the reservation of the Sacrament was not allowed in the Roman sense in the first Prayer Book? That was a little hastily answered on your part, Mr. Prideaux.

(*Mr. Prideaux.*) Yes, my Lord, I misunderstood you.

(*The Dean of the Arches.*) I thought myself it was not so, but I was not quite sure. Under the first Prayer Book that reservation which existed before, namely, of keeping it from week to week, was discontinued, and there was substituted for it this modified practice, that at the open Communion it was competent for the Priest to set apart, if he knew of

any sick person, a certain portion of the consecrated elements, and to take them out of the church and administer them without reconsecration to the sick person.

(*Mr. Prideaux.*) I misunderstood your Lordship's question. I thought you were asking me with regard to the state of the law before the first Prayer Book.

(*The Dean of the Arches.*) We have got it clear now.

(*Mr. Prideaux.*) We have got it clear now, and therefore inasmuch as the validity of these injunctions was recognized——

(*The Dean of the Arches.*) The bearing of it is this, that if these candles are burnt at all (if this position be correct) they could not have been burning before the reserved Sacrament, because there was no reserved Sacrament allowed.

(*Mr. Prideaux.*) Quite so, my Lord. That is what I say; and so it is laid down in a note, to which I shall have to call your Lordship's attention, in Mr. Chambers's work upon this subject, namely, that at that time in the sense in which lights are kept burning before the reserved Sacrament, there was no reserved Sacrament.

(*The Dean of the Arches.*) That is the point, and it is important to ascertain it.

(*Mr. Prideaux.*) I am much obliged to your Lordship. I am sorry I was rather slower in ascertaining your Lordship's view than I ought to have been. I thought you were referring to the period before the first Prayer Book.

(*The Dean of the Arches.*) I was looking at that, and asking whether it continued to be the practice.

(*Mr. Prideaux.*) It is clear that in the sense of the reserved Sacrament remaining in the church before which lights could be burnt in honour of that reserved Sacrament it did not remain.

(*The Dean of the Arches.*) That was the question I put to you.

(*Mr. Prideaux.*) But it is equally clear that it was the intention that the candles should be continued, and that the candles were continued under the operation of the first Prayer Book is quite clear from the letters I have read to your Lordship. Why, therefore, I ask, should the Court be astute to put a construction upon this Injunction which is inconsistent with the lawful continuance of those candles when not a tittle of evidence from beginning to end can be given of more than one candle being burnt before the reserved Sacrament; when a symbolical meaning is given to the burning of the lights, as in this case, the same which is given in Archbishop Reynolds' constitution; and when the learned judge of the Consistory Court, in that elaborate part of his judgment which deals with this subject, assumes throughout that the constitution of Archbishop Reynolds and the Injunctions of King Edward VI., so far as regards this point, mean one and the same thing, — and says that those lights are gone, not because the reserved Sacrament is gone, but because the Mass has been abolished "root and branch."

(*The Dean of the Arches.*) As far as I remember there has been no complaint made in the letters of the Reformers in England to their friends on the Continent of the retention of the reserved Sacrament; and I suppose it is probable, if the Sacrament had been reserved, it would have been the subject of complaint with them.

(*Mr. Prideaux.*) No doubt, my Lord. There can be no doubt of it, although there is no express Rubric on the subject; and that is an argument in support of my proposition that the rubrics were not intended to be exhaustive. Your Lordship will not find any express Rubric on the subject until the present Prayer Book, nor even in the present Prayer Book, except so far as it necessarily follows from the directions that the Sacrament is not to be taken out of the church and that it is to be consumed at once. There can be no doubt whatever that, in point of fact, so much of the blessed Sacrament under the first Prayer Book as was not required for the administration of the Holy Communion to the sick man was consumed then and there. The following Rubric of the Communion of the Sick to that which I have just read goes further to support this view:—"But if the day be not "appointed for the open Communion in the church, "then (upon convenient warning given) the curate "shall come and visit the sick person afore noon. "And having a convenient place in the sick man's "house (where he may reverently celebrate),"—I do not know whether your Lordship remembers the answer of the Rev. Mr. Faithful which was published in the "Church News" as part of the evidence taken before your Lordships, but which your Lordships on the Ritual Commission did not publish, "I celebrate the Eucharist,—I administer the Communion"——

(*The Dean of the Arches.*) No, I do not.

(*Mr. Prideaux.*) The Rubric proceeds "with all things necessary for the same, and not being other- "wise letted with the public service or any other "just impediment, he shall there celebrate the Holy "Communion after such form and sort as hereafter is "appointed." Your Lordship will find in the Prayer Book that in the one case if the Holy Communion is administered to the sick man on the same day on which the Eucharistic service is celebrated in the church, the directions are that he is to administer the Holy Communion; but if the sick man is not visited for the purpose of communion——

(*The Dean of the Arches.*) What are you reading from now?

(*Mr. Prideaux.*) I have been reading the second Rubric for the office of the Communion of the Sick in the first Prayer Book. I am now drawing my inference, and I say the direction is, if you administer the Holy Communion to the sick man on the same day that the celebration takes place in the Church, you shall reserve so much of the blessed Sacrament as is necessary for that purpose; you shall take that blessed Sacrament already consecrated to thehouse of the sick man; you shall not celebrate the Eucharistic service in that event, but all that you shall do is this—you shall administer the blessed Sacrament of the body and blood of the Redeemer already consecrated to the sick man. But if you do not administer on the very day in which the Eucharistic service is celebrated in the church, then, inasmuch as the former Rubric only directs the reservation of the Sacrament for the purpose of administering to the sick man on the same day, you must not only administer the communion but, "having a convenient place in the sick man's house "(where he (the priest) may reverently celebrate) "with all things necessary for the same, and not "being otherwise letted with the public service or "any other just impediment, he shall there celebrate "the Holy Communion after such form and sort as "hereafter is appointed." Then comes the title "The celebration of the Holy Communion for the Sick." So that in the one case the Eucharistic service is to be celebrated as well as the Communion administered; in the other case the Eucharistic service is not to be celebrated, because that has already been done, and the blessed Sacrament has been reserved for that purpose; and all that the priest in visiting the sick has to do is to distribute the elements at the time of the distribution of the Holy Sacrament which have been already consecrated. But if he has to visit the sick man upon another day, then, inasmuch as there is no reserved Sacrament which he can administer, he is not only to distribute the Sacrament, to administer the Holy Communion in that confined sense of the word, but, having everything reverent and decent in order to enable him to celebrate, he is to celebrate according to the form given in that book.

(*The Dean of the Arches.*) You cite that as a proof that the reservation of the Sacrament was no longer allowed.

(*Mr. Prideaux.*) As a conclusive proof that there was no reserved Sacrament kept in the Church.

(*The Dean of the Arches.*) But you do not point to any special order abrogating the practice of reserving the Sacrament.

(*Mr. Prideaux.*) No, but I rather believe there was some ancient canon about it.

(*The Dean of the Arches.*) I mean you cannot show me that previous to the enacting of the first Prayer Book of Edward VI. there was any order or Injunction issued forbidding the reservation of the Sacrament.

(*Mr. Prideaux.*) No, my Lord, I do not know of any.

(*The Dean of the Arches.*) Go on with your argument, Mr. Prideaux. I understand perfectly the force of your present proposition. You say that these directions with respect to administering the Holy Communion for the sick prove that the only reservation then allowed was a reservation of the Communion consecrated on that particular day.

(*Mr. Prideaux.*) Simply, and to be taken forthwith to the sick man's house in order that he might communicate.

(*The Dean of the Arches.*) I quite understand that; but of course if there was any document of a legal character showing that a reservation of the Sacrament was among those things which were intended to be forbidden by the first Prayer Book of Edward VI. it would help your argument?

(*Mr. Prideaux.*) It would, no doubt, but I say that it necessarily follows. I cannot conceive for one moment that the priest would be directed in the one case only to administer, and in the other case to celebrate before administering; and that he would, moreover, be directed by the first Rubric only to reserve so much of the blessed Sacrament as shall serve the sick person.

(*The Dean of the Arches.*) I quite understand your inferential argument.

(*Mr. Prideaux.*) Very well, my Lord; if I can find any direct authority, your Lordship will allow me to hand it up at any time during the case?

(*The Dean of the Arches.*) Quite so.

(*Mr. James.*) I see from a book that I have upon the Roman Liturgies, "*Fornici's Institutionis Liturgicæ*," the expression used is: "Nunquam mussam " absque lumine celebramus non utique ad depellendas " tenebras, cum sit clara dies sed potius in typum illius " luminis, cujus sacramentum ibi confisimus. Sine " quo et in meridie palpannus sicut in nocte." Taking it as a whole, the lights are to be there, "Cum sit clara dies," &c.; giving the same sort of meaning that I have given, viz., while the *whole* Sacrament is in fact being made.

(*The Dean of the Arches.*) Your argument is, that it may be called "the Sacrament" before the consecration takes place.

(*Mr. James.*) Yes, that is to say, that from the beginning of that service to the end it is called "the Sacrament."

(*Mr. Prideaux.*) If your Lordship will allow me, I will read to you a note which is appended to the paper, "On the reasonable Limits of lawful Ritualism," which will be found in the first volume of "The Church and the World," by the Rev. Mr. Perry. The essay is by the Rev. Mr. Perry, the book is "The Church and the World," first series, page 499: "It has been " contended (*e.g.* Guardian, Sept. 1865), in reference " to the two altar lights, that the words 'before the " Sacrament,' in the Injunctions of 1547, mean that " they were to burn before the *reserved* Sacrament, " and that, therefore, they are not to be used at the " celebration of the Holy Communion. But Cranmer's " Visitation Articles of 1548 (a date which shows that " the Injunctions of 1547 were still in force"——

(*The Dean of the Arches.*) That is between the Prayer Book and the Injunction.

(*Mr. Prideaux.*) Yes, my Lord;—"merely say " 'two lights upon the high altar.'" For that the reference is to Wilkin's Concilia, vol. 4, page 23. " Moreover, that these did not pertain to the *reserved* " Sacrament, is shown by Cardinal Pole's Inquiry in " 1557, 'whether there do burn a lamp or a candle " before the Sacrament'"——

(*The Dean of the Arches.*) You referred me to both those authorities before.

(*Mr. Prideaux.*) And it certainly is very remarkable that you do not find any reference to the locality—you do not find the words "upon the altar" or "upon the high altar" in any single Injunction, canon, or direction which we have been able to find clearly referring to the reserved Sacrament—"*i.e.*, as his Injunctions of " 1556 show, before 'the tabernacle still in the midst " of the high altar.'"

(*The Dean of the Arches.*) That is the explanation given by Mr. Perry. It is not referred to in the Injunction?

(*Mr. Prideaux.*) I understand that it is one of his Injunctions no doubt that he directs the tabernacle to be set in the midst of the high altar.

(*The Dean of the Arches.*) That appears to have been the ancient practice of the Church of England.

(*Mr. Prideaux.*) "There can be no question that " the Eucharist would not then have been celebrated " without the 'two candles or one at least' (see " p. 462) which the canon law absolutely required. " The illuminated books and MSS. of the period " abundantly prove the practice." Then in Mr. Chambers's book upon "Lights before the Sacrament," which of course I beg respectfully to direct your Lordship's attention to as a whole——

(*The Dean of the Arches.*) It is a pamphlet, is not it?

(*Mr. Prideaux.*) It is a pamphlet in which great learning has been exhibited.

(*The Dean of the Arches.*) And if I recollect right, not much respect shown to the decision of the Privy Council.

(*Mr. Prideaux.*) There is no quarrel with the decision of the Privy Council at any rate upon this point. I understand it was written before the judgment of the Privy Council.

(*The Dean of the Arches.*) I recollect some free handling of their Lordships' judgment.

(*Mr. Hannen.*) My Lord, it is referred to in the judgment in the Arches Court, and therefore it must have existed before that time.

(*The Dean of the Arches.*) Yes, but there is a second edition in which I have a distinct recollection of the author saying something to this effect, that what one Judicial Committee of the Privy Council pronounced for, another might reverse.

(*Mr. Hannen.*) I had the advantage of seeing the first edition, my Lord.

(*Mr. Prideaux.*) This is a pamphlet published in 1866. Mr. Chambers published another work, I suppose.

(*The Dean of the Arches.*) It was one of many works placed before the Ritual Commission when we were sitting the other day, and I happened to take it up.

(*Mr. Prideaux.*) But your Lordship is aware that the Privy Council did not deal at all with the question of lights?

(*The Dean of the Arches.*) I am aware of that.

(*Mr. Prideaux.*) There are two notes, and I will read both while I am about it, contained in the edition of 1866. The name of the pamphlet is "Lights before the Sacrament; an Argument, Scrip- " tural, Historical, and Legal, by John Chambers, " Recorder of New Sarum." At page 36 the first note is "The Rule of the Church of Sarum." It merely supports my view with reference to the previous part of my argument based upon the fact that in the Church of Sarum, according to the Use of Sarum, although it is not mentioned in the Sarum Missal, there were two lights on the altar. "The Rule of " the Church of Sarum, which really governed that " of the rest of England, was for Sundays in Advent, " and the rest of the year (except in greater feasts), " 'Four wax lights, two at the altar, two on the step " of the choir.'" Your Lordship will remember I referred to the fact, that, with regard to the last two, the tapers were brought in by the taper bearers, and were no doubt put upon the steps of the altar during the celebration of the office as ceremonial acts; and I ventured to mark the distinction between the

fact of those tapers being so used in the Sarum Mass —those tapers that were carried by the taper bearers and put upon the steps of the altar, and the two lights which simply remain upon the altar during the celebration of the mysteries of the Mass. Then he refers to an authority, "St. Osmund de officii Thesaurraii Brit. Magazine, Nov. 1846, p. 515." Then comes this note, "As some uninformed persons may still suppose that "these two lights were placed before the pyx or "reserved Sacrament, it may be observed that the "reservation of the Sacrament was then abolished."

I confess that was a passage which rather puzzled me at first, but now I do not feel any difficulty with regard to it, because he means such reservation as would lead to the burning of lights before the Sacrament. "That there never was more than one light "before the pyx, and that only in churches pos- "sessed of considerable means.—(*Constitutions of "William de Cantilupe, Wilk.* i. 557. *Cardinal "Pole's Constitution*, 1555.")

(*The Dean of the Arches.*) You have referred me to all these?

(*Mr. Prideaux.*) "Cromwell's Injunctions, 1536, "forbid all but one light before the Sacrament of the "altar, meaning the pyx or tabernacle"—not from being on the altar before the Sacrament, but before the Sacrament of the altar, which is a very different thing. "The Proclamation of Henry VIII., in 1538, "and the Injunction of 1539 (*Wilkins* iii., 842, 847), "allow more lights on Easter Day before the Corpus "Christi," a very ordinary term in the Roman Church, in fact the ordinary term, I think, when they speak of the reserved Sacrament "before the Corpus Christi," showing they were not there before. The reason given, (and this is the argument I have already ventured to urge), "in Reynolds' Const. and Lyndwood, "which refer to the Mass by name, is identical with "that in Edward's Injunctions, and must refer to the "same thing."

(*The Dean of the Arches.*) That is what you have been arguing, you know.

(*Mr. Prideaux.*) Yes, my Lord. "Cranmer in his "Injunctions of the second year refers the lights to "the altar, not to the pyx, and, finally, the authority "of Heylin, Cosin, Burnet, &c., must be considered "decisive, who speak of them as two lights on the "communion table."

(*The Dean of the Arches.*) Let me look at that pamphlet for a moment, will you? (*It was handed to the Court.*) I see, Mr. Hannen, this is the passage to which I was alluding: "It is with the utmost "astonishment that we read in the judgment of the "Privy Council, in the Westerton case, their *opinion* "that the Rubric in the last Act of Uniformity is "confined to those Articles, the use of which, in the "services and ministrations of the Church, is prescribed "by the Prayer Book of Edward VI. Now with all "deference to this august tribunal, true as their dictum "may be in one sense, this is *making the law*, not "executing it."

(*Mr. Prideaux.*) At any rate it has nothing to do with this question. There are many learned men well competent to form an opinion who have ventured to think that the view taken by the Judicial Committee of the Privy Council, supposing they took the narrower view, which I do not think they did, with respect to that Ornament Rubric, may be modified hereafter.

(*The Dean of the Arches.*) I need not say whatever view they took is binding upon me.

(*Mr. Prideaux.*) Of course, my Lord, and I feel I should be departing from my duty as counsel if I were to ask you for a moment to overrule what they have decided; but I respectfully ask you to consider from the whole of their judgment what they meant..

There is one other passage which I must trouble you with, and it comes from the enemy's camp. I use it in this way, "our enemies themselves being the judges." The work is, "How shall we conform to the Church of England?"

(*The Dean of the Arches.*) You mean Mr. Robertson's book?

(*Mr. Prideaux.*) Mr. Robertson's book.

(*The Dean of the Arches.*) Is that a book from the enemy's camp?

(*Mr. Prideaux.*) Well, I do not wish to use the word offensively, but I am told his sympathies are not Ritualistic at any rate. The passage I am about to read is at page 84, and I cite the book to show in the Roman Church the distinction between the lights upon the altar during the celebration of the Mass and the light burnt before the Sacrament of the altar in honour of the blessed Sacrament. He is giving extracts from Strype, and at page 84 your Lordship will find this extract: "1553, August 12, Mass began," then there is put in parenthesis "(after Edward's death)," whether that is the explanation of the writer or not I do not know, probably it is from its being put in parenthesis "Mass began (after Edward's death) at St. "Nicholas, Cole Abbey, sung in Latin, and tapers set "on the altar and a cross." The only reason why I cite that is to show not that I think any further evidence is wanted to prove it, the continuing usage in the Church of Rome, and the practice that there should be tapers on the altar during the celebration of Mass as distinct from burning a single light before the reserved Sacrament. The passage from Strype is from the Ecclesiastical Memoirs, vol. 3, page 22. My Lord, I have now done with the subject of lights, with the exception of one slight point, and if your Lordship would allow me to deal with that after the adjournment probably I shall occupy less time than if I were to enter upon it now.

(Adjourned for a short time.)

(*Mr. Prideaux.*) I now wish to mention to your Lordship, and I shall only just present my view to you, that either of the definitions of "the Sacrament," which Cranmer gives in the passage which I took the liberty of citing to your Lordship, is consistent with those words, "before the Sacrament," especially when you bear in mind the historical light which is to be thrown upon the subject. He says that he uses the word "Sacrament" in three meanings: first, in fact that it means the sacramental bread and wine; secondly, that it means the sacramental presence; and thirdly, that it means the celebration of the Communion. Now what I submit to your Lordship is, that in either of these senses the Injunction makes for the view which I have humbly to contend for. First, the words are, "before the Sacrament," which may mean, "before the bread and wine which are to be used in the celebration of the Sacrament."

(*The Dean of the Arches.*) They would not be on the altar then, they would be on the credence table, would they not?

(*Mr. Prideaux.*) They would be on the credence table, but still they would be "coram"—"in the presence" as it were—they would be there in the church on the credence table by the side of the altar, ready to be placed upon the altar for the celebration of the divine mysteries, with, as I shall submit presently, the little mixture of water, which, according to the universal practice of the Catholic Church, has been added to the wine. Secondly, in his second definition, "the sacramental presence," it may mean before the sacramental presence which is to be created and introduced in the prayer of consecration; and thirdly, which appears to me to be a stronger view, as I have already submitted, the words "before the Sacrament" may well mean, according to that passage of Cranmer, "in the presence of the celebration of the Communion," *i. e.* "during the celebration of the Communion." That point I have already submitted to your Lordship.

Now, I have only one other observation which, in fact, springs out of these last, to make upon the question of lights. My friend referred to a book which had been published by Archbishop Cranmer, and exulted in the fact that Archbishop Cranmer had suppressed a picture, and he said that the picture was suppressed because there were two lights upon the altar

as undoubtedly there were. My Lord, I have the picture here, and I confess, at first sight, it struck one as being a most remarkable reason to give, when we bear in mind that this was in the year 1548, the very year in which Cranmer in his Visitation Articles inquires whether there are two lights upon the altar. But, my Lord, there is another remarkable feature in that picture, and, as I have it here, perhaps you will like to look at it. The book in which it occurs is, "A Short Instruction in the Christian Religion, being a Catechism set forth by Archbishop Cranmer, in 1548;" the date is very important, it is before the Prayer Book, "together with the same in Latin; translated from "the German, by Justus Jonas, in 1549."

(*The Dean of the Arches.*) What is the edition of the work you are citing?

(*Mr. Prideaux.*) Dr. Burton's edition, Oxford, 1829. Now the first remark I have to make upon that is this—in fact I have already suggested it,—that it is published in the very year when Cranmer at any rate treats the first Injunctions of Edward VI. as being in force, and when he inquires by his own Visitation Articles whether all lights have been removed except the two lights upon the altar.

(*The Dean of the Arches.*) His Visitation Articles are 1548?

(*Mr. Prideaux.*) Yes, 1548—the very same year; and yet my friend relies upon the picture.

(*The Dean of the Arches.*) You say his Visitation Articles inquired whether there were two lights before the altar?

(*Mr. Prideaux.*) Upon the altar, my Lord, not before. Your Lordship has been referred to them before.

(*The Dean of the Arches.*) Is the term "upon"?

(*Mr. Prideaux.*) "Upon the altar," I believe. The date given in "Cardwell's Documentary Annals," vol. i., page 51, is 1547, I see, but it really does not affect the argument—it is close upon the same date. His inquiry, after having made general inquiries about lights, is "whether ye suffer any torches, candles, "tapers, or any other lights to be in your churches, "but only two lights upon the high altar."

(*The Dean of the Arches.*) That would rather perhaps throw some light upon the question, whether the reserved Sacrament was then allowed. There is no reference to any light before the reserved Sacrament, I think.

(*Mr. Prideaux.*) No, my Lord, not in these Injunctions, I think. It seems to be doubtful, but I find in this edition of miscellaneous works and letters of Thomas Cranmer, they speak of the date of these Articles as being 1548. However, I do not think it is very important whether the date is 1547 or 1548.

(*The Dean of the Arches.*) Is that the Parker edition of Cranmer's works?

(*Mr. Prideaux.*) Yes, page 154. Then there is another circumstance to which I will call your Lordship's attention, which is that this picture represents the priest delivering the blessed Sacrament into the mouth of the communicant; and my friend may just as well argue that Archbishop Cranmer suppressed that picture because it represents the priest delivering the blessed Sacrament into the mouths of the communicants.

(*The Dean of the Arches.*) Well, but that is ordered by the first Prayer Book?

(*Mr. Prideaux.*) It is ordered by the first Prayer Book. I was going to read to your Lordship the reference. It only shows the weight of my friend's argument.

(*The Dean of the Arches.*) It is the last Rubric of the Prayer Book of 1549, which orders it.

(*Mr. Prideaux.*) And it is a very important Rubric; when we come to consider the effect of the 28th Article I take it this Rubric will throw considerable light upon it: "Although it be read in "ancient writers that the people many years past "received at the priest's hand the Sacrament of the "Body of Christ in their own hands, and no com-"mandment of Christ to the contrary; yet, forasmuch as they many times conveyed the same "secretly away, kept it with them, and diversely "abused it to superstition and wickedness, lest any "such thing should hereafter be attempted, and that "an uniformity might be used throughout the whole "realm, it is thought convenient that people com-"monly receive the Sacrament of Christ's Body in "their mouths at the priest's hand." So that the two distinctive features which this picture represents are the two candles on the altar, which Cranmer by his Visitation Articles inquires for about the very time when he publishes this book; and the receiving of the blessed Sacrament into the mouth, which is ordered by this book, in which Cranmer took part in the very year after the picture which my friend relies upon came out, namely, in 1549. How then can it be reasonably argued for one moment that Cranmer suppressed that picture for the purpose of condemning that which he himself inquired after in his own articles, and for the purpose of condemning that which is ordered in the next year by the first Prayer Book of King Edward VI.?

(*The Dean of the Arches.*) I do not quite understand what turns upon this picture at present?

(*Mr. Prideaux.*) I do not think anything turns upon it, my Lord, but my friend's argument was, that Cranmer suppressed that picture because there were two candles in it.

(*The Dean of the Arches.*) I have not seen the picture.

(*Mr. Prideaux.*) I will hand it up to your Lordship, and I will say, referring to my friend's view and my own, "Look here upon this picture and on this." I should not have referred to the picture at all if my friend had not so triumphantly paraded it. But my friend really must have fancied he was addressing an Exeter Hall meeting.

(*Mr. Stephens.*) I would rather do that than address His Holiness the Pope.

(*Mr. Prideaux.*) Then I would not, that is all I can say.

(*The Dean of the Arches.*) Gentlemen, consider how valuable our time is.

(*Mr. Prideaux.*) I am much obliged to your Lordship. I am afraid my friend will be incensed if I am not careful, but I merely wish to make this remark: I say it shows the frivolity of this prosecution and the reckless way in which those who are advocating a system which cannot be borne out by the real truth of the facts attempt to discolour historical evidence.

(*The Dean of the Arches.*) Are there two candles in this picture? I cannot see them.

(*Mr. Prideaux.*) I do not know whether there are or not, but I am simply defending this case against my friend, and as against my friend I have a right to assume it. Your Lordship will remember my friend said Cranmer published a translation of this book, but he suppressed the picture; and why? says my friend, reasoning with that logical precision which Puritan reasoning generally leads up to; and why did he suppress it? Because he disapproved of the Popish superstition of burning two candles. Well, if he did why did he inquire after them in his Visitation Articles which he issued at that time? My friend might just as well, and with far more reason, having regard to the fact that the Church of England holds, as I trust she ever will hold, that the proper way to administer the Holy Communion is, that the laity shall receive it in both kinds; my friend, with far more reason and with greater weight, might have referred to the same picture if Mr. Mackonochie had been administering bread only, and have said, "Why did Cranmer sup-"press that? Clearly because it recognizes the "abominable Popish practice of administering the "blessed body and blood of the Redeemer in one kind "only." The very same argument might have been used to show that Cranmer disapproved of administering the Sacrament into the mouth of the laity instead of into their hands. But the answer to that would of course have been, How comes it then that a Prayer Book which met with the full approval of Cranmer

enjoins the practice, and gives as a reason a fear that if it be not enforced the blessed Sacrament may be desecrated, a reason which in common fairness one may say, whether right or wrong, at any rate is a motive of reverence and not a motive of irreverence, and which is akin to the motive which influences the Roman Church in providing that the Sacrament shall be administered under one kind only.

(*The Dean of the Arches.*) Do you think that is the only motive? However, we won't go into that.

(*Mr. Prideaux.*) There may be others, but we are not discussing them now. Mr. Mackonchie and certain other reverend gentlemen—not that that has anything to do with the point, because there is no fear of Mr. Mackonochie, or those who think with him, not being able to meet any charge of false doctrine whenever my friend's clients will have the boldness to bring it against them.

I have onlyone other remark to make with reference to this question of lights, and that is, the use of the words "high altar." My friend says that the high altar is gone; I say it is not gone. It is perfectly clear that the term "high altar" is used in opposition to the side altars that at that time existed in the church. "High altar" means nothing more than principal altar. We have only one now, we call it the "high altar," and I may say there is only one in the Greek Church. In fact, a multiplicity of altars is peculiar to the Roman branch of the Holy Catholic and Apostolic Church; and it is perfectly clear, if you look at that Injunction, it is, "You shall not burn lights before an altar dedicated to the blessed Virgin; you shall not burn lights before a side altar dedicated to any of the saints; you shall not burn lights before any of the side altars of the church, for we fear that if you do they may be abused to idolatrous purposes. You shall burn them only at that principal place where, upon high occasions, the celebration of the Eucharist is performed, and you shall limit your lights to that principal altar. You shall not burn them upon the side altars, even though (as I have no doubt was frequently the case) the blessed Sacrament may be there, or hanging over it." However, I won't labour that point, because I really feel it is quite unnecessary to do so. I would merely refer your Lordship to an Injunction which was issued, and which my friend cited, directing that the Lord's Supper should be celebrated only at the high altar. If your Lordship wishes the reference I can give it you.

(*The Dean of the Arches.*) I have got it; Mr. James cited it.

(*Mr. Prideaux.*) I say that bears out my suggestion. It was an Injunction issued in the reign of Edward VI., in which the instructions were, "You shall not any longer celebrate the Mass at any of the side altars, but you shall celebrate it only at the high altar:"—the key note to interpret the matter into which we are now inquiring evidently being not the word "altar" but the word "high." "You shall celebrate it at the principal place where the divine offices are performed; and you shall not be allowed for the future to do what you have hitherto done, namely, to celebrate at the side altars, which are dedicated to the blessed Virgin and the other saints to whom they have been set up."

Only one other word; we read that the two lights are to be lighted and kept lighted during the celebration of the Mass. "Tempore quo solennia missarum peraguntur." My Lord, it is the invariable practice, and always has been, of the Church of Rome and of the Western Church, to remove the blessed Sacrament if there be any on the altar before the commencement of the divine mystery. The very object of that divine mystery is by the performance of the divine action, and the repetition of the divine words, and by the operation of the Holy Ghost to bring there present upon the altar the blessed body and blood of the Redeemer under the sacramental veils of bread and wine. The object is to effect that; and although the practice of the Church of Rome is to have somewhere in her churches the blessed Sacrament reserved, I think I am right in saying that never is the blessed Sacrament upon the altar when they are about to perform the divine mysteries.

(*The Dean of the Arches.*) Nor suspended above the altar?

(*Mr. Prideaux.*) Nor suspended above the altar; and one can readily understand why. It is the great Eucharistic mystery of the Christian Church, the very object of which is by that mysterious rite to bring down, by the blessing of God, the presence of the Redeemer upon the altar; and it would scarcely be consistent with the spirit and the object of the rite that that blessed Sacrament should be upon the altar at the moment. At any rate, as a fact (and my friend may easily contradict it if he can), it is I believe one of the rules and canons of the Roman branch of the Catholic Church, that whenever it is intended at any particular altar to celebrate the divine mysteries, you shall take care that before the celebration commences the blessed Sacrament, if it has been there, shall be removed.

(*The Dean of the Arches.*) You say the reserved Sacrament would be always removed before the celebration?

(*Mr. Prideaux.*) I say if the reserved Sacrament is there it would be removed.

(*The Dean of the Arches.*) And you say it is always removed, and that it never could be there at that time.

(*Mr. Prideaux.*) I do not say it is always removed because I do not say it is there—ordinarily, I apprehend, in England at any rate, it is not on the high altar. But I say the rule is that the reserved Sacrament shall not be upon or over the altar at which the divine mystery is about to be celebrated.

(*The Dean of the Arches.*) And then you say if it is there they remove it; therefore, of course it must be there sometimes.

(*Mr. Prideaux.*) It may be sometimes; but I say if it is there they remove it. The gist of my argument is this: it is clear those directions that the lights are to be burnt during the celebration of the Mass have no reference to the reserved Sacrament; that is the purpose for which I cite it.

I am quite sure if anything should occur to my friends who are instructing me, your Lordship will allow me to mention it at any time before I have done; and having said that, I believe I have said all that it is necessary for me to say upon the question of the reserved Sacrament, as bearing upon the question of lights.

There is, however, as I am reminded, one document which my friend referred to very triumphantly, and that was the complaint of the Devonshire rebels. Your Lordship will remember my friend cited it for the purpose of proving, and no doubt it at any rate went so far as to show that it was frequently the case, that the reserved Sacrament was suspended over the high altar. The words were, "We will have the Sacra-
" ment hang over the high altar, and there to be
" worshipped as it was wont to be; and they which
" will not thereto consent, we will have them die
" like heretics against the Holy Catholic faith."

(*The Dean of the Arches.*) I forget the date of that.

(*Mr. Prideaux.*) 1549. What I desire to read to you is Cranmer's answer to them. I am reading it from the English Church Union case, p. 69; but it is taken from Strype's Cranmer, App. 97. "We will have the Sacrament hang over the high altar;" and this, my Lord, is further important as showing that, under the first Prayer Book—bearing out the suggestion which first came from your Lordship, I think—there was no reserving of the Sacrament. Cranmer's answer is, "Is this the Holy Catholic faith that the Sacrament should be hanged over the altar and worshipped?" I beg to remind my friend here that what Cranmer inquires is whether it is the "Holy Catholic faith." It is not whether it is the Protestant faith which my friend talked so much about. I confess I do not know what the Protestant faith is. If my friend says it means the faith of the Church of England, then let me

tell him it means the Catholic faith, as appears from the creeds, "I believe in one Holy Catholic Church." "This is the Catholic faith," &c. Cranmer says, "Is this the Holy Catholic faith that the Sacrament "should be hanged over the altar and worshipped? "And they be heretics that will not consent thereto? ". . . . . Innocent III., about 1,215 years after "Christ, did ordain that the Sacrament and Chrism "should be kept under lock and key. But yet no "mention be made of hanging the Sacrament over the "high altar, nor of the worshipping of it. After him "came Honorius III., and he added further, com- "manding that the Sacrament should be devoutly "kept in a clean place, and sealed; and that the priest "should often teach the people reverendly to bow "down to the Host, when it is lifted up in the Mass "time, and when the priest should carry it to the sick "folkes. And although this Honorius added the wor- "shipping of the Sacrament, yet he made no mention "of the hanging thereof over the high altar, as your "article proposeth. Nor, how long after, or by what "means, that came first up into this realm, I think "no man can tell. And in Italy it is not yet used "until this day."

(*The Dean of the Arches.*) I am at a loss to see how that displaces the argument, that as a matter of fact it was used at the time of the Devonshire rebels.

(*Mr. Prideaux.*) I do not say that it displaces the argument, but I say this: it shows that it was contrary to the decree of Pope Honorius, and raises a strong presumption that the practice in England was not universal.

(*The Dean of the Arches.*) The complaint of the Devonshire rebels was cited to show that there had been about that time an existing custom of hanging the reserved Sacrament over the altar; and I do not find any denial in that passage of Cranmer.

(*Mr. Prideaux.*) Oh no, it does not deny it, but it only shows that it was a corrutption that had crept in.

(*The Dean of the Arches.*) But the question is not whether it was a corruption or not, but whether as a matter of fact it had crept in at that time. I mean in so far as regards this question.

(*Mr. Prideaux.*) Except that to make anything of it, the inference must be drawn that the practice was universal. I say, my Lord, that it rebuts the probability that the practice was universal.

(*The Dean of the Arches.*) There is a mistake in the Church Union case, which states that "the taber- "nacle appears to have been a later introduction, and "was perhaps due to Cardinal Pole himself." It was mentioned in Lyndwood.

(*Mr. Prideaux.*) I rely especially upon the distinction between the one light and the two. The light was in use when the reservation of the Sacrament was customary, there being no direction as to the light being put upon the altar, in connexion with the reserved Sacrament; and although I think it raises a presumption that the practice was not universal at that time, it was not for that purpose I cited it, but I cited it for the further proof of the suggestion laid down by your Lordship, that at that time the practice of reserving the Sacrament was gone. That is its important bearing upon this case.

And now I come to the consideration of the question of incense. I understand my friend to say that the burning of incense is a Popish superstition. He certainly has the misfortune in that respect to differ from the views entertained by the Royal Psalmist, because the Royal Psalmist says in the second verse of the 141st Psalm, "Let my prayer be set forth in "thy sight as the incense, and let the lifting up of my "hands"—showing how natural elevation is in an act of worship,—"be as an evening sacrifice." But let us see whether the Roman Church has prostituted incense to idolatrous purposes. I hold in my hand perhaps one of the most popular books of devotion in the Roman Catholic Church now in existence. I daresay the very title will frighten my learned friend, but, my Lord, if there are some weeds and thorns in it there are many flowers.

(*The Dean of the Arches.*) I daresay Mr. Stephens will survive it.

(*Mr. Prideaux.*) I should be very sorry, as I said, to incense him.

(*Mr. Stephens.*) There is not the slightest fear of it.

(*Mr. Prideaux.*) The book that I am citing from is "The Garden of the Soul: a Manual of Spiritual "Exercises and Instructions for Christians who, "living in the World, aspire to Devotion; revised "and corrected by the Rev. Edward Price." It is the edition published by the Catholic Publishing and Bookselling Company (Limited), 61, New Bond Street, and amongst other things there is an article called "Instruction for the Mass." If my friend thinks he can find any Popery in it which he may fasten upon these words, I shall be happy to lend it to him. Among other things it explains the use of incense, and the explanation is: "Incense which "is used in solemn or high masses is symbolical "of prayer, according to that of holy David, 'Let "my prayer, O Lord, be directed as incense in thy "sight.'" Now I admit this is a book sanctioned by Cardinal Wiseman and all the great authorities of the Roman Church, and I admit that if the sight of a Roman Catholic book is to establish Popery my friend is right; but I do not think this Court will hold that when we learn that the explanation which the Church of Rome gives of incense is that it is symbolical of prayer, according to that of holy David, "Let my "prayer, O Lord, be directed as incense in thy sight,' —I do not think, whatever Exeter Hall may say, this Court will be of opinion that to burn incense as symbolical of prayer is a Popish superstition. Then if it be not why is not it lawful if I am right in the various arguments which I have ventured hitherto to submit to the Court?—I understand your Lordship to have decided that I am not to go into the question as to whether it is competent to you to inquire into the question of incensing persons and things?

(*The Dean of the Arches.*) That has been ruled by my predecessor, and, whether rightly or wrongly, I must abide by it.

(*Mr. Prideaux.*) Therefore, I will deal with the question of incense generally. And my first argument is that it was undoubtedly used by the common ecclesiastical law at the time of the Reformation. We find from the Sarum book that incense was used for the censing of persons and things to a greater extent, I believe, but certainly to the extent that Mr. Mackonochie goes, and exactly at the time when he uses incense. Therefore, I say it is for my friend to show why the use of this incense is illegal, and, without specifying the analogy, I will venture in general terms to submit to your Lordship that a great portion of the argument which I have ventured to urge upon your Lordship in support of lights, is equally applicable in support of incense; and in one respect, at any rate, I have a much stronger case than I have even upon the question of lights; for although your Lordship cannot doubt that *de facto* incense was used under the first Prayer Book of Edward VI., from the time of Edward VI. to the present time there is not a single prohibition against the use of incense. Now, my Lord, I say that that is a fact that comes with overwhelming weight. I shall not trouble your Lordshi with that part of the case, because your Lordship is acquainted with the historical facts, and we know that incense *de facto* has been used from time to time, and that at any rate certain "censers" are assigned by the commissioners of church goods for the use of the churchwardens.

(*The Dean of the Arches.*) You say it has never been prohibited?

(*Mr. Prideaux.*) I say there is no prohibition—not one. My friend cited from Bishop Pilkington. I shall have a word or two to say about him presently—but I say there is no Visitation Article, no Act of Parliament; there are no canons, no Injunctions; there is no friendly letter even from any single bishop

that can be produced, or at any rate that has been produced, showing that from the time of King Edward VI. to the present time incense has ever been forbidden, and why has not it been forbidden? Some of these Visitation Articles that my friend has cited are very exact; they go into details on many matters, they leave the more important matters untouched; and in these Injunctions of Ridley, in these Injunctions of Grindal in which you find the spirit exhibited of forbidding in effect those things which were enjoined by the cauteles—I ask your Lordship why the use of incense is not forbidden if it was intended that it should not be used? I understand Grindal did order censers to be destroyed; but I beg to remind your Lordship that he also ordered stoles to be destroyed at the same time. But at any rate down to the time of Grindal my friend cannot show a single instance of any kind whatever in which incense has been forbidden.

(*The Dean of the Arches.*) You qualify your proposition by saying it never was prohibited before Grindal's time?

(*Mr. Prideaux.*) Exactly, and I say if you look at his Visitation Articles you will find he forbids all sorts of things which are undoubtedly lawful. I am told that he does in one of his Visitation Articles direct censers to be destroyed. But what does that prove? Why, that they had been used up to that time; because you may be quite sure that Grindal would not have directed them to be destroyed if they had not been in use before; all these Injunctions (and I make this statement as a general rule, and, to a certain extent, to guide your Lordship) forbidding the things which are mentioned, prove clearly that they were still practised. If censers were used when Grindal issued these Visitation Articles, and if they were illegal, why were they not forbidden before? It is not likely that men acting in a catholic spirit—that men believing that the Church of God in her practices is full of the most beautiful symbol indicating the great Christian duties and the great mysteries of religion—that men who have at any rate the authority which they have always contended for of that passage in Malachi which your Lordship says will have no weight with you, and, therefore, I do not cite it; that men who were constantly repeating that Psalm of David to which I have referred, "Let my prayer, O Lord, be set forth in thy sight as the incense"——

(*The Dean of the Arches.*) I did not say the passage in Malachi would have no weight with me. What I said was I should not decide whether incense was lawful under the Prayer Book of Edward VI. by a reference to the Book of Malachi.

(*Mr. Prideaux.*) I merely refered to it for the purpose of showing that it is absolutely impossible to believe that censing was not continued, and also that it is utterly impossible to believe that it was not continued according to the manner in which the censing was carried on by the direction of the Sarum Use. Well, then, if so, if I am right in the construction which I venture to ask your Lordship to put upon the language of the Judicial Committee of the Privy Council in the Westerton case, you have incense used *de facto*, and lawfully used under the first Prayer Book of Edward VI. I have already ventured to say that if the Ornaments Rubric was not intended to set up and establish a use (for the words are "shall be retained and be in use") of ornaments which are not mentioned by terms or by necessary implication in either of the Prayer Books, then is the Ornaments Rubric useless and valueless; and therefore I say that as a matter of fact your Lordship cannot doubt that incense, and by consequence the implement used for the burning of incense—the censer—was used and lawfully used in the second year of the reign of King Edward VI.; that is to say, used and lawfully used under the first Prayer Book of Edward VI., if therefore I am right; as I submit that I am, in asking your Lordship to put the wider construction upon the language of the Judicial Committee of the Privy Council with reference to the Ornaments Rubric, then I say that our case is proved. It is almost proved by the silence of prohibition; but when you find that these very Injunctions show that the use of incense continued; when your Lordship comes to the conclusion which as a man knowing human nature you must arrive at, that the practice would be continued if no steps were taken to stop it; when there is not even an Injunction or a direction of any kind to stop it—to say nothing of any prosecution in any of the courts—I say it is impossible that your Lordship can come to any other conclusion than that the practice continued. I lay that down as a matter of fair common sense inference of facts. If your Lordship can come to no other conclusion than that incense was used under this first Prayer Book of Edward VI. (and there can be no doubt that it was used in the same way as that in which it was used under the Sarum Use), then, if so, if I am right in this view of the construction of the language of the Privy Council, our case is proved. If I am wrong, then I shelter myself under the same Injunction which I referred to with reference to lights. Now I will take the liberty of reading that Injunction to your Lordship with reference to what it says about incense, because really it seems to me that if candles are established, incense follows in their wake. I will "read your Lordship the Injunction. "Item, that such "images as they know in any of their cures to be or "have been so abused with pilgrimages or offering "of anything made thereunto, or shall be hereafter "censed unto, they and none other private persons "shall, for the avoiding of that most detestable offence "of idolatry, forthwith take, or cause to be taken "down or destroy the same."

I need not read the rest of the article. The words upon which I rely are, "such images as they know in "any of their cures to be, or have been, so abused "with pilgrimages or offerings of anything made "thereunto, or shall be hereafter censed unto."

(*The Dean of the Arches.*) That is the Injunction about the lights?

(*Mr. Prideaux.*) The same Injunction, evidently, as I submit, recognizing the use of incense and treating the use of incense as a lawful use, not forbidding it.

(*The Dean of the Arches.*) But how do you make out that?

(*Mr. Prideaux.*) In this way, my Lord ———

(*The Dean of the Arches.*) Just read that passage about being censed unto.

(*Mr. Prideaux.*) "Item: that such images as they "know in any of their cures to be or have been so "abused with pilgrimages or offerings of anything "made thereunto or shall be hereafter censed unto."

(*The Dean of the Arches.*) Those are the only words relating to incense.

(*Mr. Prideaux.*) Those are the only words relating to incense, and I say those words, inasmuch as they are directed against the images abused, and not against the censing, necessarily involve the recognition of the use of incense as lawful in the Church. And that incense must have been continued in the Church of England up to the very time when the first Prayer Book came into use is quite clear, because it is provided that the Mass is to be used without alteration as ordered in the "Order of Communion," that is the Order of Communion of 1548. My Lord, I admit that this is an incidental reference to the use of incense, but it is a reference I say which clearly recognizes the use of incense. It says, "we do not forbid you to use incense, "you may continue to do that, but any image which "shall be hereafter censed unto must be taken down "and destroyed."

(*The Dean of the Arches.*) You have made a considerable interpolation, have not you?

(*Mr. Prideaux.*) Well, my Lord, I think that is a fair inference to be drawn from the language of the Injunction. If the intention had been to forbid incense altogether why was not it forbidden? Even with regard to lights, they are forbidden with the single exception of the two lights upon the altar, which are to be retained; but incense is not forbidden at all. The future use of incense is in point of fact assumed in the Injunction, but it says the images that are

hereafter censed unto are to be removed. My Lord, I say if the object had been to remove the incense the Injunction would have said so, just as the Injunction does say that the lights are to be removed with the single exception ; and I say that the fact that in terms that Injunction is limited to the images which are abused by being censed unto, shows conclusively, according to every fair principle of interpretation and inference, that the use of incense, except for the purpose of censing images that were abused, was to be continued. Therefore, I say, upon the true construction of this Injunction there is a sufficient recognition of incensing, except in the incensing of images, incorporated into the Prayer Book, by recognition of that Injunction in the Prayer Book to justify your Lordship in saying, even if you take the narrower view of the interpretation put by the Judicial Committee upon the Ornaments Rubric, that the incense is lawful, and therefore that these censers are ornaments which were prescribed by authority of Parliament in the second year of the reign of King Edward VI.

I now just call your Lordship's attention to the report of the Lower House of Convocation upon incense.

(*The Dean of the Arches.*) I think Mr. James referred to it.

(*Mr. Prideaux.*) I do not remember whether he did or not—one gets so many things referred to at different times and on different occasions that it is difficult to remember. This report appears to me to be entitled to great weight. It is very short ; "The "Committee observe that there is no proof of the use "of incense in the apostolical age. The burning of "incense, however, in a standing vessel, for the two-"fold purpose of sweet fumigation, and of serving as "an expressive symbol, has undoubtedly been used "from ancient times. The practice of censing "ministers and ornaments, and of swinging censers, "is of much more recent origin"—(Whatever my friend Mr. Coleridge by his ingenuity may say, it is quite clear that in the passage which he cited from George Herbert's works, George Herbert was teaching incense as being symbolical, and not merely for the purpose of fumigation)—"The Committee next ob-"serve that the use of incense is not prescribed by "the rubrical law of the Church of England." There I venture to differ from them, because I venture to say that by the incorporation of these Injunctions of King Edward VI. into the first Prayer Book of Edward VI. it is prescribed : "And that the censing of ministers "or ornaments has no authority, either in the laws "or the practice of that Church since the Reforma-"tion." That is the view of the Committee. Of course if your Lordship takes the same view upon that point you will decide against us so far ; but I hope and believe you will not. "The burning of incense, "however, in a standing vessel has been practised "since the Reformation in some churches and chapels, "cathedral, collegiate, royal, episcopal, and parochial. "Instances may be found down to the middle of the "last century. Under these circumstances the Com-"mittee are of opinion that the censing of ministers "or ornaments is inadmissible. With regard to the "simpler use of incense above described, the Com-"mittee think it sufficient to remark that it should "not be introduced without the sanction of competent "ecclesiastical authority," showing that the opinion of the Committee was that the use of incense in the simpler form was lawful; because, of course, if the use of incense in the simpler form was not lawful it could not be sanctioned by competent ecclesiastical authority. Now I believe that very nearly, if not quite, all that can be said upon the question of incense is contained in a very learned pamphlet on the subject by Dr. Littledale. There he shows the extent to which it was used in the ancient liturgies, and among them in the earliest liturgy we have—the liturgy of St. James. Under the pre-Reformation system of Sarum he shows what at any rate he conceives is the authority for it, under the English post-Reformation system, and the various persons who have used it. But I do not propose to trouble your Lordship, unless you desire it, by going into quotations upon that point. I think it is sufficient I should refer to the publication.

(*The Dean of the Arches.*) I will look at the pamphlet.

(*Mr. Prideaux.*) Now, my Lord, here is a very remarkable document, which I will hand up to you with your permission. It professes to be an account of certain expenses due from Bishop Cosins for candles and censers. Here is the account and the receipt; and if your Lordship pleases I will just hand it up. It shows that Bishop Cosins not only used such things——

(*Mr. Stephens.*) I have not the slightest objection to your Lordship receiving that document, but I really should like to know what its authenticity is. Perhaps my friend will allow me to look at it ?

(*Mr. Prideaux.*) Certainly ; it purports to be taken from the Mickleton manuscripts, and we can verify the fact that it contains Bishop Cosins' handwriting.

(*The Dean of the Arches.*) Were those censers used in Bishop Cosins' own private oratory ?

(*Mr. Prideaux.*) In the College Chapel, my Lord; and as I ventured to submit to your Lordship before, if there is any place in the world where the pure Protestant principles of the glorious Reformation ought to be carried out, it is the chapels of our colleges.

(*The Dean of the Arches.*) But you are aware that there are several immunities which they have, which churches have not.

(*Mr. Prideaux.*) That may be, but they cannot go contrary, as my friend says, to the Act of Parliament, according to his contention.

(*The Dean of the Arches.*) Except that a censer is bought and sold here, I do not exactly see what this proves.

(*Mr. Prideaux.*) It shows that it is bought and sold and paid for by Bishop Cosins.

(*The Dean of the Arches.*) It says "the chapel," but I see it refers to the Peterhouse College. "For "the sencor 36 oz. 4 dwts. at 8*s.* the oz. is, 14*l.* 9*s.* 6*d.* "For altring and mendinge the cases and making a "newe case to the sencor, and portredge to and frowe "from Cambridge, 16*s.*"

(*Mr. Prideaux.*) I understand, my Lord, the signature can be verified.

(*Mr. Stephens.*) I do not want it verified; make what use of it you can.

(*Mr. Prideaux.*) I suppose that my friend sees that it is impossible to struggle against such evidence ?

(*Mr. Stephens.*) I will admit it for what it is worth ; it is just worth the piece of paper on which it is written.

(*Mr. Prideaux.*) At any rate it is worth as much as an authority which you cited, and which I am going to refer to immediately.

(*The Dean of the Arches.*) What are the Mickleton MSS. ?

(*Mr. Prideaux.*) The original manuscript is, I understand, in Bishop Cosins' library at Durham.

(*Mr. Stephens.*) I will admit it for what it is worth.

(*The following document was put in.*)

"*Mickleton MSS., xcj.* 28.

"For the Right Worshipful Dockter Cosines, 1638.

"For to [two] candellstickes imbosed and all gilt "over for the Chapell, wayinge 145 oz. 13 wt. at 8*s.* "the ounce, is 58*l.* 4*s.* 6*d.*

"Paid for the cases to them, 15*s.*

"For seven bekees, weight 81 oz. 15 wt., at 5*s.* 6*d.* "the oz., 22*l.* 9*s.* 9*d.*

"For armes and words one them, 15*s.*

"For a Trencher salt, weight 3 oz., the silver "comes, 15*s.*

"For the fashone of it, 3*s.*

"Payd to Mr. Hoper one acount for the Colledg ewse, 15*l.*

"For graving the armes one a flagon and words, 5*s.*

"Some delivd., 98*l.* 7*s.* 3*d.*

"Received in part in old platt, 190 oz. 19 wt., at "4*s.* 11*d.* the oz., is 47*l.* 6*s.* 9*d.*

"Received mor in partt of the Right Worshipfull " Docter Cosines in mony, 15*l.*

"Received mor old platt, 103 oz. 10 wt., at 4*s.* 11*d.*, " 26*l.* 2*s.* 10*d.*

"Some recd. in part, 88*l.* 9*s.* 7*d.* Rests to me of " old one thatt account 9*l.* 17*s.* 8*d.* For the addision " to the candelsticks, 26 oz. 17 wts., at 8*s.* the ounce, " is 9*l.* 4*s.* 9*d.*

"For the sencor, 36 oz. 4 wts., at 8*s.* the oz., is " 14*l.* 9*s.* 6*d.*

"For altring and mendinge the cases and making " a newe case to the sencor, and portredge to and " frowe for Cambr, 16*s.*

"Some totall dewe, 35*l.* 17*s.* 11*d.*

"I shall receive in part from Mr. Thomson, 10*l.*

"Rests for the colledg to paye 25*l.* 17*s.* 11*d.*

"And I payd to that nasty carier James, which did " nott deliver my leter in time for the box he " brought from Cambridg, 3*s.*

"Soe all is dewe, 26*l.* 0*s.* 11*d.*

"I gave my leter to James himselfe in the taverne, " and hee mad at the recayt of it great protesta- " tions of his love to your worshipp. I hope at last " he brought you my leter, which came with the " platt. I ame wonderfull of worke, for which I " desier your old platt, and shall give all content " when I come to Cambridg. Thus hoping of your " worshipfull good helth, I rest your faythfull " servant,

"Richard Blackwell.

" [July 1638. Paid him since in 2 old gilt candle- " sticks, 10*l.* and in money 10*l.*] I sent a litell silver " seall in the first letter whear in an emblem wase " ingraven one it to your sonne or dagter as a token " from your servant R + B.

" Upon the delivery of this leter I will talke with " James whic hee could not deliver the leter as well " as the platt.

" Received more from the Colledg, thre beakers, " 3 tankards, a coledg pott, a wine cup, and one cover, " waying all together one hundred five ounces and a " half at 4*s.* 11*d.* is 26*l.* 2*s.* 10*d.*

" The candlesticks and the other platt for the " Colledg came to, as appears by the byll that your " Master docter Coseins hath to 98*l.* 2*s.* 3*d.*

" For the ingraving of St. Peter, with the armes " one a flagon, and the words to it, 5*s.*

(" Some delivd. 98*l.* 7*s.* 3*d.*)

" Received formerly old platt as a peres by his " byll, 47*l.* 6*s.* 9*d.* and in mony of the dockter 15*l.* " and nowe this platt the 22d of June as aperes by " the particklers above riten, wayte and prise, " 26*l.* 2*s.* 10*d.*

" Some recd. 88*l.* 9*s.* 7*d.*

" Rests to me to cleare 9*l.* 17*s.* 8*d.*

" Richard Blackwell.

" To the Right Worll. Dr. Cosines,
" Mr. of Peter howse Colledg
" in Cambridg.

" Indorsed [in Cosins' hand] Mr.
" Blackwell's bills for plate."

(*Mr. Prideaux.*) Now I am going to refer to a passage which my friend cited from Bishop Pilkington's works, Parker's Society's edition, page 129. And how my friend should cite such a thing, and how Bishop Pilkington should have had the face to write it, is what perfectly astonishes me.

(*The Dean of the Arches.*) Then, Mr. Stephens, you do not take any formal objection to this document?

(*Mr. Stephens.*) Not the slightest; I take no formal objection. Formal objections belong to the opposite side, my Lord.

(*Mr. Prideaux.*) My learned friend says in his opening speech: " I allude to the Ten Command- ' ments, which, according to that writer whose book " I cited, are to be placed so as not to be seen or read " by the people, and my gloss upon that was because " the Second Commandment says, 'Thou shalt not " ' fall down and worship a graven image.'" That is what my friend says. Now, what the worshipping of a graven image has to do, at any rate, with worshipping the blessed Redeemer under the form of bread and wine, I cannot understand. I suppose my friend would not even be so profane as to say that the blessed Sacrament was a graven image?

(*Mr. Stephens.*) What right has Mr. Prideaux to say that I am guilty of profanity?

(*Mr. Prideaux.*) I did not say you were guilty of profanity.

(*The Dean of the Arches.*) Mr. Prideaux, I must tell you that you said, " I do not think even my friend, Mr. Stephens, could be so profane."

(*Mr. Prideaux.*) I mean of course in his official character, as representative of the Church Association.

(*Mr. Stephens.*) My Lord, neither in my private nor my official character have I ever been guilty of profanity.

(*The Dean of the Arches.*) I must request you, Mr. Prideaux, to withdraw that expression.

(*Mr. Prideaux.*) My Lord, I willingly withdraw it. As I have said before, I am particularly desirous not to incense my friend. Then my friend continues the quotation from Bishop Pilkington: " Having God's " eternal words sounding always amongst them in " their sight and ears; and last of all they should " have good discipline, correct faults, and keep good " order in all their meetings. But as they wept to see " this second house no more costly or pleasant to the " eye, so our poor Papists weep to see our churches " so bare, saying they be like barns, there is nothing " in them to make curtsey unto, neither saints nor " yet their old little god." At any rate I may use the word " profane " with regard to the passage which was cited. " But hereafter it appears whether of " these churches God is more delighted withal. For " although these ceremonies " (my friend added " here you see we have incense or frankincense " enumerated and dealt with as a ceremony") " in " the Old Law were given by Moses for the hardness " of the people, to keep them exercised that they " fall not to idolatry of the Gentiles, yet is there no " mention of either of these " (and my friend says " these are the important words") " in the New " Testament, nor yet commandment now, neither to " us nor them, but forbidden to be used of all, both of " us and them. We be no longer under shadows, but " under the truth. Christ hath fulfilled all, and taken " away all such dark kind of ceremonies, and hath " placed the clear light of His Gospel inH is Church, " to continue to the end. But the Pope hath thrust " the Church full of more blind and wicked cere- " monies than everMoses did." I think that last clause is rather a strong one, seeing that the ceremonies Moses introduced he introduced by thedirect command of Almighty God. Therefore, I think it is rather a strong measure to talk about Moses introducing " blind and wicked ceremonies." But, my Lord, the passage for which I cited this is " yet is there no mention " of either of these in the New Testament, nor yet " commandment now, neither to us nor them, but " forbidden to be used of all, both of us and them." Now I shall be very content to put the case of incense upon that. I ask my friend confidently where—and it shows the looseness of the citations which he brings —where is the use of incense forbidden in Holy Scripture? because that is the passage which my friend literally thinks to blind this Court by bringing forward—a mere assertion that the use of frankincense is forbidden in the New Testament. Where, where? I think I can point out a place where, if it was intended that it should be forbidden, it probably would have been forbidden; but will my friend accept the issue? I am willing to put it upon that. At any rate on this occasion I will be as thorough a Bible Christian as even the "Record" newspaper could desire. I repeat I am willing to put it upon that issue—where is the use of incense forbidden in

Holy Scripture? My Lord, it was at the time when Zacharias was gone up to burn incense in the temple that the angel of God, the same who was honoured to announce to the ever blessed Virgin, Mother of God, the great mystery of the Incarnation, stood by his side at the altar of incense and announced to him that he was to become the father of the greatest of those that should be born among women. An improbability, no doubt, but much less of a mystery than that which was afterwards by the same angel announced to the blessed Virgin. And what did Zacharias do? He disbelieved the word which was spoken to him; typical of that spirit of scepticism and infidelity to which the advanced forms of Protestantism are so likely to lead; and he was then and there struck dumb; not for carrying out the directions of Almighty God, and under His directions being guilty of the "divinely appointed Popish ceremony" of burning incense, but because he thought fit in a true spirit of Protestant scepticism to disbelieve in the possibility of that Word of God which had been announced to him by the angel, whilst the ever-blessed Virgin, to whom a mystery so great and ineffable was announced, received it in faith——

(*The Dean of the Arches.*) Mr. Prideaux, I do not wish to interrupt you if you think this bears upon the legal argument, but I am sure you will see at once how very undesirable it is to introduce topics of this great solemnity into questions of this kind. I have merely to decide according to law whether incense is or is not permitted by the Church of England.

(*Mr. Prideaux.*) My Lord, I bow to your Lordship's suggestion immediately, and therefore the additional remark which I was about to make I will not make, but I do respectfully submit that the fact that this great and important connecting-link between the Jewish dispensation and the Christian dispensation was made to Zacharias at the altar of incense by the archangel of God at the very time when he was burning incense is, at least, in the absence of any affirmative evidence that the use of incense is forbidden in the Scriptures, a pretty tolerable answer to this passage which my friend has cited in which Pilkington had the presumption, or the ignorance, or the bigotry, or whatever it may be, to assert that it is forbidden in Holy Scripture.

And now, my Lord, I have done with the subject of incense, and I very much regret that I should have allowed my sense of indignation at the assertion that incense is forbidden in Scripture to have led me to make observations which I quite feel are better omitted in this Court, and which I extremely regret that I was led to make.

I now come to the consideration of the mixed chalice, and here also in the first instance I must inquire what it symbolises, because my friend says that the mixed chalice also symbolises Popery. My friend has cited a canon of the Holy Council of Trent.

(*The Dean of the Arches.*) I did not understand Mr. Stephens to say that it symbolises Popery: I understood him to say that it was a custom first introduced by the Pope.

(*Mr. Stephens.*) That was all, my Lord.

(*The Dean of the Arches.*) However, Mr. Prideaux, deal with it as you were going to deal with it.

(*Mr. Prideaux.*) I certainly understood my friend to say that they were Popish symbols.

(*The Dean of the Arches.*) That it owed its origin to a Papal measure.

(*Mr. Prideaux.*) Of course, if my friend concedes that the mixed chalice does not in any sense symbolise Popish superstition, then I am very glad to find that I misunderstood him; because I really thought that that was his notion, and I was prepared to show that it was not so.

(*Mr. Stephens.*) Let there be no misunderstanding on this point. I neither admit or deny anything in this case.

(*Mr. Prideaux.*) I am much obliged to your Lordship for the suggestion, and I was in hopes my friend would have admitted it. However, my friend does not admit that the mixed chalice does not symbolise Popish superstition, and I must deal with that accordingly. My friend referred to one of the canons of the Holy Council of Trent, assigning the reasons (I think it was the one to which your Lordship was pleased to direct my attention), the 23rd Session, canon 7,— "De aquæ miscenda vino in calice offerendo. Monet "deinde Sancta Synodus, præceptum esse ab ecclesia "sacerdobilius, ut aquam vino in calice miscerent, tum "quod Christum Dominum ita fecisse credatur." That is the first reason, because our blessed Saviour was believed to have done it. I will ask my friend whether he neither admits or denies——

(*The Dean of the Arches.*) You had better not ask him anything.

(*Mr. Prideaux.*) "Tum etiam quia e latere ejus aqua simul cum sanguine exieret." Is that "a Popish superstition," to believe that water and blood issued out of the side of our Saviour?

(*The Dean of the Arches.*) And they say, because it is mentioned in the Apocalypse.

(*Mr. Prideaux.*) "Quod sacramentum hac mixtione "recolitur et, quum aquæ in Apocalypsi beati Joannis "populi dicantur ipsiis populi fidelis cum capite "Christo unio representatur." The third reason is, that it signifies the union of our Saviour with the Church.

(*The Dean of the Arches.*) It is all dealt with in a chapter by Aquinas, and there are other reasons given.

(*Mr. Prideaux.*) I was going to give your Lordship one other reason. I like to go to Roman Catholic writers for this, because it shows what they themselves say it symbolises.

(*The Dean of the Arches.*) Very well; do so, if you like.

(*Mr. Prideaux.*) There is a little book, written by a gentleman for whom I have very great respect, and by whom, many years ago, I had the benefit of being instructed—the Rev. Canon Oakeley. He says that it symbolises the human and the divine nature in the Redeemer. I suppose my friend does not either admit or deny that it is a Popish superstition to believe in the union of the divine and human nature of the Redeemer. Now I stated, and I will act upon it, that I would not trouble your Lordship by arguing that the mixture of the wine and water was practised in the early Church. My friend cited a passage from Wheatley, where Wheatley admits it, and says that the only exception was the Armenians—a most unfortunate exception for my friend, because the Armenians happened to be Monophysites—Eutychian heretics, who denied the abiding reality of the Lord's human nature; and therefore one can well understand (not that it is very material whether it be so or not) that they would reject that particular ceremonial, or ceremony which it had always been held in the Church symbolises that Christ was very God and very man.

(*The Dean of the Arches.*) You do not contend that the mixed chalice is at all necessary for the Sacrament?

(*Mr. Prideaux.*) No, my Lord.

(*The Dean of the Arches.*) That is one of the points which Aquinas deals with and decides that it is not.

(*Mr. Prideaux.*) The Church of England has never, of course, decided that; and I believe the view of the Church of Rome is this, that it is not necessary, but that the priest who wilfully omits it is guilty of mortal sin; that, I believe, is the view entertained by the Roman Church. But I do not for one moment contend that it is necessary.

(*The Dean of the Arches.*) It is a question of usage very much, is not it?

(*Mr. Prideaux.*) Yes.

My Lord, the evidence upon which the use of the mixed chalice in the early Church rests, is so very strong.

(*The Dean of the Arches.*) Do you think you need go further back than the Prayer Book of Edward VI., which recommends it to be done?

(*Mr. Prideaux.*) I do not know that I need. I only purpose to cite a single authority upon that point, and

that is one of the Homilies, because it takes back the "Popery," which my friend neither admits nor denies, to a very early date. I do not know at what time my friend fixes the commencement of Popish superstition. The homily from which I am going to cite is that upon the Book of Common Prayer and the Sacraments; in the edition which I have, the Oxford edition, page 319, "Justin Martyr, who lived about 160 years after "Christ"—(early times for Popery, my Lord, and there are plenty of passages in the Homilies which state that the first 300 years were the golden age of the Christian Church)—"saith thus of the administration "of the Lord's Supper in his time:—'Upon the "'Sunday assemblies are made both of them that "'dwell in cities and of them that dwell in the country "'also, among whom as much as may be the writings "'of the apostles and prophets are read; and after-"'wards when the reader doth cease, the chief minister "'maketh exhortation, exhorting them to follow "'honest things. After this we rise altogether.'" Now here Justin Martyr is speaking of the usage of the Church established at that time "and offer prayers, "which being ended as I have said, bread and wine "and water are brought forth. Then the head "minister offereth prayers and thanksgiving with all "his power, and the people answer Amen." The importance of this quotation is that it comes from the Homilies, and therefore it operates in a certain sense as an estoppel upon the members of the Church of England. But really your Lordship is so well acquainted with the fact that the evidence that the mixed chalice was a universal practice in the very earliest ages of the Church is so conclusive, and is so well known to every person who is at all conversant with ancient ecclesiastical history, and the ancient fathers, that I do not propose to trouble your Lordship with any further observation upon the mere fact of the mixed chalice being early used in the Church, except to say that I have here, so far as regards the consecration office, the special part of the divine liturgy which relates to consecration—I hold in my hand a book by the late Dr. Neal, entitled "The Liturgies of St. "Mark, St. James, St. Clement, St. Chrysostom, "and the Church of Malabar translated,"—and at the end there are the consecration words, I believe, of every known liturgy, and in almost all of them (for the exceptions are rare indeed) it appears that the mixed chalice was used. But, my Lord, these liturgies are very important for another reason, because they bear out the first reason given by the Council of Trent for the adoption of the mixed chalice; they show, several of them, that the tradition in the Church was that our blessed Saviour had used a mixed chalice. I will just call your Lordship's attention to the earliest liturgy that we have, which I believe is now proved to have been written about the year 50, of our Lord—the divine liturgy of St. James. And here we have the words "Likewise also the cup after supper having "taken, and mixed it with wine and water, and having "looked up to heaven and displayed it to Thee"—that is the part which will bear upon the question of elevation when we come to consider it—"His God and "Father, He gave thanks and hallowed, and blessed, "and, filled with the Holy Ghost, and gave it to us, "his disciples, saying," &c. I do not propose to trouble your Lordship with reading any more out of this book, but I have the book here, and, if you please, I will ultimately hand it up to you. I propose to do so for this reason: that you will find throughout the book a single pencil mark against the consecration of the wine in every liturgy where the reference is made to the traditional fact that our blessed Saviour mixed the water with the wine. Therefore, with that view, I will presume to hand it up to your Lordship ultimately, and you will find that in a very large majority indeed (in almost all of them there is the mixed chalice,) there is the express statement in the words of institution that our blessed Saviour at the time of the institution mixed the water with the wine. And, my Lord, we have a very early statement of that. I am now going to cite, and it is the only ancient father I am going to trouble you with, a passage from St. Cyprian, which is set out in page 51 of Mr. Bennett's History of the Eucharist, to which I have already directed your attention. It fully bears out and supports the statement of the Holy Council of Trent, and the inference to be drawn from the ancient liturgies, that our blessed Saviour himself used the mingled cup in the institution of the Lord's Supper.

(*The Dean of the Arches.*) What is the reference to St. Cyprian?

(*Mr. Prideaux.*) St. Cyprian Ep. Carthag. Mr. Bennett does not give the page here.

(*The Dean of the Arches.*) There are a very small number of Epistles there altogether I recollect.

(*Mr. Prideaux.*) I will read the passage. The edition is not given nor is the page given. "In "another Epistle the same father says, 'when the "Lord calls His body bread'"——

(*The Dean of the Arches.*) You are now reading an English translation?

(*Mr. Prideaux.*) My friend did that in several instances, and I understood that for the sake of convenience we might do it. It was done by my friend throughout. I shall be most happy to refer your Lordship to the passage if you desire it, but I have not got the original here. "In another Epistle he says "'when the Lord calls His body bread, which is "'made up of the union of many seeds, He indicates "'that the people are in union; and when He calls "'His blood wine extracted from many bunches of "'grapes, and pressed into one, He signifies the "'flock joined together by the mixture of a multitude "'in union.' In the same Epistle he again refers to it· "'Likewise it appears that the blood of Christ is not "'offered if there is no wine in the cup'"—(He was arguing against the heretics in those days who insisted that the celebration should be in water only)—"nor is "the Lord's Sacrifice celebrated with legitimate con-"secration, unless our offering and sacrifice answer "to His passion; but how shall we drink the new "wine of the creation of the vine with Christ, in the "Kingdom of His Father, if in the sacrifice of God "the Father, and of Christ, we do not offer the wine, "nor mix the cup of the Lord according to the Lord's "tradition." My Lord—I find I have now the reference here. St. Cyprian's Epistle, 63. I am going to direct your Lordship's attention to two pamphlets, one by Dr. Littledale and the other by Mr. Greuber. I have already referred you to the latter.

(*The Dean of the Arches.*) Yes, I know Mr. Greuber's pamphlet.

(*Mr. Prideaux.*) I will ask you to take them as part of my speech.

(*The Dean of the Arches.*) I will look at them both.

(*Mr. Prideaux.*) If your Lordship will do me that favour, because I am desirous of curtailing my observations as much as possible.

(*The Dean of the Arches.*) Mr. Prideaux, what you have to show, as it appears to me, is not so much that it was a usage very general and primitive (which I think you have abundantly established) but that it was a usage which is allowed under the Prayer Book.

(*Mr. Prideaux.*) No doubt, my Lord.

(*The Dean of the Arches.*) You have it ordered in Edward VI.'s first Prayer Book, and omitted afterwards—is not that the whole case?

(*Mr. Prideaux.*) No, I do not think it is the whole case, and that is the reason I call your Lordship's attention to this fact, because if it appear that there is every probability to believe that it is according to our Lord's institution that it should be a mixed chalice it strengthens the argument in support of my position.

(*The Dean of the Arches.*) I perfectly understand that.

(*Mr. Prideaux.*) I am coming, after one more reference, to deal specifically with the Prayer Books of the Church of England. The other passage to which I desire to call your Lordship's attention is a passage from the Homilies, the first part of the sermon: "Of the worthy receiving and the reverent esteeming

" of the Sacrament of the Body and Blood of Christ." I am reading now from a different edition which has been put into my hand. It is from the first part, and the passage is this: "But before all other things, this " we must be sure of especially, that this Supper be in " such wise done and ministered as our Lord and " Saviour did and commanded to be done;" so that how our Lord and Saviour did it would be important in the view of the homilist, "as His holy apostles " used it, and the good fathers in the Primitive Church " frequented it." So that, my Lord, really the practice and manner in which it was instituted by our Saviour, and the practice in the Primitive Church, may become a material element to consider. I do not think we want it, but in connection with this subject I will, without reading it, beg once more to call your Lordship's attention to the 30th canon.

(*The Dean of the Arches.*) I will look at it, Mr. Prideaux.

(*Mr. Prideaux.*) If your Lordship pleases.

And now, my Lord, I come to deal with the Prayer Books themselves. I think this question of the mixed chalice disposes of my friend's notion about "dark and dumb ceremonies," because my friend's contention is, that wherever there is a "dark and dumb ceremony" it is interpreted. Now there is no interpretation given in the first Prayer Book of the mixed chalice, and yet the mixed chalice was certainly to be used under the first Prayer Book. Therefore, it is quite clear that the mixed chalice and ceremonies of that kind are not ceremonies which are necessary to be explained, and which are to be pronounced dark and dumb if they are not explained.

(*The Dean of the Arches.*) You will observe that what your client is charged with is not so much using the mixture of water and wine as mixing them during the celebration of the Holy Communion. He is charged with both, no doubt.

(*Mr. Prideaux.*) That is the charge in the Article; I have already pointed out to your Lordship the variance.

(*The Dean of the Arches.*) I mean there may be, I do not say that there is, a distinction between the use of wine and water, and mixing them at the time of the Communion. I merely draw your attention to it.

(*Mr. Prideaux.*) My answer to that is that the mixture during the Holy Communion is ordered by the first book.

(*The Dean of the Arches.*) No doubt.

(*Mr. Prideaux.*) Therefore, it is perfectly clear that with regard to the application of the principle of "dark and dumb ceremonies" and the necessity of explanation, my remarks equally apply.

(*The Dean of the Arches.*) I do not mean touching that point of "dark and dumb ceremonies:" that is quite another matter.

(*Mr. Prideaux.*) Now the first document which I will call your Lordship's attention to is "The Order of the Communion" of the year 1548. I am citing from the Liturgies of King Edward VI. I need not say that in the "Order of the Communion" the chalice was mixed; and, what is much more important, it was ordered to be mixed. Your Lordship is aware that the "Order of the Communion" was the service by which the administration of the cup to the laity was first enjoined; and we get this Rubric:—"The time of the " Communion shall be immediately after that the " priest himself hath received the Sacrament, without " the varying of any other rite or ceremony in the " Mass (until other order shall be provided), but as " heretofore usually the priest hath done with the " Sacrament of the body, to prepare, bless, and consecrate so much as will serve the people; so it shall " continue still after the same manner and form, save " that he shall bless and consecrate the biggest chalice, " or some fair and convenient cup or cups, full of wine, " with some water put into it; and that day, not " drink it up all himself, but taking only one sup or " draught, leave the rest upon the altar covered, and " turn to them that are disposed to be partakers " of the Communion, and shall thus exhort them as " followeth." So that one could not doubt it, otherwise one finds that in this "Order for the Communion" the mingling the water with the wine before the consecration is expressly directed; and yet we find the same thing in this "Order for the Communion," to which your Lordship directed my friend Dr. Stephens' attention, with reference to the first Prayer Book; that is to say, we find that which is placed upon the altar and consecrated, though it contain a little water with it, is still called "wine" near the end of the service; and at the end of the service we get—"If there be a deacon or " other priest, then shall he follow with the chalice; " and as the priest ministereth the bread, so shall he, " for more expedition, minister the wine, in form " before written." Then the note directing the prayer of consecration, if there be not sufficient wine for the communicants present, says: "Note, that if it doth so " chance, that the wine hallowed and consecrate doth " not suffice or be enough for them that do take the " Communion, the priest, after the first cup or chalice " be emptied, may go again to the altar, and reverently " and devoutly prepare and consecrate another, and so " the third or more, likewise beginning at these words " —'Simili modo postquam cænatum est,' and ending " at these words—'Qui pro vobis et pro multis effun- " detur in remissionem peccatorum,' and without any " levation or lifting up." So that we find in the Order of Communion of 1548, twice in the service, after the mixture, the contents of the cup are called "wine." Your Lordship called the attention of my friend Mr. Stephens to the fact, and therefore I need not dwell upon it, that in like manner the mixture is called "wine" in the first Prayer Book of Edward VI.

(*The Dean of the Arches.*) That is in the Rubric at the end of the Communion, you know.

(*Mr. Prideaux.*) Yes, my Lord, and in the Rubric at the end of the Communion in the same way it is called "wine" twice.

(*The Dean of the Arches.*) It is the same thing; it is called "wine" after the water is added to it.

(*Mr. Prideaux.*) Water is to be added to it, then he is to put the bread and the *wine* on the communion table. That is the state of things under the first Prayer Book in the reign of King Edward VI.

(*The Dean of the Arches.*) Just so. Then we come to deal with the real question—namely, that it is not mentioned again.

(*Mr. Prideaux.*) No, my Lord; and then we come to this remarkable fact, which is well worthy of bearing in mind, that in the second Prayer Book the wine is not mentioned, and in Elizabeth's Prayer Book wine is not mentioned at all, except incidentally in the prayer.

(*The Dean of the Arches.*) You say, no Rubrical directions, and no mention as to wine.

(*Mr. Prideaux.*) What was to be done, then? It is called, I think, "wine" once in one of the Rubrics at the end of the Communion—"The curate is to have it to his own use;" and the word "wine" occurs in one of the prayers, I think, during the service; but there is not a word said about wine or water—there is not a direction to put either the bread, or the wine, or the water upon the communion table; it is all inferred. What was it lawful to use then? And how can it be said that the silence of the second Prayer Book of Edward VI. alters the nature of the elements which were to be consecrated? Under the Sarum Use, under the Order for the Communion, under the first Prayer Book of Edward VI. wine, with a little pure water, is to be put upon the altar and consecrated; and the contents of the cup are afterwards called "wine." I say, my Lord, under those circumstances, in the absence of any Rubric or explanation to the contrary, the fair inference to be drawn is that when they speak of consecrating the wine they are speaking of the same thing which was to be consecrated under the former books; why should it not be so?

(*The Dean of the Arches.*) At the end of the 4th Rubric, in the second book, we have this: "To take " away superstition which any person might have in " the bread and wine;" you see it is called "wine"

there. And again, "If any of the bread or wine "remain the curate shall have it to his own use. The "bread and wine for the Communion shall be pro- "vided by the curate and the churchwardens at the "charges of the parish." Therefore we were both of us a little in error in thinking that wine was not mentioned in the second Prayer Book.

(*Mr. Prideaux.*) My Lord, I say it is mentioned in the Rubric at the end of the service, but it is only mentioned in a Rubric talking about what is to be done after the service is over.

(*The Dean of the Arches.*) There is one Rubric which says that it shall be administered in both kinds before that. But you are quite correct, I think, in saying that till you come to this post Communion Rubric there is nothing said about wine in the second Prayer Book. I believe that is quite correct.

(*Mr. Prideaux.*) Nothing whatever, and why should it mean anything different now? Why, when the intention and the avowed object of the Church of England is to act in accordance with the customs of the Primitive Catholic Church? Why, when the very Act of Parliament which established the second Prayer Book says that the alterations were made in deference to the crochets and the scruples of certain persons who refused to go to Church and follow the previous Prayer Book? Why, when the first Prayer Book is declared to have been written by holy men, moved by the Holy Ghost? Why, when all the authorities show that it was the practice of the early Church to use the mixed chalice, and when the testimony of the early Liturgies show, and the writings of the Fathers show, that it was a tradition of the Church that our Saviour himself used the mixed chalice? Why should the state of things be altered and wine be taken in Edward's second book to mean what it did not mean in the first book and in the "Order for the Communion?" I submit that if you were precluded from looking into the early Catholic history of the Church, that if this Church really were an Act of Parliament Church and your Lordship were precluded from looking into the surrounding circumstances and into the practices of the early Catholic Church, upon the legal principles of interpretation the word "wine" means the mixed chalice; because if there is any principle of law which is well recognised, it is this—that the legal presumption is in favour of the old state of things. I have in my memory one strong case recognising that, and I know it is in East's Reports, I do not remember the name of it at this moment, I will find it if your Lordship wishes to see it. The old state of things with regard to that which was used in the Consecration Service, was the mixed chalice. I am now dealing simply with the Prayer Books and the "Order of Communion," and am assuming that your Lordship is not at liberty to pray in aid the practice and the custom of the early Church, in order to support my view. I say that the old practice was that that which was consecrated and used in Communion should be the mixed chalice. It is so directed by the "Order of Communion;" it is so directed by the first Prayer Book of Edward VI.; and after the mixture it is called, both in the "Order of Communion" and in the first Prayer Book of Edward VI., "wine." There cannot be a doubt, as I have ventured to submit before, that *de facto* it was used, and the fact that there is no conviction on the point strongly supports my view. But I say I press that strong legal principle of interpretation, that the presumption is that the old state of things was to remain, and that at least it was lawful to use wine in the same sense as that in which it was used under the previous Rubrics of the previous Prayer Book.

(*The Dean of the Arches.*) You see, Mr. Prideaux, that may be so (I am not expressing any opinion), and yet it might not be lawful to mix water with the wine during the time of the administration of the Communion.

(*Mr. Prideaux.*) My Lord, I think that is "to inquire too curiously"—I say it with great respect—because you must look at the thing as a whole. That which, according to the old practice of the English books (I am not now relying upon anything else), was placed on the table and consecrated was a mixed chalice prepared at the time of the service; and by the word "wine" there is meant what the priest is directed by the first book to place upon the table.

(*The Dean of the Arches.*) The argument would be this:—You will see at once the effect of it.—In the first Prayer Book it was directed not only to put wine on the table, but to mix it with water. The same directions are given in the Prayer Book that we now possess of Charles II., with the exception of the water; it therefore may be reasonably contended perhaps that whether it was lawful or not to have a little water mixed with the wine, inasmuch as the present Prayer Book carefully omitted what the former one had prescribed it cannot be lawful to use it in the administration of the Holy Communion.

(*Mr. Prideaux.*) I understand your Lordship's view, but I must protest against your Lordship's phrase. I do not believe that the last Rubric "carefully omitted" that; I believe it was anything but a careful omission.

(*The Dean of the Arches.*) I will leave out the word "carefully" and say "omitted." All I meant to say was this, that your argument might be quite good as far as it has gone, and yet be subject to that criticism.

(*Mr. Prideaux.*) Then it is a step gained if I can prove by a strict legal argument that it is right and proper to use the mixed chalice. That is a step gained, no doubt we have to go further. It is a step gained because it gets rid of my friend's extremely weak argument about the Catechism, which I shall have to deal with presently, and therefore I venture to submit at any rate that this argument is a strong one, to show that, upon the strict technical legal principles of criticism and interpretation, the word "wine" means wine with a little clean water mixed with it.

(*The Dean of the Arches.*) Yes, I have got down that argument.

(*Mr. Prideaux.*) Then I submit that this same principle of interpretation carries it further. Your Lordship will remember that there are no directions in the second Prayer Book of Edward VI. as to placing the elements which are to be consecrated upon the Lord's table,—none; I have ventured to urge that argument upon your Lordship already, that in point of fact the matter must have been done in innumerable instances—in the majority of instances; and that the absence of any prohibition and of any attempt to convict, is alone sufficient to prove that. But apart from that I ask your Lordship first, was it lawful, in the second Prayer Book of King Edward VI., to place the elements which were to be consecrated upon the altar? There is no direction given, and if it was lawful, then the same principle which I have been venturing to urge before your Lordship, applies, upon every legal principle—namely, that it was to be done in the same way as before. Why, if the old status is to exist—according to that principle of law that it does exist where it has not been legally and effectually altered,—why, if the elements are to be placed upon the communion table at all should they not be elements consisting of the same mixture as was used under the first Prayer Book—why should not that mixture be prepared in the same way and under the same circumstances? I am now arguing the case upon pure principles of legal interpretation without praying in aid the usage of the Church Universal, or the certainty that in point of fact the mixed chalice (and when I use the term "mixed chalice" I include the fact of mixing during the service—I should not call it a mixed chalice otherwise) was used and no prohibition against it, no Injunction against it, no advice even of any bishop against it; on the contrary, all that has ever been said about it by persons having any real authority, and, among them, by Bishop Cosins, is that it may lawfully be done although it is not required. My Lord, I submit upon the strict legal question, that that principle which I have ventured to suggest to your Lordship, that the old status is to be held to exist except in so far as it is lawfully altered, goes farther than calling upon your Lordship to hold that "wine" still means

the mixed chalice prepared according to the directions of the earlier Communion offices to which I have referred. And I say if the old system of placing the elements to be consecrated upon the altar was to remain under the second Prayer Book (and if it did remain it must have been upon that principle, for there is no direction expressed or necessarily implied about it) why should not that old principle equally apply to show that that which is to be placed upon the Lord's table is a mixed chalice prepared in the manner and at the time directed by the earlier Prayer Books, and which had been practised up to that time? I call your Lordship's attention again to this. Our real position is this: no direction to place the consecrated elements on the communion table; where then are you to learn, according to the ecclesiastical laws of England, what you are to do and in what manner you are to place these elements upon the table—and most undoubtedly it is lawful even if it is not required that you should place them? Why, as I said, you must ascertain the old status, you must refer to the old Rubrics both in the "Order of the Communion" and in the first Prayer Book; and when you find the entire direction comprised in one and the same single Rubric, why separate the parts of that Rubric? You must go somewhere to know what you are to do.

(*The Dean of the Arches.*) That would apply to what you would do at the time of the second Prayer Book of Edward VI., but does it apply to the Prayer Book of Charles II.?

(*Mr. Prideaux.*) I submit so, equally.

(*The Dean of the Arches.*) Certainly there is great force in your argument with regard to the second Prayer Book of Edward VI., but you see you have now to deal with a different state of things. You say with considerable force, as it appears to me, that if you were living under the second Prayer Book of Edward VI., you would be obliged to supply the deficiencies from the first Prayer Book. But you see you are living under the Prayer Book of Charles II., which has an express Rubric. Why are you to suppose that there is a deficiency in that Rubric which needs to be supplied from the same place?

(*Mr. Prideaux.*) I was desirous at first (but I understand your Lordship sees what I mean, and feels that it is an argument of some weight) of going step by step.

(*The Dean of the Arches.*) I quite follow your argument with regard to the necessity of supplying the manifest deficiencies of the Rubrical directions of the second Prayer Book from the first.

(*Mr. Prideaux.*) That is a great step gained.

(*The Dean of the Arches.*) But the difficulty to my mind is this: You have got, so to speak, a complete Rubric upon this subject in the present Prayer Book; and thus the necessity which arises under the second Prayer Book of Edward VI., of supplying the deficiencies *aliunde* does not appear (I am not expressing any opinion upon the subject) to exist in the present state of things.

(*Mr. Prideaux.*) I submit that we have not a complete Rubric.

(*The Dean of the Arches.*) That must be your contention, I think, that the present Rubric is incomplete.

(*Mr. Prideaux.*) No, my Lord, I do not think that need be my contention. My contention is this, that the present Rubric probably orders all that is absolutely and legally necessary; but I have already called your Lordship's attention to the fact——

(*The Dean of the Arches.*) You say that the present Rubric orders all that is absolutely necessary.

(*Mr. Prideaux.*) It may be that it does so. I am merely answering your Lordship's suggestion.

(*The Dean of the Arches.*) But you would say if it did it would still be lawful to add water to the wine.

(*Mr. Prideaux.*) I say that the Rubric is not exhaustive, and that the practice is not prohibited; therefore the Rubric does not preclude the celebrant——

(*The Dean of the Arches.*) That is to say that though it may be lawful to celebrate the Holy Communion with wine and bread alone, it would not be unlawful to do it with a little water added to it.

(*Mr. Prideaux.*) That is my contention.

(*The Dean of the Arches.*) You do not go so far as to say that it is unlawful to celebrate the Holy Communion with pure wine and bread.

(*Mr. Prideaux.*) No, it is unnecessary for me to go that length.

(*The Dean of the Arches.*) You do not go that length?

(*Mr. Prideaux.*) No.

(*The Dean of the Arches.*) But you say, granting that it is lawful to do it in that way, it is equally lawful to do it the other way.

(*Mr. Prideaux.*) That is my contention; and a great number of the observations which I have ventured to address to your Lordship upon the general question apply, of course, to this question of the mixed chalice.

But now, my Lord, I submit that the present Rubric as it were takes up the last part of the Rubric in the first Prayer Book. The words are, "and when there "is a Communion the priest shall then place upon the "table so much bread and wine as he shall think suffi-"cient." The first Rubric after giving directions as to the taking of the bread and mixing of the cup, says, "and set both the bread and wine upon the altar," and what appears to me to be the object of the present Rubric is this,—to enforce the placing of the elements on the altar; but it does not deal with the previous part of the Rubric at all. Under the second Prayer Book of Edward VI., it was left open altogether. It is impossible to know to what crochets the minds of certain persons who think fit to interpret Scripture for themselves may go; and the main object of this special provision as I submit was to render it compulsory that at the proper time the elements which were about to be consecrated and to form the subject of the blessed Communion should be placed upon the table. But, my Lord, it does not deal with the former part of the Rubric at all. It is necessarily as I have said not exhaustive even of that which it directs; because it simply says that he is to place so much bread and wine upon the table as he shall think sufficient. It does not say he is to lay the bread upon the corporal or that he is to put it in the paten; it does not say (and yet he invariably does it) that he is to pour the wine into any chalice. It leaves all that to be supplied according to the former practice and the former Rubrics, and it simply says this: "Having collected together the quantity which you think will be wanted, and having done all that which is previously necessary in order that you may be ready to place upon the table so much bread and wine as you shall think sufficient, then you shall place it upon the communion table. You shall not have it at a side table; you shall not have it elsewhere; you shall not adopt a careless and reckless and irreverent method of celebrating this great rite, but having collected together, according to the old practice and the old usage, so much wine and water as is necessary for the whole Communion which you are about to administer, you shall place it upon the communion table. Neither shall you do it before, you shall not have it on the Lord's table before the time of celebration; you shall place at that time upon the communion table so much bread and wine as you shall think sufficient." Why then should not the celebrant priest refer to the Rubric of the first Prayer Book to see what he is to do in order that he may get upon the proper paten the bread and into the proper chalice that contents of the cup which he has to place upon the communion table? I say that there is necessarily something to be supplied. He must necessarily inquire, "How am I to place this bread upon the communion table? In what am I to place the contents of the cup which are to be consecrated? Where am I to find what I am to do in this respect? I must of course look to the earlier Rubrics. I dare not adopt a course contrary to the practice of the whole Church of Christ

which is not expressly ordered me, because in the absence of any direction of that kind, my duty will be to follow out the practice of the Catholic Church universal, as we find it laid down in the binding documents of the Church of England." And therefore what is the very thing which the priest would naturally do in order that he may find what it is that he is to lay upon the communion table, and what are the sacred implements which he is to use to enable him to do it? Of course he looks to the Rubric of the earlier book, and he finds himself supported in that view by the Ornaments Rubric, which says, "The same ornaments shall "be retained and be in use as were in use in this "Church of England by authority of Parliament in the "second year of King Edward VI." If the same ornaments are to be in use (and without some ornaments he cannot place either the bread or the wine upon the table), if those same ornaments are to be retained and be in use, why should he not use them in the same sense in which they were used under the first Prayer Book? My Lord, I respectfully submit that we get out of any difficulty in this case by bearing in mind that Rubric which my friend says is a dead letter, the Ornaments Rubric. It is impossible, without supplementing the instructions given in the Rubric of the present Prayer Book, to comply with the requirements of the present book, and to place upon the table so much bread and wine as the celebrant shall think sufficient. Well then surely he is not bound to adopt a new practice; he is not bound to invent a Rubric for himself, and if he is obliged to look somewhere to find what he is to do in order that he may comply with the requirements of this statute, why should he not refer to the most recent Rubric which existed upon the subject; and when he finds that all the ornaments which were used in the first Prayer Book are to be used now, and when he finds that water was mixed with wine in the celebration of the rite under the first Prayer Book, and that therefore there must have been a ewer as well as a chalice, why should he not, as he must look somewhere to know how he is to give full effect to this particular Rubric, refer to the old Rubric and be guided by the directions contained in it?

Your Lordship asked me if I argued that it is necessary that he should mix the chalice. I am not quite sure that a very fair argument might not be made upon strict legal principles to show that it was necessary; but I do not desire to go that length; it is no part of my duty to go that length. I have shown that wine in previous Rubrics means the mixed chalice. I have shown, and I understand your Lordship to admit, that there is great weight in that position, that inasmuch as there are no directions with reference to placing the elements which are to be consecrated upon the Lord's table in the second Prayer Book, you have no alternative but to go to the first for directions. If I am right in saying that you must go somewhere for directions in order to supplement the imperfect and scanty Rubric which you have in the present book, why, for the same reason, should you not go to the Rubric of the first Prayer Book to supplement it, especially when you are told that in the administration of the rite you ought to use such ornaments as were in use under the first Prayer Book?

My Lord, I have had put into my hand a passage from the judgment of the Judicial Committee of the Privy Council. To save time I will read it from this little book, for I cannot at this moment give your Lordship the reference. "The Rubric to the Prayer "Book of January 1, 1604, adopts the language of "the Rubric of Elizabeth. The Rubric to the present "Prayer Book adopts the language of the statute of "Elizabeth; but they all obviously mean the same "thing, that the same dresses and the same utensils "or articles which were used under the first Prayer "Book of Edward VI. may still be used." I put it in now.

(*The Dean of the Arches.*) We have had that read a dozen times.

(*Mr. Prideaux.*) That of course, I need not say, lets in the water cruet.

Now I will just read a passage from Bishop Cosins upon this point which is set out in Perry's Lawful Church Ornaments, page 457. "Moreover he did "not consider [that is Cosins] the mixed chalice to be "contrary to the law of the Church of England, for "after quoting some of the fathers on the necessity "of using wine he says, 'This were enough to free "'our Church from any heinous offence though it "'uses not commonly to mix water with wine as "'the Church of Rome doth; yet we must confess the "'custom is very ancient, consonant to the figures of "'the Old Testament which St. Cyprian, Epistle 2, "'3, liber 2, reckons up, and of the New where water "'and blood issued out of Christ's side; and agreeably, "'as there is great probability to suppose, to Christ's "'own practice when he did first introduce this Holy "'Sacrament. Our Church forbids it not; for aught "'I know, and they that think fit may use it as some "'most eminent among us do at this day; yet for the "'approbation of our most common practice, which "'is to consecrate wine alone, we have all this on "'our side.'" Then he refers to certain authorities which are not in fact cited here. Now I say that every presumption is that it is according to the institution of Christ that a mixed chalice should be used. If it could be shown clearly that it was according to the institution of the Saviour that a mixed chalice should be used, then I apprehend the use of the mixed chalice would not only be lawful but it would be necessary. However, it is sufficient for me to show the strong probabilities there are that in point of fact our blessed Saviour did institute the blessed Eucharist with a mixed chalice; because I am quite sure that unless the Court feels satisfied that he did not, I am not going too far when I say that it would hesitate long before it would pronounce a judgment which should have the effect of declaring, although there is no prohibition against it in the Church of England, and although there cannot be a doubt the matter was *de facto* practised, and no prohibition or prosecution ever directed against it—yet that it would hold that because the mixed chalice is not by the present Prayer Book enforced in express terms (notwithstanding the fact that it requires reference in order that it may be fully carried out), it shall not be lawful to use the mixed chalice in the Church of England. Now I am going to read from the Sacra Privata of the Right Rev. Thomas Wilson, D.D., the last edition, page 53.

(*The Dean of the Arches.*) It is very different, you know, from the early ones. There is much more in it; it is a much more perfect edition than the earlier ones.

(*Mr. Prideaux.*) This is a perfect edition, as I understand. It is the Oxford edition of 1853. The passage to which I wish to refer is at page 105. It is a prayer which he gives, "upon blessing the bread and wine and water upon the altar." Of course I do not propose to read the prayer, it would be very much out of place here for me to do so; but when we find that this most honoured and revered bishop, in his own "Sacra Privata," has prepared a prayer upon placing the bread and wine and water upon the altar, we cannot, I think, doubt what his practice was, or that he considered the practice to be legal. My Lord, with regard to the practice of Bishop Andrewes, I need not trouble you, I think, with that. My friend has very triumphantly referred to him——

(*The Dean of the Arches.*) I shall read those pamphlets to which you have referred me.

(*Mr. Prideaux.*) I think this is important in one way. It is the proclamation which King James issued. You will find at page 433 of Jeremy Collier's Ecclesiastical History, vol. 7, among the Injunctions issued by James was this:—"That the Communion be "celebrated in due form with an oblation of every "communicant, and admixing the water with the "wine; the Communion to be as often used as it "shall please the prince to set down." These are the

Injunctions with reference to the service for the prince and his family at Madrid ; and there is a previous part which I ought to have read which is very important, because it shows what King James and those who were advising him (among them Bishop Andrewes) considered at the time before the Injunctions which are numbered 1, 2, 3, 4, &c., was the practice of the Church of England. It says, "And that the "face of the Church of England may appear and the "worship be kept up in the prince's apartment at "Madrid (that evidently means according to the "Church of England) the King gave the chaplains "above mentioned the following instructions." Your Lordship observes the use of the words "due form," —evidently showing that the Injunction at any rate intended to refer to that which was the lawful legal practice of the Church of England, and not to introduce any special form for the special practice of the prince at Madrid, "that the Communion be celebrated "in due form with an oblation of every communicant "and admixing of the water with the wine." Then, on the following page, 434, after the various Injunctions or Articles, or whatever they are called, we find this :—"By these instructions the reader may per- "ceive how careful the King was to guard on the side "of religion, and that he was far from any intention of "deserting the English Communion or laying a train "to make his son a proselyte to the Church of Rome ; "and yet the ignorance or malice of some people did "not stick to misinterpret the prince's voyage to such "a desire." James also issued, as you are aware, a proclamation for uniformity. My friend says (and he seemed to regard it very triumphantly) that it is quite clear it is contrary to the Church of England to hold that the mixed chalice shall be used, and this argument applies to the mixture without reference to whether the water is to be placed in the wine during the ceremony or not, because the Catechism says that the outward and visible sign of the Lord's Supper is "bread and wine, which the Lord hath commanded to be received." Now I do not see that that helps my friend at all. In the first place it is clear that the Catechism did not intend to deal with anything but what the Lord had commanded to be received, and if it really be the fact that according to Christ's institution the Lord had commanded the mixed chalice to be received, it is perfectly clear my friend's argument could not be sustained. But I take it to be equally clear the word "wine" there could not have that meaning under circumstances in which there was great probability, to say the least, for believing that the Lord had instituted the Sacrament in bread and wine and water. Besides which, my Lord, we must remember that this part of the Catechism was written whilst the second Prayer Book was in force, and shortly after the Hampton Court, conference—just about the time King James himself acting no doubt under the advice of his council and of his bishops, was issuing instructions to the ministers at Madrid to celebrate the Holy Communion with the mixed chalice. Can it, therefore, be supposed that when Bishop Overall wrote that part of the Catechism which, as I have said, was annexed to the Prayer Book shortly after the Hampton Court conference, he intended to put upon the word "wine" a different construction from that which was put upon the word by public documents of the State issued at that time and which was in accordance with the meaning of the word in the Prayer Books. Because your Lordship will do me the favour to bear this in mind, and it is an important point to bear in mind, especially having regard to the manner in which this case appears to have struck your Lordship, that the Catechism was written when the second Prayer Book was in force, and when therefore there was no difficulty involved in the matter by reason of the instruction which is contained in the Rubric of the present Prayer Book to put the bread and wine upon the communion table. Now I understand your Lordship to have said that having regard to the clear meaning of the word "wine" in the previous services, and having regard to the fact that there is no Rubric and nothing contained in the second Prayer Book to alter the meaning of that word, if I were arguing with reference to the second Prayer Book, there would be great weight and force in my observations. Then if so I may at any rate pray in aid the second Prayer Book for the purpose of interpreting what was meant by Bishop Overall when he wrote that part of the Catechism. If at that time the proper practice was that the mixed chalice should be used in the celebration of the blessed Communion at that time, at any rate the wine which was intended to be used was the wine of the mixed chalice. Then, according to every principle of interpretation, and according to every principle of common sense, placing yourself in the position in which Bishop Overall was, living among the circumstances and worshipping by the aid of the Prayer Book to which he was accustomed, of course the word "wine" must be taken to have been used in the same sense in the Catechism as your Lordship seems to think I have tolerably fairly established, it is to be taken that it was used so far as it is used at all under the second Prayer Book.

My Lord, there is another argument which my friend has used. He says, far from admitting (he is a bold man, and indeed the spirit of Protestantism must be bold in these matters) that there is any reason for supposing that our blessed Saviour consecrated the mixed chalice, he says that the mixed chalice is clearly contrary to the words of Scripture ; one of the weakest and most extraordinary arguments that I ever heard.

(*The Dean of the Arches.*) Is it necessary to go into this after the first Prayer Book of Edward VI. ? Is it necessary to go into any scriptural argument ? if you think it is, go on with it.

(*Mr. Prideaux.*) After that suggestion from your Lordship——

(*The Dean of the Arches.*) I make no suggestion; I only ask you whether you think it will help the question in any way ?

(*Mr. Prideaux.*) I will just very briefly call your Lordship's attention to what I was going to say, and my observations will be extremely brief upon that after what has come from your Lordship. My friend referred to Matthew 26, v. 26–30 ; Mark 14, v. 22–26 ; Luke 22, v. 19–20 ; and I will refer you in addition to 1 Corinthians 11, v. 23–26. Those are the four places in which an account of the institution of the Lord's Supper is given. In every place the word used is in the Greek ποτήριον, in Latin "*poculum*," and in English "cup." It is very remarkable that you have not the contents of the cup called "wine" anywhere in scripture. Then the other reference is in 1 Corinthians 10, v. 16–21 ; and your Lordship is aware the verse 16 is "The cup of blessing which we bless, "is it not the Communion of the blood of Christ ? "The bread which we break, is it not the Communion "of the body of Christ ?" And the 21st verse is "Ye cannot drink the cup of the Lord, and the cup "of devils : ye cannot be partakers of the Lord's "table and of the table of devils." And it is extremely remarkable that in every case where the institution of the blessed Eucharist is mentioned the word used is "cup :" as I have said "ποτήριον" in the Greek, "*poculum*" in the Latin, "cup" in the English. But then, says my friend, our blessed Saviour says, "I will drink no more of the fruit of the vine until that day that I drink it new in the "kingdom of God." Now, my Lord, at Matt. 26–29, the words are not "fruit of the vine," they are "this fruit." τούτου τοῦ γεννήματος τῆς ἀμπέλου. It is τοῦ γεννήματος in Mark 14–26 where you have the same passage. There I admit the words are "the fruit of the vine ;" but you must interpret the passages together, and the words which St. Matthew uses are, τούτου τοῦ γεννήματος τῆς ἀμπέλου "I will not drink again of this fruit." So that it becomes simply a question what was the contents of the cup to which our Lord referred, and which He there calls "This fruit of the vine." Now I think I need scarcely occupy your

Lordship's time for the purpose of showing that according to all the most learned writers the cup of Benediction which the Jews used was a mixed cup. I have a book down here which gives the matter very shortly.

(*The Dean of the Arches.*) I daresay it will not be disputed. I do not know, I am sure, but I mean very likely it will not be disputed.

(*Mr. Prideaux.*) My friend says he admits nothing and disputes nothing. However, your Lordship is aware of this matter, and I will not trouble you further with it, because it is too clear to admit of argument. I was going to cite from "Ellsley's Annotations on the Gospels," where it is all inquired into, vol. i., page 416. The note upon the words "fruit of the vine," in Ellsley, same vol., page 420, is very short, and therefore I will read it. It is this: "The fruit of the vine. When the Jews blessed the cup" [that means the mixed cup to which I have already referred], "the form was 'Blessed be He that created the fruit of the vine;'" and so in the Roman Hymn,

"Ave, ave, dulce merum,"

the same idea is expressed.

When we know how completely our blessed Saviour adhered to the old practices of the Jewish body at that time—when we find that our blessed Saviour was converting an old Jewish rite into the blessed Sacrament of the Body and Blood of the Redeemer—when we find that of which there really cannot be a doubt, that the very cup which our blessed Saviour used, unless he departed from the ordinary practice of the Jews (and no man was more scrupulous in obeying the law in all respects than our blessed Saviour was) must have been a mixed cup—when we find what our Saviour says is, "I will no more drink of this fruit of the vine," evidently pointing to the special contents of that cup; and when we find that, as part of the ceremony of the Jewish rite, at the very time when the cup of blessing was there, with the mixed contents in it, the language used was "Blessed be He that created the fruit of the vine," I must say I think it rather a bold thing for my friend to set himself against the testimony of the whole of Catholic antiquity, and against almost all the learning of ritual and ecclesiastical writers; and when that almost universal opinion amounts to a matter of certainty that the Church has always used the mixed chalice, and when it is almost matter of certainty that our blessed Saviour must have used the mixed chalice, I say it is rather a bold thing for my friend to suggest, as a matter upon which your Lordship is to decide this question, that the mixed chalice is contrary to the institution of Christ.

Now I propose to merely refer your Lordship to two very exhaustive and admirable pamphlets upon this question of the mixed chalice, namely, Greuber's and Littledale's.

(*The Dean of the Arches.*) I have got a note of them both.

(*Mr. Prideaux.*) If your Lordship pleases. The only thing I propose to add besides is this—if I cannot find it now, no doubt you will allow me to hand up a copy some time before the case closes. It is a single sheet of paper which was furnished to me by some clergyman. I do not know who is the author, but it is a summary of the argument in defence of the mixed chalice, as applicable to the Church of England. It is a single page. I thought I had it here, but I do not find it at this present moment. I had proposed to hand it up to the Court. The very last statement in it probably goes a little further than is necessary for me to go, because it goes the length of insisting that the mixed chalice is necessary. I do not go that length, but with that exception I am prepared to endorse every statement which is made in that paper. I believe it to contain a very admirable summary of the arguments which may be fairly used in support of the mixed chalice in the Church of England. I had intended, as it is not long, to read it to your Lordship, but I have brought down another document instead. I cannot find it now, and therefore if your Lordship will allow me to hand it up on a future occasion, I will do so.

(*The Dean of the Arches.*) Certainly.

(*Mr. Prideaux.*) Therefore, my Lord, supplementing the observations I have made with the two pamphlets of Dr. Littledale and Mr Greuber, and this paper which I shall hope to have the honour of handing up to your Lordship, I am happy to say I have done with the mixed chalice.

(*The Dean of the Arches.*) Well, but you have done with all the subjects, have not you?

(*Mr. Prideaux.*) No, my Lord; there is the question of Elevation which I left until last. I shall not be very long upon it. I suppose you will hardly go further to-night?

(*The Dean of the Arches.*) I do not wish to curtail the arguments, but you must consider the enormous length to which this case has extended; your leader's argument was one day, yours has been two days and a half, I think.

(*Mr. Prideaux.*) My Lord, the other side occupied five days. It is impossible I can finish the subject of Elevation to night, and I daresay about a couple of hours to-morrow will be sufficient.

(*The Dean of the Arches.*) I am sure, Mr. Prideaux, you won't think it necessary to go over again the arguments which your leader has used upon the subject of Elevation.

(*Mr. Prideaux.*) Certainly not, my Lord.

(*The Dean of the Arches.*) Do you think that two hours argument in addition will be sufficient?

(*Mr. Prideaux.*) I think so. And, my Lord, with regard to the length of my observations I may make this apology, I rejoice that it is so, but probably if I were to make my remarks continuously without the benefit of suggestions from the Court I might not be so long. But then the inquiry would be less satisfactory to my clients.

(*The Dean of the Arches.*) Then in that case I am *particeps criminis*.

(*Mr. Prideaux.*) In one sense perhaps, but I rejoice your Lordship has been so, because it has been the means of bringing out several points much more satisfactorily than would otherwise have been the case.

(*The Dean of the Arches.*) Then I may take it that you and Dr. Tristram will finish to-morrow.

(*Mr. Prideaux.*) I think so, certainly.

(*The Dean of the Arches.*) I really must sit until 10 o'clock at night if you do not.

(*Mr. Prideaux.*) I will endeavour to relieve your Lordship from that unpleasant necessity.

Adjourned till to-morrow at 11 o'clock.

TENTH DAY.

Thursday, January 16th, 1868.

(*Mr. Prideaux.*) Your Lordship asked if I could refer you to any authority which showed or implied that the practice was to keep one lamp burning before the reserved Sacrament, and I stated that there was a passage in a very curious and learned and interesting work, published in the year 1673 in Paris, a Treatise on the Exposition of the Sacrament of the Altar; "Traité de l'Exposition du Saint Sacrement de l'Autel." It is a very interesting work, and I shall have occasion to refer to one or two passages of a very learned character; it is published at Paris by——

(*The Dean of the Arches.*) That book, perhaps, when you have done with it, may be lent to the Court.

(*Mr. Prideaux.*) Yes, my Lord; it is a very curious

and valuable work, it is not my own, but the reverend gentleman who lent it to me, will, I am sure, be very glad that it should be handed up to the Court.

(*The Dean of the Arches.*) Any book that is handed up to me, I wish to have a careful note taken of.

(*Mr. Prideaux.*) I shall have occasion to refer to the book once or twice, but considering the value of time, I shall not do so at any great length. It is a very interesting work, it gives a full account of the growth and progress of the procession of the Blessed Sacrament, and of the exposition of the Blessed Sacrament, and it is a most eloquent and enthusiastic protest against the abuse of those practices. But I refer now to a single passage in which he is speaking of the great mischief that resulted from the lavish and expensive processions. He says, in effect, "You expend all your means and resources upon these gorgeous processions, and leave your church in a state of dilapidation. You are deprived of your lights and various other ornaments which you ought to have." And then he goes on to say, "En fin leurs fabriques " n'ont point de revenu pour entretenir une lampe tou- " jours ardente devont le sanctuaire ou repose l'Eu- " charistie." Your Lordship will find that at page 179 of the work, and the very protest is: "The consequence of those gorgeous, expensive, and constant processions is such, that you have not even your one lamp constantly burning before the Eucharist."

(*The Dean of the Arches.*) You are going to refer to that book again? I will not ask for it now, but should like to have it when you have done with it.

(*Mr. Prideaux.*) I shall refer to it very shortly again, and then I will hand it up. I have put papers in the places immediately bearing upon the question which I am now discussing.

Your Lordship called attention to it, and I will say one word upon it. I do not think it is necessary to say more; probably my learned friend Dr. Tristram may say a word or two upon it also. Your Lordship very kindly called attention to the 5th chapter of the 22nd Session of the Council of Trent, and directed my attention to the fact that there was an article of the chapter "De missæ ceremoniis et ritibus," which clearly referred to the individual acts in the celebration of the Mass, and indeed it goes further, because it refers not only to lights and incense, but also to vestments. My answer to that is, that it is clear upon the context that the chapter in question is treating of the individual acts of ritual, and something more, because it is treating of all the ornaments and various things that are used in the celebration of the Mass. But I think your Lordship will find, I am so informed, at least, that where Roman Catholic writers speak generally "*de ritibus*," the words always mean "offices and services of the Church."

(*The Dean of the Arches.*) That may very well be so, but what do you say as to the words "cere- monias," because the words here are "instituit cere- " monias item adhibuit ut mysticas benediciones " lumina thymimata, vestes, aliaque id genus multa." My observation upon that would be this, that under the title "ceremoniæ" are included each of these individual elements?

(*Mr. Prideaux.*) Probably they are here.

(*The Dean of the Arches.*) I mean it is used in that sense there?

(*Mr. Prideaux.*) It would seem to be so here, my Lord.

(*The Dean of the Arches.*) My observation was, whether rites and ceremonies, being a translation of the Latin in our Prayer Book, must not be construed according to the known ecclesiastical meaning of the word ceremony.

(*Mr. Prideaux.*) I do not concede that that is the general known ecclesiastical meaning of the word. It is manifestly the meaning attributed here, in a canon passed by the Council of Trent at a subsequent date to the first Prayer Book, and just as the context shows here, that this particular chapter does speak of the ceremonial, I submit, that the context in the Prayer Book clearly shows that what is spoken of is an entire service.

(*The Dean of the Arches.*) Your answer in fact is, that "ceremonies" in the Prayer Book is used in a different sense from the word "*ceremoniæ*" in the Council of Trent?

(*Mr. Prideaux.*) Yes, in the Prayer Book, and especially (which is what we have to do with here) in the penal clauses of the Acts of Uniformity.

(*The Dean of the Arches.*) It remains, however, still unanswered that "*ceremoniæ*" may properly be applied to individual constituents of a ceremony.

(*Mr. Prideaux.*) It is, and no doubt in this passage —your Lordship, however, may remember the words —"other rites and ceremonies" (I rely a good deal upon that) clearly showing that even the whole of the office of the Sacrament was covered by the words "rite or ceremony."

(*The Dean of the Arches.*) Then I suppose you think the observation of the Court not inaccurate, as to the meaning of the word "ceremoniæ," used here in the Council of Trent?

(*Mr. Prideaux.*) Probably it would be that they mean something more, because they include even the ornaments. It deals with the details of the ceremony of the Mass.

My Lord, there is one other remark which I have to make here, namely, "The lamp to burn before the reserved Sacrament," occurs about 80 times in the Edwardian Inventories, between 1547 and 1548, as distinct from the two lights.

(*The Dean of the Arches.*) You say there is mention of a lamp to be burnt before the reserved Sacrament in the Edwardian Inventories?

(*Mr. Prideaux.*) There is a mention of the lamp to be burnt before the reserved Sacrament in those Inventories.

(*The Dean of the Arches.*) Where shall I find that? I do not want you to go into them now, but perhaps by-and-by you will give me a reference to it.

(*Mr. Prideaux.*) By-and-by we will direct your Lordship's attention to it, but this information goes further in the Inventories of the diocese of London, and the Chancery Certificate Rolls of 1548–9. In the subsequent Inventories up to 1553 the lamp disappears, but the two lights continue.

(*Mr. Stephens.*) I think your Lordship will find the information given in the Church Review of 1865–6. It is a book I referred to, as your Lordship will remember.

(*The Dean of the Arches.*) Perhaps you would not object to handing me up that memorandum?

(*Mr. Prideaux.*) With great pleasure.

And now, with your Lordship's permission, I will deal with the question of Elevation, and I can assure you I will deal with it very briefly, because I am extremely desirous the defendant should have the full benefit of the observations of my friend, Dr. Tristram, who, I know, has directed his attention to certain points of importance bearing upon the case. I apprehend it is open at any rate for me to argue this, that you must put a construction upon the Article consistent with the citation; you must not carry the effect of the Article beyond what is fairly involved in the citation. Now the only charge in the citation is that of elevating the paten too high, and therefore no element of showing to the people, or of an intent that it shall be gazed upon, or of an intent that there shall be worship, must be incorporated into the Article.

(*The Dean of the Arches.*) Let us see what the exact words are, "By the elevation of the paten " during, or after the prayer of consecration in the " administration of the Holy Communion in his said " church, in a greater degree and otherwise than by " merely taking the same into his hands, as prescribed " by the Book of Common Prayer, and in a greater " degree than is necessary, in order to conform with " the requirements of such book, and by permitting " and sanctioning such elevation." Then the reformed Articles added——

(*Mr. Prideaux.*) The reformed Article says that he elevated it over his head.

(*The Dean of the Arches.*) Let me get the exact words, it will help me to understand the discussion. The reformed Article is, "Elevated the paten above "his head, and permitted and sanctioned such elevation, and took into his hands the cup, and elevated "it above his head during the prayer of consecration "aforesaid, and permitted and sanctioned the cup to "be so taken and elevated."

(*Mr. Stephens.*) I will admit there is that alteration and difference, but I will remind your Lordship that alteration was made in consequence of an express application from the opposite side.

(*The Dean of the Arches.*) It was. I very well recollect that I myself objected to the Article on the ground that it did not specify sufficiently, and it was altered in consequence.

(*Mr. Prideaux.*) That, my Lord, I accede to.

(*The Dean of the Arches.*) As I understand your argument, you do not dispute that it is competent to them to prove that the cup and paten were elevated above the head, but you say it is not competent for them to prove that it was done with the intention of worship.

(*Mr. Prideaux.*) I say that the only charge is excess of action.

(*The Dean of the Arches.*) I have already said that I cannot see that Mr. Mackonochie is charged with adoration; nor do I see that he is charged with lifting the paten with the intent that it should be worshipped?

(*Mr. Prideaux.*) Nor gazed upon?

(*The Dean of the Arches.*) Nor gazed upon. But I do see that it is charged that he elevated the paten above his head contrary to the Rubric.

(*Mr. Prideaux.*) That is to say, he is charged with excess of action?

(*The Dean of the Arches.*) With that peculiar excess of action?

(*Mr. Prideaux.*) Yes. The Decree says, "You ele- "vated the cup and paten higher than was necessary "to comply with the Prayer Book, and beyond merely "taking it into your hand." There is nothing about "merely" in the Rubric. There is no direction except that the celebrant shall take it into his hand. Now I will not argue the point that an elevation is clearly contemplated by the Rubric in this part of the Prayer Book, because it is impossible the priest can take the paten into his hands, and having taken the paten into his hands, perform the Divine rite of consecration without lifting it and elevating it.

(*The Dean of the Arches.*) Of course; everybody who takes something from a flat surface into his hand, unless he puts it back again, elevates it.

(*Mr. Prideaux.*) It is quite clear that is what Mr. Mackonochie means, when he says, "I shall give up that which the bishop and Convocation have thought it desirable I should not practise, because I feel that all I desire to do, namely, to perform that part of the Divine office which constitutes the elevation of the Sacrament God," is sufficiently indicated by the elevation which is directed in the Prayer Book, and the very citation recognises that elevation, but says: "You have elevated it to excess." Well, my Lord, can that be a criminal charge, bearing in mind (because that is specially what I want to ask your Lordship's attention to) that that is the only element of alleged offence in the Decree, I am clearly entitled to ask your Lordship to construe the Article so that it shall be consistent with the Decree.

(*The Dean of the Arches.*) I think they are quite consistent—the Article and the Decree.

(*Mr. Prideaux.*) I think in that view of the case, having eliminated the intention of showing to the people, for the purpose of being gazed upon and worshipped, which ought to have been charged if it were intended, I may venture to say I have also myself come to the conclusion that they are consistent.

(*The Dean of the Arches.*) You see, Mr. Prideaux, it is competent for them to argue that they have not charged any intent of its being elevated for the purpose of being gazed upon or worshipped by the people, but still, that the necessary consequence of so raising it must be to produce an effect which the Prayer Book intended to prevent?

(*Mr. Prideaux.*) It may be competent to argue that as matter of evidence.

(*The Dean of the Arches.*) I mean to put it to you in this way: It appears to me, it is competent for them to say this: "We do not charge you with lifting the elements for the purpose of being gazed at or worshipped, but we do charge you with doing that act which is usually accompanied, where it is done, by the worshipping of the people." That may be a fair inference to draw from the fact, but if anything further than excess of action is intended at law, it ought to appear in the Decree.

(*Mr. Prideaux.*) That may be an inference drawn as matter of fact, but it cannot be drawn as matter of law.

(*The Dean of the Arches.*) That is to say, "You are doing an action from which certain consequences have hitherto flown, whatever you have intended to do." That is an argument that may lie in their mouth.

(*Mr. Prideaux.*) This is the view I venture to submit to your Lordship. You know there is a difference (and I call your attention to this) between evidence and pleading. Facts may justify inferences as regards evidence, but if you seek to draw any inference beyond that, that is quite another matter.

(*The Dean of the Arches.*) They cannot charge the intent, I agree with you there. They cannot say, we have charged you here in this case with an intention which is not specified.

(*Mr. Prideaux.*) I think that is quite sufficient at present for my purpose.

(*The Dean of the Arches.*) But I think as at present advised, they may say, we say nothing about your intent, but you have done an act from which consequences flow which it was the object of the Prayer Book to prevent.

(*Mr. Prideaux.*) That may be; but still arises the question, whether that can be a criminal act. It is a mere question of excess of action.

(*The Dean of the Arches.*) Exactly, it is quite competent for you to argue that.

(*Mr. Prideaux.*) Could a priest be proceeded against for elevating his hands higher than is necessary when he is giving the blessing; could any proceedings be taken in the Archbishop's Court against a bishop, because he elevated his hands higher than was necessary, when about to confer the sacred rite of confirmation? Could any criminal proceedings be taken against the assistant priests at an ordination because they elevated their hands higher than necessary, in order to co-operate with the bishop in the imposition of hands at an ordination? It might be said, there, that the raising up of the hands very high intimated a sort of symbolical indication of bringing down from heaven some special sacramental grace.

(*The Dean of the Arches.*) You must bear in mind in your argument, what Dr. Tristram will be quite aware of, that in these criminal suits in the Ecclesiastical Courts irregularities as well as graver offences are corrected. The proceedings by Articles is the mode by which they are corrected. I mean you must be quite aware you cannot quite apply the analogies of the criminal law to these proceedings, because there are many instances of civil rights being established through the medium of criminal proceedings in the Ecclesiastical Courts, and all irregularities, except where the statute authorizes a different mode of procedure (1st and 2nd Victoria does, I think), would be corrected through this mode of proceeding. You must bear that in mind as you go on.

(*Mr. Prideaux.*) I am much obliged to your Lordship; I leave my friend Dr. Tristram to deal with that.

(*The Dean of the Arches.*) I did not mean to interfere with your argument.

(*Mr. Prideaux.*) I will leave my friend Dr. Tristram, so far as he thinks it desirable, to deal specifically with that point.

(*The Dean of the Arches.*) There are a great many authorities which it is not necessary to cite for that position.

(*Mr. Prideaux.*) I desire to be as brief as I can, and will therefore leave that matter to Dr. Tristram, but I will remind your Lordship of one passage, which I daresay is familiar to you, in the judgment of Dr. Lushington, in the Knightsbridge case, as to the size of the candles. He says that is a matter which the Ecclesiastical Court cannot inquire into.

(*The Dean of the Arches.*) Yes, that was a civil case.

(*Mr. Prideaux.*) Yes, that was a civil case, but surely, *à fortiori*, the principle would apply to this case.

(*The Dean of the Arches.*) I do not say you cannot, but in this case it is not a question of the height and size of the candles.

(*Mr. Prideaux.*) It is a question of excess of action.

(*The Dean of the Arches.*) Do you mean to say that, because an excess of ornament cannot be inquired into, that therefore an excess of action cannot ?

(*Mr. Prideaux.*) I mean to say there is an analogy between the two cases. I will now drop this part of the case, but I cannot conceive any state of things more applicable for the order to which your Lordship has referred, namely, the exercise of the discretion of the bishop, than this case. It is a mere excess of action.

(*The Dean of the Arches.*) Do you mean to say that this is a case which comes under what I may call the discretionary Rubric ?

(*Mr. Prideaux.*) I say, if it is to be interfered with at all, it is like deciding the colour of the altar cloths. If it is a matter to be interfered with at all, a mere excess of action is clearly a matter which comes within the discretion of the bishop, and the bishop has, perhaps not in the manner contemplated by the statute, *de facto* exercised his discretion, and Mr. Mackonochie has submitted to it, raising a very strong presumption that the bishop could not have intended to have this question considered in a criminal light.

Now, my Lord, I shall submit briefly that the elevation over the head is lawful according to the Church of England. No doubt some elevation (I will briefly submit that it does not refer to this) was forbidden by the first Prayer Book. Your Lordship will remember that the words are, "These words " before rehearsed are to be said, still turning to the " altar, without any elevation or showing the Sacra- " ment to the people." Now, I will assume, for the sake of argument, that that elevation prohibited the elevation over the head as part of the action of the Divine mystery. I shall contend presently that it did not. I say that prohibition was withdrawn. It was withdrawn at the same time that divers other important alterations were made in the Prayer Book, in deference to the Puritan party, and may have been a sort of compromise, and withdrawn in deference to what I shall venture to call the Catholic party. Again, it was withdrawn at the same time that in some respects the Prayer Book was made more stringent, at the very time when kneeling was required, and the use of the fair linen cloth was required ; and it may have been that these two things were enforced, and the prohibition against elevation was withdrawn, to check a spirit of irreverence with reference to the Sacrament which was springing up at that time. I do not say that it was so, but I suggest those two reasons as worthy of consideration—the one that the Prayer Book was prepared in a spirit of compromise, and that the omission of the prohibition was a concession to the Catholic party as a set-off against the great concessions that were made to the Puritan party ; and the other, that the withdrawal of the prohibition, the enforcing of kneeling, and the enforcing the use of the fair linen cloth, were all with reference to checking a spirit of irreverence that was growing up at that time. But, my Lord, I will submit (and I shall be very short upon the point) that the elevation to God as part of the action of the Divine mystery was not forbidden by that Rubric. Your Lordship will observe that the words are very peculiar. They are, "These words, before rehearsed, are to be said, " turning still to the altar, without any elevation or " showing the Sacrament to the people." Now, it is quite clear that that Rubric was not intended to be taken in its strict letter, because the directions in that book, as in the present, that the priest was to take the bread and the wine into his hands, show that there must have been some elevation. The Rubric is, "Here the priest must take the bread into his hands." The only difference is that in the present book it is the paten ; and, with reference to the wine, it is, "Here the priest shall take the cup into his hands." Therefore it is quite clear that all elevation was not forbidden.

(*The Dean of the Arches.*) The words are, "without any elevation," and you carry it on "to the people." I understand you to say that it should be read in this way—"turning still to the altar, without any elevation to the people."

(*Mr. Prideaux.*) Yes, I say the words "to the people" ride over the whole of the words "elevation or showing the Sacrament."

(*The Dean of the Arches.*) Your argument is that with "the priest standing with his back to the people" it might be elevated.

(*Mr. Prideaux.*) Quite so. I say it might be elevated as part of the Divine mystery, but not as an individual act.

(*The Dean of the Arches.*) The act that was prohibited, according to your theory, was the elevating to the people.

(*Mr. Prideaux.*) The elevating to the people, and I shall be able to show your Lordship that. Your Lordship will observe the words are very remarkable —"turning still to the altar." It is clear some elevation is allowed. The words are, "turning still to the " altar, without any elevation or showing the Sacra- " ment to the people." I need not remind your Lordship that a practice had sprung up, and is very general in the Greek Church, and is practised in the Roman Church, of showing the Sacrament to the people. In the Greek the words are, "Τά ἅγια τοῖς ἁγίοις ;" and the Latin words are, "Ecce Agnus Dei, ecce qui tollit peccata mundi."

(*The Dean of the Arches.*) How is the evidence in this case with respect to that ? Was it not that Mr. Mackonochie turned to the people with the Sacrament elevated ?

(*Mr. Prideaux.*) Oh, nothing of the sort. I believe Mr. Mackonochie has never turned to the people. Mr. Mackonochie has done it as part of the Divine action.

(*The Dean of the Arches.*) It is to be lamented that there was no question put to the witness on that point. There was not, was there ?

(*Mr. Stephens.*) No, there was not.

(*Mr. Prideaux.*) At any rate it is not proved that he did.

(*Mr. Stephens.*) But, on the other hand, it is not to be taken that I admit anything that is not proved.

(*Mr. Prideaux.*) It is the fact that he never does. If it will be any satisfaction to your Lordship I will prove it. What he does is this :—Contemporaneously with the words "This is my body," he elevates to God the consecrated elements.

(*The Dean of the Arches.*) It is to be lamented that no question was put to the witness by those who intended to argue this part of the case.

(*Mr. Prideaux.*) I will cure that defect if your Lordship wishes it.

(*Mr. Stephens.*) My Lord, I shall be perfectly content, if Mr. Mackonochie would just rise in court and say what he did, to take that as evidence.

(*The Dean of the Arches.*) Will you consent to that, Mr. Prideaux ? I must take it by consent of both sides.

(*Mr. Prideaux.*) I am quite content. I know perfectly well the practice of that Church.

(*The Dean of the Arches.*) I must have it by consent.

(*Mr. Prideaux.*) I consent that Mr. Mackonochie should state whether he does or does not turn round to the people. Perhaps you will have the kindness just to state that, Mr. Mackonochie?

(*The Dean of the Arches.*) If both counsel consent that Mr. Mackonochie should make a statement as to his practice in this matter of elevation, there being no evidence before me as to the exact character of the elevation, I am quite content to take the statement.

(*Mr. Prideaux.*) I am quite content.

(*Mr. Stephens.*) I am content to do so. Let your Lordship put any question to Mr. Mackonochie that you wish, and I will take his answer.

(*Mr. Prideaux.*) It is not charged, but if it will be any satisfaction to anybody, Mr. Mackonochie will stand up and say what the practice is. Will you have the kindness, Mr. Mackonochie, just to stand up and tell my Lord, whether when you elevate the elements, you turn round to the people?

(*Mr. Mackonochie.*) No, my Lord, I do not turn round to the people, and never have done so.

(*The Dean of the Arches.*) I will tell you the note I have made. Mr. Mackonochie says, "I do not turn round to the people, and never have done so." I take down this evidence, counsel on both sides agreeing to my doing so.

(*Mr. Stephens.*) At any time during the consecration prayer?

(*Mr. Mackonochie.*) No.

(*The Dean of the Arches.*) Very well, I will add that, "I do not turn round to the people, and I have "never done so at any time during the consecration "prayer." And I have made a note of my own, "I "take down this evidence, counsel on both sides agree-"ing to my doing so." That will appear upon the minutes.

(*Mr. Prideaux.*) Now it appears from this Rubric, that a practice had sprung up of turning from the altar and elevating and showing the Sacrament to the people. Something very analogous to it is done now in the Greek Church, and also in the Roman Church; but your Lordship is aware that the ceremonies of the Mass were reviewed and reformed in the Council of Trent, and that may explain why the exact thing is not done now in the Church of Rome. But I understand the Holy Father, even now, when he consecrates in person, immediately after pronouncing the words of the consecration, turns round with the blessed Sacrament in his hands, and exhibits it to the people. Your Lordship will find that stated in a very interesting paper, in the October number of the Dublin Review. So that whilst the exact practice which is apparently pointed to here may not perhaps exist now, because it is subsequent to the time we are speaking of that the priest turns round and holds up the Sacrament in the Roman Church, namely, at the "Ecce agnus Dei," when the Communion is about to be taken, still that is an index to explain the exact prohibition contained in those words.

Now I will call your Lordship's attention (because it is very important to contrast the two) to the language of the prohibition issued only a year before.

(*The Dean of the Arches.*) This authority you refer me to is a proof that the Pope, when he celebrates himself, does turn round.

(*Mr. Prideaux.*) He does turn round immediately upon consecrating the elements. He turns and elevates them.

(*The Dean of the Arches.*) Do I understand that is a peculiarity of the Pope?

(*Mr. Prideaux.*) That now is the peculiarity of the Pope; it is only done when the Pope consecrates himself. The practices of the ceremonies of the Mass were reformed at the Council of Trent, and probably at that time the practice which was springing up was made not general. Now I desire to call your Lordship's attention to the language of the Prohibitory Rubric in the "Order of Communion," which was issued, as your Lordship is aware, a little more than a year before the first Prayer Book. You are aware, for the purpose of securing the old Catholic practice of administering in both kinds to the laity, a sort of supplemental direction, called the "Order of Communion," was issued, and in that order it was directed that the wine should be delivered to the people; and there is a Rubric providing for the consecration of more wine if that which has already been consecrated is not sufficient. That Rubric is in these terms: "Note, that "if it doth so chance, that the wine hallowed and "consecrate doth not suffice or be enough for them "that do take the Communion, the priest, after the "first cup or chalice be emptied, may go again to the "altar, and reverently and devoutly prepare and con-"secrate another, and so the third or more likewise, "beginning at these words, *Simili modo postquam "cœnatum est*, and ending at these words, *qui pro "vobis et pro multis effundetur in remissionem "peccatorum*, and without any levation or lifting up."

(*The Dean of the Arches.*) Here it is "levation."

(*Mr. Prideaux.*) It is "levation." It means the same thing evidently as "elevation." Your Lordship will see there is nothing about "without turning round to the people." There is no direction of this sort, "without elevating and showing to the people there," but there is a positive prohibition, "without any elevation or lifting up." Now it is difficult to understand that within little more than a year, such different language should be used in two prohibitory Rubrics, if the same thing were meant, and I venture to submit to your Lordship, the real explanation of the words in the "Order of Communion" is simply this,—that the Divine mystery had already been performed; the Divine action had been completed; the lifting up to God had already taken place. The subsequent consecration was simply for the purpose of Communion, and the subsequent consecration being simply for the purpose of Communion, and the Divine mystery having been already celebrated, that which was essentially a part of the Divine mystery, but which was perhaps not essentially a part for the mere purpose of Communion——

(*The Dean of the Arches.*) Both of these Rubrics forbid the lifting up.

(*Mr. Prideaux.*) Yes. But the one forbids the lifting up in general terms; the other forbids the lifting up and showing to the people; and I say they point to different things, and they show that the lifting up and elevating is recognized as part of the Divine action. In the order of Communion, where the Divine action has been already completed, where the symbolical lifting up to God has been already effected, where the object is Communion, not celebration, the elevation is forbidden in general terms; whereas, in this second prohibition, the elevation is not forbidden in general terms, but what is forbidden is the turning towards the people, and elevating and showing the Sacrament to the people. And, my Lord, the very Injunctions and Visitation Articles which my friend referred to bear out this view. For example, let us take the articles to be followed and observed according to the King's Majesty's Injunctions, upon which my friend relied. I believe there is no satisfactory proof of the date of them; the only evidence is, that they were clearly issued after the Prayer Book, or that they were based upon any Royal Injunctions legally constituted.

(*The Dean of the Arches.*) What Injunctions are those?

(*Mr. Prideaux.*) They are at page 75 of Cardwell's Documentary Annals, No. 17. Now I say the object here was, to forbid such ceremonial acts in the celebration of the Lord's Supper, as it was thought expedient, (they were going ahead of the Prayer Book,) in the exercise of the power of the Crown and the Bishops to forbid.

(*The Dean of the Arches.*) I put the question to counsel during the course of this discussion as to the authority of these Injunctions. It may be worth while to observe, that in that letter of Archbishop Parker in Queen Elizabeth's time to Cecil, I think, he says that the Injunctions derive their validity from the Statute,

I observe he says so. He thinks it very improper that any question should be raised as to whether the Injunctions *per se* have any legal authority or not. But the Injunctions of Queen Elizabeth have authority by the Statute.

(*Mr. Prideaux.*) I do not see that, because the formalities to give them effect under the Statute were evidently not complied with.

(*The Dean of the Arches.*) If anything is to turn upon it, you will find the letter of Archbishop Parker to Sir William Cecil, dated January 8th, 1571, set out at page 81 of the English Church Union case, "They "that like not the Injunction force much the Statute "in the Book. I tell them that they do evil to make "odious comparisons between Statutes and Injunc- "tion, and yet I say and hold that the Injunction hath "authority by proviso of the Statute."

(*Mr. Prideaux.*) I am much obliged to your Lordship for calling my attention to it. I do not accede to it, because supposing the Statute to have been still in existence at that time, the necessary formalities were not complied with. I will read the second of these articles if your Lordship pleases. "Item, for "an uniformity, that no minister do counterfeit the "Popish Mass." I pray your Lordship to observe the things that really are forbidden in terms, "as to kiss "the Lord's table; washing his fingers at every time "in the Communion; blessing his eyes with the paten "or sudary; shifting of the book from one place to "another; laying down and licking the chalice of the "Communion; holding up his fingers, hands, or "thumbs, joined towards his temples; breathing "upon the bread or chalice; showing the Sacra- "ment openly before the distribution of the Com- "munion."

(*The Dean of the Arches.*) Is the date of those Injunctions given?

(*Mr. Prideaux.*) The alleged date here is 1549; but the matter has been very carefully considered, and your Lordship will observe (I have no doubt you did notice it) that the only elevation forbidden in the "Order of the Communion" is the elevation upon the second consecration of the cup.

(*The Dean of the Arches.*) In what order of Communion?

(*Mr. Prideaux.*) In the first order of the Communion. I will just call attention to that. That very order of the Communion says that all the previous part of the Mass is to be celebrated as it was before. Therefore it is quite clear that there was no intention there to prohibit the elevation during the performance of the Divine Service.

(*The Dean of the Arches.*) Let me understand what you say about this. You are now speaking of the "Order of the Communion" preceding the first Prayer Book? Let me understand your argument.

(*Mr. Prideaux.*) My argument is simply this—I was venturing to suggest to your Lordship why the elevation of the cup upon the second consecration was forbidden, and I say that although there is a positive forbidding of any "elevation" of the cup upon the second consecration, it is perfectly clear, inasmuch as it is provided in that very order, that the ceremony of the Mass was in all respects to be performed as it was before, that the previous elevation was not intended to be forbidden, and that the only elevation forbidden was the elevation upon the second consecration of the cup, and that is forbidden in general terms, and not with reference only to turning to the people. I ventured to suggest to your Lordship why that was.

(*The Dean of the Arches.*) I have got a note of your argument.

(*Mr. Prideaux.*) In these Injunctions, bearing out my contention as to the true construction of the Rubric in the first Prayer Book, among other things that are forbidden is, "showing the Sacrament openly before the distribution of the Communion."

(*The Dean of the Arches.*) Does that exhaust the catalogue of the actions "whereby the popish Mass may be counterfeited?"

(*Mr. Prideaux.*) I will finish the Injunctions: "Ringing of sacrying bells, or setting any light upon "the Lord's board at any time." That is a point I mean to deal with. This is taken from Burnet, and Burnet gives no date.

(*The Dean of the Arches.*) Incorporated by Cardwell, and with no authority but Burnet.

(*Mr. Prideaux.*) It says, "Ex M.S. Johnson apud Burnet, Hist. Reform., vol. ii., app. p. 165."

(*The Dean of the Arches.*) Is your argument with regard to this enumeration of things counterfeiting the popish Mass that all things therein specified counterfeited the popish Mass?

(*Mr. Prideaux.*) No, I do not inquire into that.

(*The Dean of the Arches.*) What am I to do with the authority you cite?

(*Mr. Prideaux.*) I cite it simply for the purpose of showing, that so far as the question of elevation is concerned, the only elevation that is forbidden is, "the showing of the Sacrament openly before the distribution of the Communion." I dare say these things were practised in the popish Mass, but we are not dealing with them now. There is no charge about them.

(*The Dean of the Arches.*) If you quote it for one purpose must not it have its bearing upon the question of lights also?

(*Mr. Prideaux.*) I am quite willing that it should have. One of my positions is, that these Injunctions and other matters show that there was an intention shortly after the Prayer Book to get rid of the lights. There may have been or not. But what I say is that these are of no binding authority. But even prohibiting what was intended to be prohibited here, so far throws a light on the Rubric of the Prayer Book. "Showing the Sacrament openly before the distribu- "tion of the Communion, ringing of sacrying bells, "or setting any light upon the Lord's board at any "time." That is at any rate too wide, because Dr. Lushington concedes that the lights may be set there if it is dark. "And finally, to use no other cere- "monies than are appointed in the King's Book of "Common Prayers, or kneeling otherwise than is in "the said book." Another set of Injunctions upon this point puts the thing more clearly still, and those are Ridley's Injunctions, dated 1550. I take it they are of no legal effect, and they certainly cannot go further than this, that they show that Ridley was presuming to exercise his discretion in these matters. And, my Lord, the Judicial Committee of the Privy Council, in giving their judgment in the Westerton case, said that Ridley's Injunctions were of no force probably even in his own diocese. Not that I think that is very material for the argument that I am using.

I call your Lordship's attention now to the prohibition. It is very similar, but it states the thing more clearly, and shows that what is meant is not the elevation to God in the celebration of the mystery, but some subsequent showing of the Sacrament to the people. That is the second item. "Item. That no minister do counterfeit the popish Mass," &c. As I am desirous of saving time, I will not repeat those same things which it goes through. "Breathing upon "the bread or chalice, saying the 'Agnus' before the "Communion, showing the Sacrament openly before "the distribution, or making any elevation thereof."

Now, inasmuch as we all know that before the priest communicates in the Roman Church, (and it was the same under the Salisbury Missal,) he does say secretly the "Agnus Dei," and that before he communicates the people, he holds up the blessed Sacrament to their view, and says, "Ecce Agnus Dei, "ecce qui tollit peccata mundi," I say it is perfectly clear upon this second Injunction, that the only thing which was prohibited there was that "showing to the people." But there is one other Injunction which interprets the thing entirely, and it is an Injunction by a man who would have been as likely as any man to go as far as he possibly could; I allude to Grindal, Archbishop of York.

(*The Dean of the Arches.*) I have got that passage from the judgment of the Privy Council. It is in page 182. "This Injunction extended only to Ridley's "own diocese, and probably had no binding force "even there."

(*Mr. Prideaux.*) Your Lordship, I believe, followed me in the observations that I made about Ridley's Injunctions of 1550?

(*The Dean of the Arches.*) Yes. As I understood you, they did not carry the matter much further than these.

(*Mr. Prideaux.*) On the contrary. I say it shows more clearly that what was sought to be prohibited was the showing the Sacrament to the people, and that is put beyond the shadow of a doubt by the Articles under date of 1571 of Grindal, Archbishop of York, because there he interprets the words, and shows that I am right in the construction that I venture to put upon them. I refer your Lordship to Grindal's Injunctions, Cardwell's Documentary Annals, page 369: "That for the ministration of the Communion bread "they should not deliver it unto the people into "their mouths,"—that is important, because it shows how the old practices clung to the clergy, and therefore you may be sure that all these old practices which were not forbidden were allowed,—"but into their "hands, nor should use at the ministration of the "Communion any gestures, rites, or ceremonies not "appointed by the Book of Common Prayer, as cross-"ing or breathing over the sacramental bread or "wine, nor any showing or lifting up of the same "to the people to be by them worshipped or adored." Now that I think must be said to be almost conclusive as to the construction of the Rubric, because there in terms unmistakeable the "lifting up" is applied to the people as well as the "showing."

(*The Dean of the Arches.*) You say it is conclusive as to the meaning of "elevation" being confined to elevation to the people?

(*Mr. Prideaux.*) Conclusive as to its being confined to elevation to the people, which was forbidden in the first book, and which was sought to be forbidden from time to time afterwards.

(*The Dean of the Arches.*) You say it is conclusive as to the meaning of the elevation being confined to that which was prohibited in the first book?

(*Mr. Prideaux.*) Yes, I say so. The construction of the words is such that it is impossible to mistake it. "Nor any showing or lifting up of the same to the "people to be by them worshipped or adored, nor "any such like." Now, my Lord, that elevation was an early practice in the Church, I think there cannot be much doubt.

(*The Dean of the Arches.*) Which elevation are you speaking of?

(*Mr. Prideaux.*) The elevation to God.

(*The Dean of the Arches.*) When you say that elevation was the practice of the early Church, you are speaking of the limited elevation, and not of the other elevation?

(*Mr. Prideaux.*) I am speaking of the elevation to God, as distinguished from the "elevating and showing to the people." I think the question of oblation, in other words, that which we find recognized in every Liturgy, from the earliest to the present time, in the prayer of oblation——

(*The Dean of the Arches.*) I only wanted to understand you. The authorities which you are about to cite as to the primitive practice, are to show that the elevation, not to the people but to God was a primitive practice?

(*Mr. Prideaux.*) I say that the elevation to God, as distinct from the elevation to the people, was a very early practice, if not a primitive practice. Burnet, in his very last exposition of the 28th Article, says that it began to be practised in the sixth century; and, what is further important, he says that the object of it at first was not worship, but to symbolise the lifting up of Christ on the Cross. You will find it in the very last paragraph on Article 28. In Dr. Littledale's "Essay upon the Elevation of the Host," to which I shall venture to refer as part of my argument, page 10, he gives a passage from St. Cyprian, and it is a passage of great weight.

(*The Dean of the Arches.*) St. Cyprian's letters?

(*Mr. Prideaux.*) His letter to Cæciliamus on the mixed chalice; and the great value of it is, that he is dealing with the mixed chalice; and, therefore, his recognition of the oblation to God, incidentally, is entitled to the greater weight. The passage is this—"'If Jesus Christ our Lord and God is himself "the High Priest of God the Father, and first offered "himself as a sacrifice to the Father, and commanded "this to be done in remembrance of him; then, "doubtless, that priest who imitates what Christ did "truly acts in his stead, and offers a true and full "sacrifice in the Church to God the Father, if he "begin to make the oblation exactly as he sees that "Christ did.' Then, after explaining why the first "Eucharist, contrary to the later wont, took place in "the evening, he adds, speaking of Christ, 'Let the "'lifting up of my hands be as the evening sacrifice; "'and since we commemorate His passion in all our "'sacrifices (for the Lord's passion is the sacrifice we "'offer), we ought to do nothing except what He did.' "St. Cyprian is arguing only for the mixed chalice, "but the context shows that he believed the gesture "of lifting the hands to have formed part of the pri-"meval institution of the Holy Eucharist."

(*The Dean of the Arches.*) But that passage does not show what part of the lifting up of the hands it was, whether it was to the people, or whether it was, as you say, to God?

(*Mr. Prideaux.*) No, my Lord; but I shall show you that by referring (and it is the only one I mean to read) to the consecration prayer in the very earliest of the Greek Liturgies. "He is arguing only for "the mixed chalice, but the context shows that he "believed the gesture of lifting the hands to have "formed part of the primeval institution of the Holy "Eucharist" (and your Lordship will see, when you read this pamphlet, that the pamphlet is dealing with the action of the celebrant) "as indeed must have "been the case, unless the Jewish ritual had been "deviated from on that occasion." That is important. "These testimonies bring the inquiry down "near to the beginning of the fourth century, the "very latest date that can be ascribed to the final "settlement of the liturgical forms of the early "Church, and as they exhibit an unbroken tradition "they are conclusive against any theory of interpo-"lation which may attempt to do away with the "witness of the Liturgies." The weight and value of that argument is, that St. Cyprian, arguing for another purpose, says "that we ought to celebrate the divine office as Christ did it." I believe all persons who have attended to the subject are satisfied with the proofs which the late Dr. Neale gave that the Liturgy of St. James must have been written about the year 50 of our Lord. Whether that be so or not, one thing is quite clear, that the Liturgy of St. James is a very early Liturgy; and if your Lordship pleases, with your permission, I will show what the tradition of the Church upon this point was by a short quotation from that liturgy: "Λαβὼν τὸν ἄρτον ἐπὶ τῶν ἁγίων καὶ ἀχράντων καὶ ἀμώμων καὶ ἀθανάτων αὐτοῦ χειρῶν, ἀναβλέψας εἰς τὸν οὐρανόν, καὶ ἀναδείξας σοὶ τῷ Θεῷ καὶ Πατρί, εὐχαριστήσας, ἁγιάσας, κλάσας ἔδωκεν ἡμῖν τοῖς αὐτοῦ μαθηταῖς καὶ ἀποστόλοις, εἰπών, Λάβετε, φάγετε· τοῦτό μου ἐστὶ τὸ σῶμα, τὸ ὑπὲρ ὑμῶν κλώμενον καὶ διδόμενον εἰς ἄφεσιν ἁμαρτιῶν."

Your Lordship will observe the word, "ἀναδείξας." That would be having lifting up.

(*The Dean of the Arches.*) That would be the act equivalent to "showing it to the people?"

(*Mr. Prideaux.*) No, my Lord, the words are, "ἀναδείξας σοὶ τῷ Θεῷ καὶ Πατρί."

(*The Dean of the Arches.*) You must remember the circumstances.

(*Mr. Prideaux.*) The people might have been able to see it; but the question is, whether it was "showing to the people." I quote that as a proof, because St.

Cyprian says, "We ought to celebrate this divine rite as our Lord did."

(*The Dean of the Arches.*) But St. Cyprian does not say whether this is "showing to the people," or not?

(*Mr. Prideaux.*) He does not suggest that it is. He is evidently speaking of the offering to God.

(*The Dean of the Arches.*) It might be both?

(*Mr. Prideaux.*) It might incidentally be both; but the question is, what was the object of the Divine rite? It cannot be supposed for a moment that the Saviour did it for the purpose of showing it to his disciples. He was making the offering to God. "'Αναδείξας σοὶ τῷ Θεῷ καὶ Πατρί." Not a word about "showing to the people." In the Greek Church the exposition to the people is afterwards. It is quite clear what the object of it was there. This is a narrative of what our Saviour did, and the mere fact that the people saw it cannot make it a "showing to the people." I believe in the Basilican Church, the priest faced the people; and a characteristic of the Greek Church was, that at a subsequent time where the words are "Τὰ ἅγια τοῖς ἁγίοις."

(*The Dean of the Arches.*) Do I understand you to say, Mr. Prideaux, that in the Greek Church the elevation is to the people?

(*Mr. Prideaux.*) I say that is a distinct thing. It is what follows afterwards. There are two elevations, which are called the "lesser elevation" and the "greater elevation," in modern times.

(*The Dean of the Arches.*) Is this particular elevation to the people, according to the Greek Church, at the time of the consecration?

(*Mr. Prideaux.*) No, not to the people. That is an elevation to God.

(*The Dean of the Arches.*) Do you mean in the Greek Church that the priest's back is turned to the people?

(*Mr. Prideaux.*) Your Lordship is aware that in the Greek Church there are the holy doors. It is before he comes to the holy doors that this is done, and afterwards he comes out with the Sacrament.

(*The Dean of the Arches.*) The doors are closed in the Greek Church?

(*Mr Prideaux.*) The doors are closed in the Greek Church at this time, so that it could not be an elevation to the people.

(*The Dean of the Arches.*) Unless you are quite aware of the mode of procedure in the Greek Church you had better not found an argument upon it.

(*Mr. Prideaux.*) I understand from Dr. Littledale, who knows the practices of the Greek Church, I believe, as well as he does those of the English Church, that the doors are closed, and that a curtain is drawn at this time. Afterwards there is an elevation to the people.

(*The Dean of the Arches.*) I do not see how that supports you. The only elevation that is seen is the elevation to the people in the Greek Church. It is quite true the doors are closed and the curtain is drawn. Everybody knows that who has seen the Greek Church, but the only elevation that is seen, as it appears to me, is the elevation to the people.

(*Mr. Prideaux.*) But can it affect the question of the character of what our Saviour did, or of the particular character of the elevation that takes place, whether it is seen by the people or not?

(*The Dean of the Arches.*) That may be, but I thought you were citing an authority to show that the primitive elevation was not an "elevation to the people." That authority you cite, I say, appears to prove the contrary.

(*Mr. Prideaux.*) I am citing these authorities to show that there was an elevation which was in its essence and in its character an elevation to God, and not to the people; and that it was so done, carrying out the principle laid down by St. Cyprian, namely, that we ought to do that which Christ did in instituting the Ordinance. Then, my Lord, you have the same words with regard to the cup: "'Ωσαύτως μετὰ τὸ δειπνῆσαι, λαβὼν τὸ ποτήριον, καὶ κεράσας ἐξ οἴνου καὶ ὕδατος, καὶ ἀναβλέψας εἰς τὸν οὐρανόν, καὶ ἀναδείξας σοὶ τῷ Θεῷ καὶ Πατρί."

(*The Dean of the Arches.*) During that time the doors are closed and the curtain is closed.

(*Mr. Prideaux.*) Yes, my Lord.

(*The Dean of the Arches.*) Those are instructions as to what the priest is to do when the people are, so to speak, shut out.

(*Mr. Prideaux.*) No doubt, my Lord, that is so.

(*The Dean of the Arches.*) Then the doors are opened.

(*Mr. Prideaux.*) Then the doors are opened, and then, as a separate act, which I say is what was forbidden in our Church, there is an intentional exhibition to the people, and not to God.

(*The Dean of the Arches.*) Then the practice of the Greek Church which you are citing is exactly the practice which you say is forbidden in the English Church.

(*Mr. Prideaux.*) No doubt the subsequent exhibition of the Sacrament in the Greek Church was forbidden in that Rubric. I don't deny that, but I don't admit that it is forbidden now, and I say, moreover, that is not what is charged against Mr. Mackonochie. What Mr. Mackonochie is charged with is the elevation to God, and my friend Mr. Coleridge admitted it in his address to your Lordship. "I do not deny," he said, "that it is an elevation to God."

Then, my Lord, you will find the same thing (I will not trouble you by reading it) in page 160 in the Liturgy of St. Basil. Besides which, I ought, in fairness, to make this suggestion, that although they have the curtains to the doors in the Greek Church now, it does not follow that they had it in the early period to which I am referring.

(*The Dean of the Arches.*) They certainly have now.

(*Mr. Prideaux.*) No doubt. But according to my view of the case it is not material. My contention is, that we read in the history of the Church of two elevations; one an elevation which is part of the Divine action of the mystery, and which is called the "oblation," and which is recognized in all the prayers of oblation; the other, which is something separate and distinct, and which is a "showing to the people." And therefore I say that there is evidence that there was an elevation to God, an oblation. I call the oblation the elevation to God and I say it is evident there was an oblation and an elevation to God at a very early period. That, I say, has never been forbidden, and if it ever was forbidden the prohibition is withdrawn. It was undoubtedly the practice according to the ancient common ecclesiastical law of England at the time of the Reformation; and therefore, unless it be forbidden, it is lawful now.

(*The Dean of the Arches.*) Do you say there were two elevations in the Church of England before the Reformation? The two you have been speaking of, the elevation, and the showing to the people.

(*Mr. Prideaux.*) Yes, my Lord, and I say that there are now in the Church of Rome, because there is the exhibition to the people before Communion.

(*The Dean of the Arches.*) I want to understand your argument. You say the practice of the Church of England before the Reformation was to have two elevations, one which you call the "oblation to God," and the other which you call the "showing to the people."

(*Mr. Prideaux.*) Yes, there were two, one at the time of consecration, and the other the elevation before Communion. No doubt the Rubric in the first book points to a practice which was springing up of turning round and elevating to the people immediately after the consecration.

(*The Dean of the Arches.*) Springing up! Was not it practised before?

(*Mr. Prideaux.*) Not exactly. What I mean is, the turning round and showing to the people does not follow immediately after the words of consecration, but it follows after the priest has communicated, in the

Roman Church. My contention is, and especially when you contrast the words with the prohibition in the "Order of the Communion," that prohibition in the first Prayer Book clearly does not point to the elevation in the progress of the celebration of the Divine mystery, but to something separate and distinct which took place when the priest turned round (it is not material to my argument exactly when) after the consecration.

(*The Dean of the Arches.*) Then the oblation was before consecration?

(*Mr. Prideaux.*) The oblation is contemporaneous with the consecration in fact. The oblation is the very thing, evidently, which is complained of here, because they say it was when he took the paten into his hands.

(*The Dean of the Arches.*) Do you say it is during the progress of consecration?

(*Mr. Prideaux.*) During the progress of consecration, as the witness said, "substantially contemporaneous with the words 'This is my body.'"

(*The Dean of the Arches.*) Then the oblation is in the progress of consecration?

(*Mr. Prideaux.*) Yes, it is part of the act. It is all one act.

(*The Dean of the Arches.*) The oblation is in the progress of and is part of the act of consecration.

(*Mr. Prideaux.*) Yes, my Lord. I say the oblation is part of the act of consecration.

(*The Dean of the Arches.*) And that you say is distinct from the showing to the people, which was subsequent to consecration?

(*Mr. Prideaux.*) It was subsequent to consecration, and it would seem to have followed immediately after at that time, as is clearly indicated by the Rubric, directing, in fact, that there shall be no such elevation.

(*The Dean of the Arches.*) Then you say it is the second elevation that the Rubric prohibited?

(*Mr. Prideaux.*) Yes. I say it prohibited all elevation, except that which is part of the prayer of consecration; and, moreover, that such prohibition as there was is withdrawn.

Then my friend says it is contrary to the 28th Article. Now my friend has addressed your Lordship upon that, and I shall have very little to say in addition; but one thing is quite clear, that the Articles speak in no uncertain language, and where they mean to pronounce against a thing they do it.

(*The Dean of the Arches.*) You had better read the end of that Article.

(*Mr. Prideaux.*) Yes. The Sacrament of the Lord's Supper was not by Christ's ordinance "reserved, carried about, lifted up, or worshipped."

(*The Dean of the Arches.*) Then your contention is, that the Article does not actually contain a prohibition, but that it does contain a statement?

(*Mr. Prideaux.*) Yes, my Lord.

(*The Dean of the Arches.*) But supposing it to be a prohibition by implication, it would prohibit all those four things, "reserving, carrying about, lifting up, and worshipping?"

(*Mr. Prideaux.*) It would not prohibit all reservation, because your Lordship will recollect that under Elizabeth's Latin Prayer Book reservation was permitted. It would not prohibit all elevation, because your Lordship will remember that by the present Prayer Book an elevation is directed. I shall insist upon this view before your Lordship, that what is not prohibited there, but what is declared not to be required by the Ordinance of Christ, is that system of reservation and honour of the blessed Sacrament which arose out of the Feast of "Corpus Christi," and the Institution of "the Confraternity of the Blessed Sacrament."

(*The Dean of the Arches.*) That Article should be compared with that of the Council of Trent, should it not?

(*Mr. Prideaux.*) Yes, my Lord. I am about to call your Lordship's attention to a clause in the Council of Trent which will throw a great deal of light upon it. Your Lordship asked whether the words were "or" or "and." I do not know whether that is very material, but in the ordinary editions it is "or;" but it is very remarkable that in Sparrow's edition, and in Burnet, who took some pains to be accurate, it is "and." I have them both here, and will refer your Lordship to them.

(*The Dean of the Arches.*) My own impression is that it was "or." It is "or" in my edition.

(*Mr. Prideaux.*) It is not so in Burnet. I am now reading from the Oxford edition of Burnet, Clarendon Press, 1819, page 415. Your Lordship is aware that Burnet has a very elaborate preface, showing the pains that he had taken to have the correct wording. "The "Sacrament was not, by Christ's ordinance, reserved, "carried about, lifted up, and worshipped." I have a copy of Sparrow's collection here. I am reading from the second edition, enlarged, 1671, page 102. "The "Sacrament of the Lord's Supper was not, by Christ's "ordinance, reserved, carried about, lifted up, and "worshipped." The Latin is, "Sacramentum Eucha-"ristiæ, ex institutione Christi, non servabatur, cir-"cumferabatur, elevabatur nec adorabatur." It does not strike me that the distinction is very material. It is very curious that the Latin is the same in Edward's Articles as in these, but the translation is different, because in Edward's Articles the translation is, "The Sacrament was not commanded by Christ's ordinance——"

(*The Dean of the Arches.*) In the Latin version that you have read it would be "or?"

(*Mr. Prideaux.*) Yes; and the "or" does occur in the Edwardian copy. I do not think it is very material, but I suggest two things—first, that probably that Rubric was to a certain extent apologetic, it came out almost contemporaneously with the second Prayer Book, and your Lordship will observe that the prohibition against elevation, as I submit, for one reason, in deference to the Catholic party in the Church, had been withdrawn, and the Article explains that, and says, "Although we withdraw it, we do not mean to say "that the practice is ordered. You (the Puritan "party) must not be angry with us for withdrawing "it, for we do not mean to say that the practice is "ordered." But, my Lord, it is clear that when the Articles intend to assert a thing they do not speak with any uncertain sound. They speak clearly, and I might refer almost to all the Articles in support of that assertion; but I would only ask your Lordship to compare the language of this Article with that of the 24th, where a thing is intended to be declared as contrary to the Word of God: "It is a thing plainly repugnant to "the Word of God and the custom of the primitive "church to have public prayer in the church, or to "minister the Sacraments, in a tongue not under-"standed by the people." I pray your Lordship to contrast the positive language of that Article with the language of the present Article. It is no doubt unfortunate that these Articles have been by man's ingenuity twisted and perverted into pegs to hang all sorts of heresies upon; but if you look carefully at them, you will find that it is a slander upon them to say that they do not assert clearly what they mean.

(*The Dean of the Arches.*) King James congratulated himself upon the Articles, because he says that everybody can make them mean what they wish?

(*Mr. Prideaux.*) Yes; and it is not part of my case to object to that construction of them. But I say a wrong conclusion has been drawn, and whereas it is said, "Christ did not command so-and-so," people have jumped to the conclusion that he forbade it. I say where the Articles intended to denounce anything they do it in express terms. Let us test it by one or two illustrations. Suppose the Article had said, "The "Sacrament of the Lord's Supper was not, by Christ's "ordinance, administered in the morning," would that have been tantamount to saying that it should not be administered in the morning? If so, the Church of England is continuously guilty of Popish superstition. I will only give your Lordship one more instance, and one is as good as a hundred. Suppose the Article had said, "The Sacrament of the Lord's "Supper was not by Christ's ordinance received kneel-"ing," (there is an express injunction that it shall be

received kneeling,) could it be said that an Article which left the matter open for parties to receive kneeling or not amounted to a prohibition against kneeling? Now, my Lord, upon that point I cannot resist the pleasure of reading to your Lordship one passage from Cranmer's letter upon kneeling.

(*The Dean of the Arches.*) What is this to prove? What proposition do you cite it in support of?

(*Mr. Prideaux.*) Simply to show that Cranmer's opinion was that a large number of the heresies of the day arose out of the notion that whatever was not commanded by Scripture was necessarily forbidden.

(*The Dean of the Arches.*) Does that bear upon your present point?

(*Mr. Prideaux.*) I will not take up your Lordship's time with it, but it is a letter which you will find at the 58th page of Mr. Perry's book on Kneeling.

(*The Dean of the Arches.*) It is the great argument through that runs Hooker's book?

(*Mr. Prideaux.*) Yes. Then I say it is impossible to argue fairly, that because they thought fit in the Articles to declare that it was not commanded by Christ, that the Sacrament of the Lord's Supper should "be reserved, carried about, lifted up, and worshipped," which I say cannot mean "elevation," because "elevation" was ordered by Elizabeth's Prayer Book, and had been ordered before.

(*The Dean of the Arches.*) You say it does not amount to a prohibition?

(*Mr. Prideaux.*) I say it does not amount to a prohibition; but I say also that it has no bearing at all upon the elevation as part of the Divine office. If your Lordship will allow me I will just call your attention to a few dates which are important. I contend that that article is pointed against the abuse of the Sacrament, which was at that time very general, so much so that it is complained of in that French book—the "Treatise on the Exposition of the Sacrament," to which I have had the honour of directing your Lordship's attention. It arose out of the comparatively recent institution of the Feast of Corpus Christi, and out of the institution of the Confraternity of the Blessed Sacrament. Those were practices entirely confined to the Western Church, and I shall have little more to do than to direct your Lordship's attention to a few dates, and then to refer to the book which I have already mentioned for the purpose of maintaining that position. It appears from this book that the Feast of Corpus Christi was instituted by Pope Urban the 4th in the year 1264. The original office, as your Lordship is aware, for the celebration of the feast, was prepared by St. Thomas Aquinas. There is no trace, either in the institution of the feast, or in the office used, of procession or exposition; but it appears that the institution of the feast led first to procession in the Church, and then to procession generally, the blessed Sacrament being all the time veiled. Subsequently to this we find they used transparent monstrants, so that the Holy Sacrament might be seen and gazed upon by the people, which practice of carrying the blessed Sacrament in transparent monstrants in the ceremonies on that day led subsequently to the exposition of the Sacrament, now called "the Exposition of the Blessed Sacrament," on the altar on the day in question, and subsequently to the exposition of the blessed Sacrament on the altar on other days. In other words, it led to the whole practice of "reserving, carrying about, lifting up, and worshipping the blessed Eucharist," which is the matter so dealt with by that Article, and against which that Article is directed. You will find the whole history of this matter (it is quite peculiar to the Western Church, there is nothing analogous to it in the Eastern Church) in the 6th chapter of the 1st book of this "Treatise on the Exposition of the Sacrament," the French book to which I have referred your Lordship. In the early part of it you will find a very remarkable statement. I will only read two or three words. The title is, "Traité de l'Exposition du Saint Sacrament de l'autel." Your Lordship will find in the early part of chapter 4 a statement, that of all ecclesiastical ceremonies this is the one which the heretics of the last century regarded with the greatest aversion. Then he refers to several writers, who had condemned this exposition of the blessed Sacrament, and the procession connected with it, and among them he refers to the work of a very advanced German Lutheran, Chemnitz, "De Nouvauté, et Idolatrie, &c.," in which that writer says, "Qu'elle est contraire aux paroles de l'Institution de l'Eucharistie." So that the German writer chose to go further than the Article goes, and he goes the length of saying that this reservation, and carrying about, and lifting up, and worshipping of the Eucharist, is contrary to the institution of Christ. The Article has not ventured to go so far as that. All that the Article says is, that it is not commanded by Christ that these practices should be adopted. At a still more subsequent date, as your Lordship will find in the 3rd chapter of the 2nd book, the confraternity of the blessed Sacrament was established. The passage which I had the honour of reading to you about the single lamp has reference to that. You will there find an account of the institution of the confraternity of the blessed Sacrament, which, as your Lordship knows, was instituted for the express purpose of paying outward honour to the blessed Sacrament, and especially when it was carried in procession to the sick; and that was a practice also prevalent to such an extent, and led to practices involving expenditure and pomposity, and various other matters connected with the blessed Sacrament which were censured not only by Protestants but by Roman Catholic writers.

(*The Dean of the Arches.*) And you say our Article was pointed against those circumstances of abuse connected with this festival?

(*Mr. Prideaux.*) Yes, my Lord. I am reminded, also, that the benediction of the blessed Sacrament was of a later date. The benediction of the blessed Sacrament, and the 40 hours adoration, both were brought in by St. Carlo Borromeo, who drew up the catechism of the Council of Trent. My contention is, that that Article is not pointed at any part at all of the Divine office; that it does not point at any use that was made of the sacred elements or of the Sacrament till after the consecration was complete; and that it is pointed entirely at those abuses which resulted gradually from the institution of the Feast of Corpus Christi, and from the institution of the confraternity of the blessed Sacrament.

Now your Lordship has referred to the canon of the Council of Trent, and it is very remarkable that close upon the time that the 28th Article was prepared, the following canons were passed in the 13th session of the Council of Trent. I beg to refer your Lordship to canon 6 and 7, and especially the 6th I pray your particular attention to.

(*The Dean of the Arches.*) The 6th is, "De asser-
"vando sacræ Eucharistiæ Sacramento, et ad infirmos
"deferendo."

(*Mr. Prideaux.*) What I wish to read is the 6th Canon under the head "De sanctissimo Eucharistiæ Sacramento." "Si quis dixerit, in sancto Eucharistiæ
"Sacramento Christum unigenitum Dei Filium non
"esse cultu latriæ, etiam externo, adorandum, atque
"ideo nec festiva peculiari celebritate venerandum,"
[involving of course reservation,] "neque in proces-
"sionibus secundum laudabilem et universalem eccle-
"siæ sanctæ ritum et consuetudinem solemniter
"circumgestandum, vel non publice, ut adoretur,
"populo proponendum, et ejus adoratores esse idol-
"olatras, anathema sit."

(*The Dean of the Arches.*) Yes, I see they are directly at variance—the 28th Article and this Canon of the Council of Trent.

(*Mr. Prideaux.*) Quite so, my Lord; not perhaps exactly, but they are substantially.

(*The Dean of the Arches.*) Pretty nearly. The Article directs that it is not to be "reserved, carried about, lifted up, or worshipped."

(*Mr. Prideaux.*) It is the doctrine of the Church of England, that nothing is to be received and required

as necessary to salvation but what can be proved by the Word of God. Cranmer, as I shall prove to your Lordship by a letter which I am about to refer to, was aware that the denial of these views was about to be enforced under an anathema, and so Cranmer says, "We must provide against that."

(*The Dean of the Arches.*) The very next Canon also deals with the same subject.

(*Mr. Prideaux.*) The very next Canon carries out my view. "Si quis dixerit, non licere Sacram Eucha- "ristiam in sacrario reservari, sed statim post con- "secrationem adstantibus necessario distribuendam; "aut non licere, ut illa ad infirmos honorifice defe- "ratur," [pointing to the special functions of the confraternity of the blessed Sacrament,] "anathema sit." Your Lordship sees there are these things enforced under an anathema. The Church of England says "that nothing is to be required as necessary "and requisite to salvation, or to be believed as an "article of faith, but that which can be proved from "Holy Scripture." And therefore Cranmer, who was aware that some such Canon was about to be passed——

(*The Dean of the Arches.*) I doubt that, I question it very much.

(*Mr. Prideaux.*) I will read to your Lordship a letter in proof of it.

(*The Dean of the Arches.*) Do you know the date of this session with reference to the date of the Articles?

(*Mr. Prideaux.*) It seems to have commenced on the 1st of December 1551.

(*The Dean of the Arches.*) And what is the date of the Article?

(*Mr. Prideaux.*) They are practically contemporaneous.

(*The Dean of the Arches.*) 1562, I think.

(*Mr. Prideaux.*) Your Lordship is aware that the session of the Council of Trent continued a considerable time.

(*The Dean of the Arches.*) I am speaking of the date of the Articles, 1562. I suppose this is a copy from the Edwardian Articles.

(*Mr. Prideaux.*) The date of the original Articles, which contain the same language, is 1552.

(*The Dean of the Arches.*) Give me that date, it is rather important.

(*Mr. Prideaux.*) The Edwardian Articles are 1552, and in the Latin you have word for word the same.

(*The Dean of the Arches.*) When was this 13th session of the Council of Trent?

(*Mr. Prideaux.*) It began on the 1st September, 1551.

(*The Dean of the Arches.*) The decree went out on the 11th October, and the session was held on the 11th October 1551. It would appear, therefore, that this Edwardian Article was almost, as it were, directed against that session of the Council of Trent. I mean the Edwardian Article had that Canon before it at that time.

(*Mr. Prideaux.*) I am going to show your Lordship that they had it substantially before them. Fortunately we have got a letter written by Cranmer which proves that, and it is perfectly clear that they said something of this sort, "We are not going to stand this. We are "not going to be put under anathema for believing "that this is not ordained by Christ."

(*The Dean of the Arches.*) Quite so. I see your argument.

(*Mr. Prideaux.*) My Lord, the letter is a very remarkable one (and it is astonishing how every research aids our cause), it will be found in page 90 in Mr. Perry's book, upon the Declaration on Kneeling. I will just read a word or two of the introduction, and then I will read Cranmer's letter. "It was barely "seven months before (namely, March 20th, 1552) "that he had written to Bullinger, Calvin, and Me- "lancthon, expressing his concern at the proceedings "of the Council of Trent. Addressing Calvin, he "thus writes, 'Our adversaries are now holding their "'councils at Trent for the establishing of their "'errors, and shall we neglect to call together a "'godly synod for the refutation of error, and for "'restoring and propagating the truth. They are, as "'I am informed, making decrees respecting the "'worship of the host; wherefore we ought to leave "'no stone unturned, not only that we may guard "'others against this idolatry, but also that we may "'ourselves come to an agreement upon the doctrine "'of this Sacrament. It cannot escape your prudence "'how exceedingly the Church of God has been "'injured by dissensions and varieties of opinion "'respecting this Sacrament of unity, and though "'they are now in some measure removed, yet I could "'wish for an agreement in this doctrine, not only as "'regards the subject itself, but also with respect "'to the words and forms of expression.'"

(*The Dean of the Arches.*) What is the date of Cranmer's letter?

(*Mr. Prideaux.*) March 20th, 1552. It is to be found in the original letters, Parker's Society Edition, vol. 1, No. 14, page 24. And the Latin original is in "Cranmer's Remains," part 1, page 431.

Now, my Lord, I say, looking at the abuses that had sprung up at this time in connexion with and flowing out of the feast of "Corpus Christi," and the institution of the "Confraternity of the Blessed Sacrament," looking at this letter of Cranmer, looking at the decree of the Council of Trent, and then looking at this 28th Article—looking at the fact that in the French book that I referred you to it is expressly pointed out that the great subject of the abuse and horror with the "heretics" of the previous century (and that was written about a hundred years afterwards) were these very things resulting out of these matters. I think you can have very little doubt that the object of the Article was merely to protest against those two decrees under anathema which the Council of Trent were about to pass, and which I have had the honour of reading to your Lordship. Your Lordship will see that all this had to do with the reserved Sacrament, and in the sense in which the Article might speak against the reserved Sacrament——

(*The Dean of the Arches.*) What had that to do with the reserved Sacrament?

(*Mr. Prideaux.*) All these matters decreed by the Council of Trent——

(*The Dean of the Arches.*) You are not speaking of the Article now.

(*Mr. Prideaux.*) I am speaking of the Council of Trent.

(*The Dean of the Arches.*) Not all of them, because there is a separate canon.

(*Mr. Prideaux.*) I do not mean to say, my Lord, that there are not other Articles relating to the Sacrament, but I say the foundation of all these abuses of the Sacrament is the reservation of the Sacrament, and the English Article in the same manner was dealing with the reserved Sacrament, reserved for other purposes, no doubt, but which had fallen into abuse. Your Lordship will look at the consecutive words, "the Sacrament of the Lord's Supper was not "by Christ's ordinance reserved, carried about, lifted "up, or worshipped." My friend is in this dilemma:— If it is not prohibitory it does not signify, and if it is prohibitory it could not refer to reservation for the Communion of the sick. It must refer to reservation for the purpose of subsequent abuse of the Sacrament. The words are, "was not by Christ's ordinance reserved," [the necessary foundation of the abuses complained of,] "carried about, lifted up, or wor- "shipped." I do submit, upon every fair historical principle, and every principle of interpretation, it is impossible to carry that Article further than what I am ready to admit is its proper interpretation, namely, that in one respect it is apologetic, explaining why the prohibition had been withdrawn; and, secondly, that it was proposed for the purpose of protecting the Church of England against the anathemas which Cranmer and his friends knew were about to be issued by one of the sessions of the Council of Trent.

I believe I have made the view which I have ventured to take upon this point clear to your Lordship, and I do not feel it necessary to say anything further upon it. As far as I am concerned, I am only going to refer to one other authority, and then to make a very few concluding observations. That further authority which I propose to refer to in order that you may see the exact language, is the Visitation Articles of Cardinal Pole.

(*The Dean of the Arches.*) Upon that same subject?

(*Mr. Prideaux.*) No. It is the Article that I ventured to refer to in support of the proposition that the lamp used before the reserved Sacrament, as distinguished from the lights before the high altar, was a single lamp. I think it is well to show the exact position of that. I refer your Lordship to Cardinal Pole's Visitation Articles, 1 Cardwell's "Documentary Annals," page 207. The Articles commence at page 203, and they were issued in the year 1557. "Articles set forth by Cardinal Pole to be "inquired in his ordinary visitation, within his diocese "of Canterbury." The 23rd item is, "Whether they "do burn a lamp or a candle before the Sacrament, and "if they do not, that then it may be provided for with "expedition." I have had a note handed to me upon the last subject, touching the abuses of the reserved Sacrament. It is put certainly in very clear language, and is so short that perhaps you will allow me to read it. I am now going back to the question of the Decrees of the Council of Trent, and the 28th Article. 'Trent says "anathema" to those who deny certain things about the reserved Sacrament. The Article says, "You have no right to anathematise those men, because such things are not commanded by Christ's ordinance."' That certainly is putting the matter in a very clear light.

(*The Dean of the Arches.*) What is the authority of that?

(*Mr. Prideaux.*) It is a mere suggestion, putting my argument in a clear way, and showing how they are dealing with certain abuses of the reserved Sacrament in the 28th Article.

I think, with regard to the subject of kneeling and prostration, I need scarcely trouble your Lordship, excepting to call attention to one single matter, which is this—that I venture to say, upon the true construction of the Rubric, there is no more direction for the celebrant to kneel when he receives the Blessed Communion than at any other time during the celebration of that rite. It is quite clear, if the Rubric be carefully looked at, that the direction to kneel is limited to the people.

(*The Dean of the Arches.*) Do you say there is no direction for the celebrant to kneel anywhere?

(*Mr. Prideaux.*) Certainly not when he communicates, and as your Lordship is aware, I referred to a very remarkable state of facts from Kennett's Register to show that those were matters which the Legislature thought they were not intended to deal with, and which therefore were left open to the people, as my friend Mr. James showed, by that reference to the note in the first Prayer Book, unless there be any Canon to regulate the matter. I will now refer to the present Rubric. "Then shall the minister first receive "the communion in both kinds himself, and then "proceed to deliver the same to the bishops, priests, "and deacons in like manner (if any be present), "after that to the people, also into their hands, all "meekly kneeling."

(*Mr. Stephens.*) "All."

(*Mr. Prideaux.*) I submit, my Lord, that it is clear upon the very language of that section, that "all meekly kneeling" applies only to the people, and it is impossible to say that it applies to the celebrating priest also, because, if so, the priest would have to administer kneeling. But, if it were possible to entertain any doubt upon this Rubric, on the face of it, it is set clear beyond a doubt by the Black Rubric; because the Black Rubric says, "Whereas it is ordained "in this office for the administration of the Lord's "Supper that the communicants should receive the "same kneeling." And then it goes on to show why, in this solemn and deep rite, communicants may receive kneeling without being guilty of idolatry, for that is what it means. Now it is perfectly clear that the words "meekly kneeling" do not include the officiating priest, and, if there were any doubt about that, that doubt would be solved by an earlier part of the office; for your Lordship will find this, "At the time of the "celebration of the communion, the communicants "being conveniently placed for receiving the Holy "Sacrament, the priest shall say this exhortation."

(*The Dean of the Arches.*) You do not mean that there is no direction for the priest to kneel in the Communion Service?

(*Mr. Prideaux.*) I mean there is no more direction for the priest to kneel when he communicates, than there is for him to kneel, if he thinks right, after the consecration, in humble acknowledgment of the great benefits commemorated by the celebration of the sacrificial rite. Then there is "the priest kneeling down "at the Lord's table," and then there is a direction to stand up; but after that I do not see that there is any direction for the priest to kneel.

(*The Dean of the Arches.*) The next Rubric to that is, "then the priest standing before the Lord's table." Your observation seems to be founded upon that, and that there is no direction for him to kneel when he receives the Holy Communion.

(*Mr. Coleridge.*) My Lord, the word "all" was introduced in 1662.

(*Mr. Prideaux.*) That was to meet the case of the communicating clergy. My Lord, what I say is this: my friend objects because in deep acknowledgment of those blessings which are so great that the communicants when they receive are commanded to kneel, Mr. Mackonochie has thought fit in the fervour of his grateful heart to kneel. I say that if Mr. Mackonochie infringes the Rubric by kneeling, in acknowledgment of that great and ineffable blessing, so does the officiating clergyman who kneels when he communicates. That is the view which I am venturing to submit, and if, therefore, Mr. Mackonochie is liable to be proceeded against for this, so is the reverend gentleman who gave evidence in this case liable to be proceeded against in the same way, and so are a large majority of the priests throughout the length and breadth of this land liable to be proceeded against in this criminal way for kneeling themselves when they receive the Blessed Communion of the body and blood of the Redeemer. I understand your Lordship to say that there is no charge of adoration?

(*The Dean of the Arches.*) None.

(*Mr. Prideaux.*) Then I need not enter into that question; but I may say that the whole *catena patrum* shows that the doctrine of the real presence is held by a large number of the clergy of the Church of England, and I may refer your Lordship—without troubling you to read it, because I am sure that every circumstance connected with it is present in your memory, and I believe you have been partly instrumental in its being found—to the famous letter of Geeste, the author of that part of the 28th Article in which he declares that he did not mean——

(*The Dean of the Arches.*) You mean the letter to Lord Burleigh?

(*Mr. Prideaux.*) Yes, my Lord, I do not propose to read it, but you will find it set out in page 192 of Perry on Kneeling.

My Lord, I will read one passage from Ridley, and only one, (it is set out in Mr. Perry's book,) and it occurs in his disputation with Glyn, in which Ridley says, "We adore and worship Christ in the Eucharist, "and if you mean the external sacrament, I say that "also is to be worshipped as a sacrament."

(*The Dean of the Arches.*) What page is that?

(*Mr. Prideaux.*) Page 58.

My Lord, it is not necessary for me to defend on this occasion the great doctrine of the real presence of the Redeemer in the Eucharist, because there is no charge of adoration, and the Rubric itself upon kneeling shows how seemly and proper it is that the

truly grateful worshippers at the very time of the celebration of these mysteries should pour out their thanks to God "meekly kneeling upon their knees," because all, excepting the officiating celebrant, are in fact commanded to do so, and they all kneel during the time of celebration. Unless, therefore, there be a strict and positive prohibition with regard to kneeling in the Prayer Book, it is quite clear, that without attempting or desiring to attempt to contend for the doctrine of the real presence, kneeling is a seemly act within the spirit of the Prayer Book, and especially within the spirit of the Black Rubric, and very strong evidence ought to be brought before your Lordship, and very strong arguments, before you can arrive at the conclusion that Mr. Mackonochie by kneeling at this time has been guilty of a violation of the Act of Uniformity. When we bear in mind in addition that the great doctrine of the real presence of the Redeemer in the Eucharist is at least a permissible doctrine to be entertained in the Church of England, and when we bear in mind that—as Mr. Keble puts it in his admirable work on Eucharistic adoration—"kneeling "in the presence of the Incarnate Deity is the neces- "sary offspring of the faithful heart, unless it be for- "bidden," and certainly in no express terms is it forbidden, this is an additional reason, though it is one I do not want, because I say it is perfectly consistent with the lower view of this rite ; but this is an additional reason why your Lordship should not condemn Mr. Mackonochie for so kneeling, because, my Lord, such a condemnation could only be based upon the affirmative assumption that there is no real presence of the Redeemer in the Sacrament under the form of bread and wine.

Now my learned friend Mr. Coleridge tried to cut off as it were the Church of England from the Catholic Church. I have dealt with his reference to the word "priest," and shown how completely he was mistaken, and the only other references with which I am going to trouble your Lordship are references for the purpose of showing how substantially and essentially the present service of the Church of England in all its essential particulars agrees with the Sarum Use. In this little book which I have in my hand, at page 9 (it is a report of the proceedings of the Ecclesiastical Art Exhibition, held at York on the 9th, 10th, and 11th October 1866) is a paper of the Rev. Dr. Littledale's upon this very subject, and he tabulates the various parts of the service according to the Sarum Missal, and according to the present Prayer Book. If your Lordship will allow me, I will just hand it up to you, and you will find a similar comparison set out as an appendix to Mr. Walker's translation of the Sarum Use. You will also find a general history of the various Liturgies, and the analogous parts of them as a whole, set out very elaborately, and in a very interesting manner, in the historical introduction to the Annotated Book of Common Prayer.

Now, my Lord, I am going to waive anything like a peroration, but I must be allowed to say one word in conclusion. I may perhaps on some few occasions have expressed myself strongly. Personally I do feel strongly in the matter, but it is my duty to submit to your Lordship this, that in order to sustain as lawful and proper the various practices complained of against Mr. Mackonochie, no assumption of the Romish doctrine of Transubstantiation, or even of the Catholic doctrine of the sacramental and ineffable presence of the body and blood of the Redeemer in the Eucharist, is necessary. Only grant that, which every Christian man must admit, without reference to the special nature of the presence of the Redeemer, or whether he is there at all, except by faith—only grant that the Eucharistic service is a great commemorative representation of the one sacrifice suffered upon the Cross, that it is the one great act of Christian worship (which all Christians must admit), and then I say, that whether the Romish doctrine of Transubstantiation or the Catholic doctrine of the Real Presence, or the Sacramentarian doctrine which makes the elements mere types and symbols be the correct one, that in one and all of these views every one of the practices charged against Mr. Mackonochie may fairly and legitimately be carried on, and that there is no necessary connexion whatever between any one of these practices, or any of the matters which they symbolize, and any Romish or supposed Romish doctrine which Mr. Mackonochie may be supposed to entertain. It is one thing to say that the Catholic spirit is, as a whole, towards reverence, and if you please, towards excess of ceremonial, and the Protestant tendency is towards irreverence, and towards the neglect of ceremonial (and that is quite sufficient to show why it is, that, as a body, those who hold high doctrine are those who are most desirous of carrying out the old practices and ceremonial of the Catholic Church to its fullest extent), it is another and a very different thing to say, and it is, as I submit, impossible to say that any one of these practices is inconsistent with the duty of a clergyman of the Church of England, even if it be conceded, for the sake of argument, that the very lowest view of the Eucharistic service that has ever been entertained is the correct one.

But, my Lord, although I contend that these matters are not necessarily connected with any question of doctrine, I cannot disguise from myself the fact that this is an attempt "to strike secretly at a great doctrine "as well as at laudable practices of the Church of "England, and indeed of the whole Catholic Church "of Christ ;" and as the example set before me has been to read in the conclusion of the speech a passage from some author who is supposed to favour the views of the party addressing the Court, I will, with your Lordship's permission, conclude my observations by reading a short extract from the recent charge of the Lord Bishop of Salisbury, which you will find at page 62: "Should you require more aid in this ministration, "I can at once supply you with it. Model your own "address to them on the words of one of our greatest "divines, whom God some years ago called to the very "front of the great struggles for his truth, and has "still spared to his Church, or rather, borrow the very "words, without the minutest alteration, of that great "bishop (the Bishop of Exeter), and let him in his old "age still teach your flock the truth as it is in Jesus "Christ. Say to them, in his words of glowing faith "in the Eucharist as a Sacrament, 'We eat our "ransome ;' as St. Augustine says, 'We receive "'spiritually the body of our Lord Jesus Christ "'which was given for us, his blood which was shed "'for us.' In the same Eucharist, as a sacrifice, we in "representation plead the one great sacrifice which "our great High Priest continually presenteth for us "in heaven. In heaven he presenteth ever before the "Father in person, himself mediating with the Father "as our intercessor. On earth he invisibly sanctifies "what is offered, and makes the earthly elements "which we offer to be sacramentally and ineffably— "but not in a carnal way—his body and blood. For "although once for all offered, that sacrifice, be it "remembered, is ever living and continuous—made "to be continuous by the resurrection of our Lord. "Accordingly, St. John tells us in Revelations, 5th "chapter, verse 6 and 12, that 'He beheld, and lo, in "'the midst of the throne sat a Lamb, as it had "'been slain, to whom is continually addressed the "'triumphant song of the heavenly host, "Worthy is "'the Lamb that was slain to receive power, and "'riches, and wisdom, and strength, and honour, and "'glory, and blessing.' To him his Church on earth "in the Eucharistic service in like manner continually "cries, 'O! Lord God, Lamb of God, Son of the "Father, that takest away the sins of the world ;' not "that 'tookest away,' but that still takes—'Agnus "Dei, qui tollit peccata mundi.' As then the sacrifice "is continuous, its propitiatory virtue is continuous, "and the fulness of the propitiation is pleaded for the "whole Church, wheresoever the commemoration of "itis exhibited in the Holy Eucharist."

(*Mr. Coleridge.*) With your Lordship's permission, before this case is adjourned I wish to make a statement. Something I said the other day seems to have

been misunderstood. I am told I am reported to have said that the gentleman who is the defendant in this case is a "greedy clergyman." Now, my Lord, I am not in the habit of reading reports of my own speeches, and I have not read them in this case; but I am told there is a letter to the paper upon this subject. I am now speaking in the hearing of your Lordship, and I am sure you will bear me out when I say that I certainly made use of no such expression, and not only that, but I think I carefully guarded myself from making any such imputation. No such idea ever crossed my mind. It was foreign to the whole course of my argument, and nothing that I said could possibly have borne such a construction. If by chance anything could impossibly bear such a construction, I am at once anxious to disavow it.

(*Mr. Prideaux.*) I am quite satisfied that my learned friend Mr. Coleridge never said any such thing.

(*The Dean of the Arches.*) I am quite sure Mr. Coleridge has never used those words in my hearing.

(*Mr. Prideaux.*) I am quite sure Mr. Coleridge would not have used any words so disrespectful of the reverend defendant in this case.

The Court adjourned for a short time.

(*Dr. Tristram.*) May it please your Lordship, I can fully appreciate the desire of the Court to bring the case on behalf of the defendant to a close after the very long, able, and exhaustive arguments which have been submitted to the Court by my learned leaders, and I will endeavour, as far as in me lies, to comply with the wishes of the Court, and to present the matter which I have to lay before it in as concise a form as possible, and to compress the arguments and observations which I shall feel it my duty to submit to your Lordship in as few words as I can in justice to the reverend defendant, for whom I have the honour to appear.

My Lord, I have nothing to add to the arguments which have been submitted to your Lordship in reference to the jurisdiction of the Court. It appears to me that my learned leaders have exhausted that subject. But as to the competency of the defendant to except to the jurisdiction of the Court at this time, after the unopposed admission of the reformed Articles, I beg to offer this one observation that is laid down or intimated in the case of Saunders v. Head (3rd Curteis' Reports, 577), that it is competent to a defendant, after articles have been admitted against him, unopposed, to except to the jurisdiction of the Court, and I shall humbly submit to your Lordship that the advisers of the defendant have done nothing to waive this right.

(*The Dean of the Arches.*) After articles unopposed, do you say?

(*Dr. Tristram.*) Unopposed.

(*The Dean of the Arches.*) But that is not the present case.

(*Dr. Tristram.*) If your Lordship will allow me, I will proceed to show you what I mean by reminding you that, in this case, the Articles being opposed, they were, by your Lordship's predecessor, Dr. Lushington, directed to be reformed in a particular manner; that they were reformed in the manner directed by him; and it appeared to me that it was contrary to the practice of the Court, and would not be treating the Court with due respect, if I were to advise my client to oppose Articles which had been reformed in the manner directed. Of course your Lordship may say that, in accordance with the practice of the Court, it would not be open to you to review a decision given by Dr. Lushington on the admission of these Articles; but I shall submit to your Lordship, of course, that we are not thereby precluded from raising that objection here, or hereafter, in the Judicial Committee of the Privy Council, if so advised.

I will pass now at once to the consideration of the merits of the case. There are two matters on which the parties are agreed. The first is that the offence charged against Mr. Mackonochie is for having violated the Acts of Uniformity, and not for having violated the general ecclesiastical law.

(*The Dean of the Arches.*) But do you say that is admitted by the other side?

(*Dr. Tristram.*) I shall submit to your Lordship that it is patent upon the Articles, and that it is also conceded in argument at the bar.

(*Mr. Droop.*) I know my friend Mr. Stephens does not intend to admit that.

(*Mr. Prideaux.*) Whether he admits it or not, there is no case except under the statute.

(*The Dean of the Arches.*) The decree says, "Thereby contravening the Statutes, Canons, and "Constitutions of this Realm."

(*Dr. Tristram.*) Yes; but if you turn to the Articles you will find in the 1st Article, as reformed, it is stated that, "By the Act of Uniformity of Queen Elizabeth's "reign, and by the Act of Uniformity of King "Charles the Second's reign, by the Clerical Sub-"scription Act, and by the 14th, 16th, and 30th "Canons," such and such propositions are laid down. Then when you descend to particulars, at the end of each Article, Mr. Mackonochie is charged with having violated those statutes and those canons, where applicable, except in one Article, in which he is charged with having violated the XXVIII. Article.

(*The Dean of the Arches.*) In every single instance he is charged with having violated certain constitutions and canons, as well as the statutes, and in one instance it says particular canons. The acts and canons upon which they lay this charge are contained in the 1st Article, and throughout the Articles they never depart from the law as laid down in the 1st Article.

(*Dr. Tristram.*) Well, my Lord, I shall submit respectfully to your Lordship that in the Articles it is clear that the only offences charged against Mr. Mackonochie are offences against the Act of Uniformity, and I shall also add to that this observation, that my friends on the other side, Mr. Stephens and Mr. Coleridge, rested exclusively on the Acts of Uniformity.

My Lord, there is another matter upon which both parties appear to be agreed, and that is this, that the practices charged against Mr. Mackonochie are not directly prohibited by the Acts of Uniformity, or by the Rubrics which are incorporated in those Acts of Uniformity. But it is said by my friends on the other side, that these acts are indirectly prohibited by the Acts of Uniformity and by the Rubrics. Therefore they ask your Lordship to come to the conclusion that the Defendant has committed certain unlawful acts.

But, my Lord, to entitle you to come to this conclusion, my friends must establish two propositions; the first is shortly this, that any rite or ceremony not prescribed by the Acts of Uniformity is unlawful; the second proposition is, that the acts done or acquiesced in by Mr. Mackonochie are rites and ceremonies within the meaning of the Acts of Uniformity. It is from these two propositions that your Lordship is asked to draw the conclusion of guilt.

Now, I will take the second of these two propositions first, and deal with that, and I shall humbly submit to your Lordship that the acts done or acquiesced in by Mr. Mackonochie are not rites and ceremonies within the meaning of the acts of Uniformity. In popular language and in loose language you may possibly designate some of those acts as rites and ceremonies, but I submit to your Lordship that you cannot do so in the meaning in which those terms are used in ecclesiastical law. My Lord, I shall not weary your Lordship by reading to you the words used in the two Acts of Uniformity of King Edward VI.; but when your Lordship comes to refer to them, I think you will see clearly that the words relied on for the prosecution do not refer to ceremonial acts, but to the offices of the Church. As a good deal has been said as to what is the true definition of a rite or ceremony in the Church of England, I do not know that I can refer to a work of better authority, or to a definition coming from persons better able to give a definition, than the definition which was given by

the Protestant Divines in the Great Westminster Conference. Your Lordship will recollect, too, that that conference took place very shortly before the Act of Uniformity of Elizabeth was passed, and it appears in Cardwell's Conferences, at page 25, that the Protestant Divines who sat in that conference were "Scory, late Bishop of Chichester, Whitehead, Jewel, Almer, Cox, Grindal, Horne, and Guest." At page 73 the following is the definition of rites and ceremonies: "By ceremonies and rites of the Church "we understand those ceremonies and rites which "neither expressly neither by necessary deduction or "consequence, are commanded or forbidden in the "Scriptures, but are things of their own nature indif- "ferent, as, for example, the form and manner of prayer "before and after the baptism, and the administration "of the Sacrament of the Body and Blood of Christ, "the appointing of times and places for the reading "of God's Word, the administration of Sacraments, "public prayers, number of holydays, times of fasting, "and such like," all of which may by God's Word, not only by general councils, but also by particular provinces, regions, and societies of Christians, according to the state of the times, be instituted and ordained, changed and removed, upon such just grounds, causes, and considerations, as the state of the times, people, and other circumstances require so to be done to edify God's people.

Now, my Lord, that is the definition which the leading reformers in the reign of Queen Elizabeth prepared to hand over to the leading Roman Catholic divines in this country immediately before the passing of the Act of Uniformity of Elizabeth. I shall submit to your Lordship that such a definition coming from such authority is far better than any definition which may be contained in any other work, whether from Roman Catholic or Protestant sources.

(*The Dean of the Arches.*) This is a discourse on this subject: "Any Church has authority to institute, "change, ordain, or remove upon such just grounds, "causes, and considerations, as the state of the times, "people, and other circumstances require so to be done "to edify good people." You say all the ceremonies mentioned in this discourse are perfect services?

(*Dr. Tristram.*) No, my Lord; but it states in this discourse what these divines understood by "services" and "rites of the Church."

(*The Dean of the Arches.*) Yes, they go on to specify, do they not, the number of individual things, "the form and manner of prayer before baptism," and so on?

(*Dr. Tristram.*) And many more things than that.

(*The Dean of the Arches.*) And many more things besides that?

(*Dr. Tristram.*) Yes, my Lord; but our contention is that a manual act is not a rite or ceremony, unless it be accompanied by words.

(*The Dean of the Arches.*) You must bear in mind that there may be a distinction between rites and ceremonies. Do you say this discourse will bear you out in the position that the use of incense is not a ceremony?

(*Dr. Tristram.*) I shall submit to your Lordship that it does.

(*The Dean of the Arches.*) Look at page 89, and you will see this: "Moreover the late experience "within this our country doth declare that the abro- "gation of many ceremonies established by general "authority is lawful and profitable. For in the time "of King Henry VIII., of famous memory, many "superstitious observations and idolatrous rites were "abolished." Then they go on to specify them, "Pilgrimage, stations, pardons, many superstitious "opinions of purgatory, holy water, of masses for "cattle, and *scala cæli*, innumerable lies out of the "Church, legends of feigned miracles and saints' "lives."

(*Dr. Tristram.*) Masses for cattle, for instance, would be accompanied by words.

(*The Dean of the Arches.*) That is your position.

(*Dr. Tristram.*) That is our position. There is a passage I wish to refer your Lordship to in Gavanti's Thesaurus Sacrorum Rituum, page 2, in which the words occur "Quid veniat nomine ritus, prout dis- "tinguitur à ceremonia, non conveniunt doctores."

(*The Dean of the Arches.*) How do you cite that?

(*Dr. Tristram.*) There seems to have been considerable discussion.

(*The Dean of the Arches.*) That is a statement that it is very difficult to distinguish rites from ceremonies.

(*Dr. Tristram.*) There seems to have been considerable discussion in those days between learned men as to what exactly constituted a rite. I am also requested to refer your Lordship to a passage in the Rubricæ Missalis Romani, by Quartus, page 1. The passage is this: "Dico secundò. Ritus Missæ divi- "duntur communiter in essentiales, qui sunt de "necessitate sacrificii: et Sacramenti: et accidentales, "qui pertinent ad ornatum ejusdem Sacrificii, et "possunt esse de necessitate præcepti."

(*The Dean of the Arches.*) Surely that is against you, is it not—two kinds of rites, essentials and accidentals, the accidental relating to ornaments?

(*Dr. Tristram.*) If your Lordship will allow me to read the whole of the passage, you will see the bearing of it "Ritus essentialis consistit in con- "secratione, vel etiam communione, ut fusiùs expli- "cabimus in appendice hujus operis dum de Sacrificio "Missæ: Ritus verò accidentalis consistit in ac- "tionibus et precibus."

(*The Dean of the Arches.*) That is accidental, is it?

(*Dr. Tristram.*) Yes my Lord, "Aliisque cir- "cumstantiis ab ecclesia adjunctis, quæ dicuntur "sacramentalia, et cæremoniæ sacræ," &c.

(*The Dean of the Arches.*) Would the burning of incense be an *actio?*

(*Dr. Tristram.*) His definition is, that it consisted "in actionibus et precibus."

(*The Dean of the Arches.*) That is your authority for that averment?

(*Dr. Tristram.*) That is my authority. Then there is another: "Dico quartò. Dividi possunt cæremoniæ "primo in eas quæ sunt intrinsicæ ipsi missæ."

(*The Dean of the Arches.*) Is that writer you are citing from before or after the Council of Trent? It is hardly in harmony with that passage in the Council of Trent.

(*Dr. Tristram.*) "Et consistmont tum in verbis, "tum in gestibus, celebrantis."

(*The Dean of the Arches.*) And consists as much in the words as in the gestures of ceremonies.

(*Dr. Tristram.*) Yes, our contention is, that a simple manual act is not a rite or ceremony. Upon that I will also refer your Lordship to the Articles of 1556, "Of Rites and Ceremonies." I am citing from the *Prayer Book Interleaved;* at page 391 it mentions the "use of certain customary vestments, the sprinkling "of holy water, the giving of holy bread, the burning "of candlesi on Candlemas Day, the giving of ashes on "Ash Wednesday, the bearing of palms on Palm "Sunday, the creeping to the Cross and kissing it on "Good Friday, the erecting of the Cross on Good "Friday, exorcisms and benedictions," as laudable customs, worthy of continuance, but not as having power to remit sin. Then I shall also refer you to the 11th of Cranmer's thirteen Articles, which says, "Ritus, "ceremoniæ, et ordinationes ecclesiasticæ humanitus "institutæ, quæcunque prosunt ad eruditionem "disciplinam, tranquillitatem, bonum ordinem aut "decorem in ecclesia, servandæ sunt et amplectendæ, "ut stata festa, jejunia, preces, et his similia." Then Article 15 of the Augsburg Confession, De Ritibus Ecclesiasticis, "Qui sunt humana autoritate instituti, "docent, ritus illos servandos esse, qui sine peccato "servari possunt et ad tranquillitatem et bonum "ordinem in Ecclesia conducunt, ut certæ feriæ, certæ "orationes piæ et alii similes ritus." Then I refer to the 30th Article of the Wurtemburg Confession, "Fatemur et hoc, quod Episcopis liceat cum ecclesiæ "suæ consensu ordinationes dierum festorum et "lectionem seu concionem, ad ædificationem et erudi-

" tionem veræ fidei in Christum, instituere. Sed non " licet obtendere ecclesia ritus veteris legis pro sacro " divino, quo Deus singulariter per se colatur." In that case, my Lord, " Ceremoniæ " and " Rites " are used interchangeably.

Now, my Lord, I shall also submit to your Lordship, having regard to the title of the Prayer Book (the Book of Common Prayer), these acts charged against Mr. Mackonochie do not fall within the terms rites and ceremonies. The title of the Book of Common Prayer of 1549 is, " The Book of Common Prayer, and " Administration of the Sacraments, and other Rites " and Ceremonies of the Church." The book contains three parts, first, the Book of Common Prayer; secondly, the administration of the Sacraments; and, thirdly, other rites and ceremonies of the Church; that is, other than the Common Prayer and the administration of the Sacraments. I shall submit, therefore, to your Lordship that it is clear, whatever the rites and ceremonies may be, they are other than, and distinct from, the Common Prayer and the administration of the Sacraments. If the book be examined, as one would expect from the title page, you will find it is divided into three parts; first, the Common Prayer; secondly, the administration of the Sacraments, namely, the Holy Eucharist and Holy Baptism; and, thirdly, the other rites, namely, Confirmation, Matrimony, Visitation of the Sick, Order for the Burial of the Dead, for the Purification of Women, and the Commination Service. Immediately following the title is the table of contents; then you have the preface, which is the same as in the present Prayer Book, " Concerning the Services of the Church," &c. I shall submit to your Lordship that the preface to the Prayer Book refers only to the morning and evening services. If your Lordship refers to the preface you will see from the words used that it can refer to no other parts of our Prayer Book. It proclaims itself to be so, calling the Common Prayers the Divine Service, and it is laid down in several books of authority that the expression " Divine Services " is taken from the Rubric to the Matins of the Sarum Breviary. This at once suggests that the Common Prayers are an arrangement of the ancient office of Matins, the Primæ, &c., for use in the vernacular. The preface continues to explain that in these offices the reading of the Scripture was omitted, and that many of the Psalms in practice were omitted, and that a troublesome rule called the Pie was introduced. Therefore, in the new office which is to take the place of this, Anthems, Responds, Invitatories, &c., are cut off, and a Calendar for Psalms and Lessons is drawn up. The things objected to were of old only in the Breviary and not in the Missal or Pontifical, and the preface, therefore, concerns only the offices drawn from the Breviary, and not the common services or any other rite or ceremony. This, I take it, is certain, because it concludes with an order that when matins are said in church they are to be said in English, but when in private, in any language the persons may understand in private.

(*The Dean of the Arches.*) Just wait one moment. In this book you refer me to, the mixture of wine with water is expressly laid down as a ceremony. I think you will find this is not an authority which supports your position, when you come to look at it.

(*Dr. Tristram.*) I am told by my friend Mr. Prideaux that the mixture of wine with the water is accompanied by words. I have not had an opportunity of looking at that book.

(*The Dean of the Arches.*) If you were to look at it you will find it is not an authority in your favour. I think if you had had an opportunity of consulting it, you would not have quoted it as an authority for showing that ceremonies consist of individual acts. I know, by experience, what it is for counsel to have these things put into their hands without having had an opportunity of looking at them.

(*Dr. Tristram.*) Our contention is, after all, that, as in the case your Lordship has just referred to in the Roman Church, the mixture of the wine with the water is accompanied with a prayer, the writer of that book of course assumes this when he makes that statemnt to which your Lordship has just referred.

(*The Dean of the Arches.*) There are a number of ceremonies mentioned. A rite may be a different thing, but ceremonies are individual acts, according to that writer.

(*Dr. Tristram.*) At any rate that book was written after the Act of Uniformity, and therefore can have very little bearing as to the interpretation which the Court will put on the words rites and ceremonies, as used in the Act of Uniformity or in the Prayer Book.

(*The Dean of the Arches.*) That was only because you cited it; I did not cite it.

(*Dr. Tristram.*) However, my Lord, it was put into my hands, and I had not an opportunity of looking at it.

(*The Dean of the Arches.*) It always happens, when authorities are put into the hands of counsel in that way, that these mistakes arise.

(*Dr. Tristram.*) What we shall contend is, that that part of the preface, concerning the Services of the Church, relates only to the Morning and Evening Prayer. Therefore no words can be cited out of that part of the preface bearing upon the interpretation to be put on the words " rites and ceremonies."

(*The Dean of the Arches.*) Do you mean upon that part of the preface which is headed, " Of Ceremonies, why some be abolished and some retained."

(*Dr. Tristram.*) No; " Concerning the Services of the Church." Then my next position is, that the annexed heading " Of Ceremonies " does not refer nor can it refer to manual acts, it refers really to offices of the Church.

(*The Dean of the Arches.*) Lesser offices?

(*Dr. Tristram.*) Yes.

(*The Dean of the Arches.*) Yes, I understand that to be the argument, but it seems to be rather difficult to maintain it, I think.

(*Dr. Tristram.*) Your Lordship will remember our Prayer Book was drawn up after the Sarum Missal.

(*The Dean of the Arches.*) I only meant from the internal evidence of the writing.

(*Dr. Tristram.*) There are a great many ceremonies to be found in the Rituale.

(*The Dean of the Arches.*) I do not want to stop you, but I have had an elaborate argument on this point; if you can add anything to them, do so.

(*Dr. Tristram.*) I merely wanted to call your Lordship's attention to this fact, that these offices of the Church were taken from the Rituale. The Rituale contained a great many other offices, such as " Prayers " for Houses, Benedictions of Houses, the Bene- " diction of a New House, the Benediction of a Boat, " the Benediction of a Ship, the Benediction of Fields, " to drive away Locusts and other insects, the Bene- " diction of Brackish Waters," and so on. When you turn to this preface it states very clearly, and gives a clear reason, why all these things are discontinued.

(*The Dean of the Arches.*) You say those are the ceremonies of which it says, " why some be abolished and some retained?"

(*Dr. Tristram.*) Yes, and that it does not refer to mere manual acts.

I shall now proceed to deal with the second of the two propositions of my learned friend, Mr. Stephens, and that is that all rites and ceremonies not prescribed by the Acts of Uniformity are unlawful.

(*The Dean of the Arches.*) *Negata.*

(*Dr. Tristram.*) Yes. My Lord, in this part of the case I wish to call your attention to the case of Escott *v.* Mastin. Your Lordship is very familiar with it, you were one of the counsel in the case.

(*The Dean of the Arches.*) I know all about it. It is the case of a dissenter's baptism, is it not?

(*Dr. Tristram.*) Yes. I wish to call your Lordship's attention to some very important propositions laid down by Lord Brougham in the judgment of the Judicial Committee of the Privy Council. It is reported in 4th Moore's P.C. Reports. The page I shall first refer to is page 123. It is on the inter-

pretation of statutes. "The 68th Canon being that "upon which this proceeding is grounded, it is neces- "sary to consider what the law was at the date of "the Canon, the year 1603. Without distinctly "ascertaining this, we cannot satisfactorily determine "what change the Rubric of 1661, adopted into the "13th and 14th Charles II., cap. 4, made, and in "what state it left the law on this head; because "it is very possible that the same enactment of a "statute, or the same direction in a Rubric, bearing "one meaning, may receive one construction when it "deals for the first time with a given subject matter, "and have another meaning and construction when it "deals with a matter that has already been made the "subject of enactment or direction; and this is most "specially the case where the posterior enactment or "direction deals with the matter without making any "reference whatever to the prior enactment or direc- "tion. Still more is it necessary to note the original "state of the law when it is the common law that "comes in question, as well as the statute."

Then I shall also refer your Lordship to page 128 of the same Report, which contains a passage which does not accord with the contention of my learned friend, Dr. Stephens, that we have no common law of the Church, and that your Lordship sitting here as Dean of the Arches, is to pay no attention to the old canon law. The same judgment, referring to lay baptism, says, "It prevailed from the beginning of the "third century, and though it formed the subject of "controversy between the Eastern and Western "Churches, during the succeeding period it had "become universally admitted by both, in the time "of St. Austin, who flourished in the latter part of "the fourth century. In England, as elsewhere, it "was held valid. The Constitutions of Archbishop "Pecham, in Lyndwood's Collection, bearing date "A.D. 1281, though severely denouncing a layman "who shall intrude himself into the office without "necessity, yet declare the baptism valid which is "celebrated by laymen, and state that it is not to be "repeated," and then he goes on at the bottom of that page as follows: "The position being therefore "undeniable, that previous to the year 1603, and at "the time the 68th Canon was made, lay baptism, "though discountenanced and even forbidden, unless "in case of necessity, was yet valid if performed, "and this being the common law—not the law made "by Statute and Rubric, but by Statute and Rubric "plainly recognized and adopted—we are to see if any "change was made in that law as it thus stood." Now, I next proceed to show in what manner, as I shall contend, these passages bear on the present case. I will merely remind your Lordship that, by the old common law of the Church, as appears in Lyndwood, lay baptism was lawful. In the Rubrics of the Prayer Book of Edward there was no direction by whom private baptism was to be performed, the words were general; it was merely stated that some one of those present was to say the Lord's Prayer, and use the essential words, &c. Then we come to the canon of 1603, which prohibited the burial of unbaptized children. Up to that time there had been no Canon or Rubric in the Church prohibiting the burial of unbaptized children. Then we come to the Prayer Book of Charles the Second, in which there was inserted a Rubric according to the canon, prohibiting the burial of unbaptized persons. In this case, as your Lordship recollects, the infant had been baptized by a layman, or rather by a dissenting minister, and it was contended that inasmuch as the baptism had not been performed by a clergyman of the Church of England, the child must be treated as an unbaptized person. It was contended that whether the child was baptized in public or in private, to entitle that child itself to Christian burial in England that child must have been baptized by a lawful minister of the Church of England. Lord Brougham, in his judgment, interpreted the Prayer Book of King Charles the Second by a reference first to the old canon law as found in Lyndwood, and, secondly, to the state of the Rubrics of the previous Prayer Books; and he goes on in page 130, when he comes to treat of the Rubric of the present Prayer Book, "Now it does not appear that any "such change was effected as the case of the present "appellant must assume, in order to prevail. The "words are plainly directory, and do not amount to "an imperative alteration of the rule then subsisting. "If lay baptism was valid before the new Rubric of "1661, there is nothing in that Rubric to invalidate "it. Generally speaking, where anything is estab- "lished by statutory provisions, the enactment of a "new provision must clearly indicate an intention to "abrogate the old, else both will be understood to "stand together, if they may. But more especially "where the common law is to be changed, and most "especially the common law which a statutory pro- "vision has recognized and enforced, the intention "of any new enactment to abrogate it must be plain "to exclude a construction by which both may stand "together." Apply those words, my Lord, to the case of the mixed chalice. Prior to the Reformation the use of the mixed chalice was universal. It was part of the common law of the Church. In the first Prayer Book of Edward VI. it is enjoined; in the second Prayer Book of Edward VI. there are no directions whatever contained in reference to it; in the present Prayer Book the Rubric is merely directory, and that remains up to the present time.

(*The Dean of the Arches.*) The Rubric of the present time is not the same, surely?

(*Dr. Tristram.*) No, it is not; but as far as the mixed chalice is concerned it is the same—it is just as directory as the other.

(*The Dean of the Arches.*) How can you say that as far as the mixed chalice is concerned the Rubric of the present time is the same and it is just as directory as the other?

(*Dr. Tristram.*) The same as in the second Prayer Book.

(*The Dean of the Arches.*) But there is an order in the present Prayer Book, whereas there is no order at all in the second Prayer Book; it stands in this way. In the first Prayer Book there had been a direct order to mix a little pure water with the wine. In the second there is silence upon that subject, though there is wine mentioned in the Post Communion Rubric, but there is no direction as to the consecration at all. Then in the existing Prayer Book there is a direction as to putting the wine and bread upon the table, omitting what is contained in the first Prayer Book, namely the mention of the mixture of a little water. But you cannot put it in this way that it is the same, because it is not.

(*Dr. Tristram.*) Take the present Prayer Book for the Office of the Administration of Private Baptism, there the Rubric says it is to be done by the lawful minister. By the old law of the Church, by the former Prayer Books, there were no special directions at all as to by whom it was necessary that this Sacrament should be administered, and it is held that it may still be administered by a layman. I submit, that if you are entitled in the case of private baptism of children to revert to the old state of the law, and incorporate this law into the Rubric, you clearly are in the case of the mixed chalice entitled to revert to the old law and incorporate that law in the present Rubric. In both cases both Rubrics are directory, and there is no prohibition contained in either, and I am at a loss to see how it can be contended upon this decision of the Judicial Committee of the Privy Council that the use of the mixed chalice is unlawful.

(*The Dean of the Arches.*) I can very well understand the bearing of your general argument upon this case, and it may be very important; but what is there in that case of Escott *v.* Mastin similar to the two Rubrics, one containing an express mention of the water, and one mentioning wine and omitting the water? Just tell me what you conceive to be the analogy. There were not two canons, one of which said that the baptism should be performed in a certain

way, and another which said it should be performed in another way.

(*Dr. Tristram.*) In the Rubric of the present Prayer Book the baptism is to be performed by the "lawful minister."

(*The Dean of the Arches.*) Very well, and in order to understand what a lawful minister was you went back to the old law?

(*Dr. Tristram.*) No, my Lord; according to the decision of the Judicial Committee of the Privy Council they would not consider a layman a lawful minister. The whole of the judgment was founded upon the assumption that the person who performed that baptism was not a lawful minister; that although by the Rubric of the present Prayer Book it is expressly enjoined that the private baptism of infants shall be performed by a lawful minister, yet still a baptism performed by a person who is not a minister at all, or who may be an unlawful minister, is a valid baptism.

(*The Dean of the Arches.*) Yes, but it did not exactly amount to that. They said that the lawful thing was that it should be done by a proper minister, but the other irregular mode still made it a lawful baptism. They looked into the old law to see if baptism was valid or not under those circumstances.

(*Dr. Tristram.*) Yes, but it was on the ground that there was no prohibition first of all; and, secondly, on the ground that by the old common law of the Church baptism was valid, though performed by a lay person.

(*The Dean of the Arches.*) That applies to your argument here no doubt, upon the point that there is no direct prohibition; but there is this difference, no doubt there is no prohibition, but there is specification and omission. The question is whether the maxim of the law is not that the omission was intentional. There is no omission of the direction which was contained in the other Prayer Book. I think that seems to be a different principle to that which was employed in Escott *v.* Mastin. Your citation of the case is very good for many purposes, no doubt, but it is another principle. It may be a valuable help towards the right adjudication, perhaps, of this case; but as far as the particular question of the mixture of wine and water is concerned, the difficulty you have to contend with is a difficulty of another kind, as it appears to me. If there had been no statement of the water in the 1st Book of Edward VI., then your argument would apply very well, but there is a statement with regard to water in the 1st Book of Edward VI. Then the question is, what is the principle of law, when there are two statutes, one specifying a particular thing, and the otheromitting it. The question would be, whether the principle of law would not be that the thing which was omitted was omitted intentionally.

(*Dr. Tristram.*) Well, my Lord, in this case, according to the old Rubrics the system was that anyone might baptize.

(*The Dean of the Arches.*) I am confining my observations to the Prayer Book of Edward VI. and the Prayer Book of the present day. As it appears to me your difficulty is the previous specification. If there had been no previous specification about the water your argument would apply very well, but it does not quite remove the difficulty (although it applies, no doubt) which arises from the fact that wine and water were specified in the 1st Book of Edward VI., and that wine alone is specified in the present Prayer Book. The Court must ask it itself, must it not, why the omission? and the question is what is the answer to that difficulty.

(*Dr. Tristram.*) My first answer would be, that if it was intended to make it unlawful there would have been a direct prohibition.

(*The Dean of the Arches.*) I understand that, and you say there is none.

(*Dr. Tristram.*) There is none. My second answer is, that it was the intention of the reformers of the Second Prayer Book to leave the question open.

(*The Dean of the Arches.*) But did it leave it open? because then it would not have specified wine at all, that is the whole question; by omitting one thing and specifying another has it left it open?

(*Dr. Tristram.*) Well, my Lord, I think you must take the two Prayer Books together; there is nothing prohibitory in the second Prayer Book.

(*The Dean of the Arches.*) That I agree with.

(*Dr. Tristram.*) As I said before, by way of illustration, just look at the first Prayer Book, which orders baptism by immersion, and the exact mode of it.

The present Prayer Book provides for immersion simply, and does not direct the mode in which it is done.

(*The Dean of the Arches.*) But that is a different thing, there you are introducing a new element. There were two elements specified, and you are introducing another. That is not so in the case you put.

(*Dr. Tristram.*) Take the case of private baptism; I am introducing another element into the administration of private baptism in the present Rubric, because in the present Rubric it says it must be done by a lawful minister.

(*The Dean of the Arches.*) It is not a new element, is it?

(*Dr. Tristram.*) It is, I think. I mean if the argument holds good in one case it does in the other. Lord Brougham lays it down in this way, he goes on to say, "Generally speaking, where anything is "established by statutory provisions, the enactment "of a new provision must clearly indicate an intention to abrogate the old." Now where is there this indication?

(*The Dean of the Arches.*) Yes, that is the question, does not the specification of the wine, and the omission of the water, declare the intention to abrogate the old Rubric which specified both. That is the whole question, as it appears to me.

(*Dr. Tristram.*) I shall submit to your Lordship that if the two can be read together, as I submit they can, it does not.

(*The Dean of the Arches.*) I can understand your argument, and I go along with you as far as the argument of there being nothing directly prohibitory is concerned. But the question is, whether there is not something inferentially prohibited, that is the question.

(*Dr. Tristram.*) I fall back on my old argument, namely, that if it had been intended to prohibit this practice it would have been done in express words. Lord Brougham goes on, "But more especially where "the common law is to be changed, and most "especially the common law which a statutory provision had recognized and enforced, the intention "of any new enactment to abrogate it must be plain, "to exclude a construction by which both may stand "together. This principle, which is plainly founded "in reason and common sense, has been largely sanctioned by authority. The distinction which Lord "Coke takes in one place, between affirmative and "negative words, giving more effect to the latter "(Coke, Littleton 115a), has sometimes been denied, "at least doubted. (W. Jones, 270, Lovelace's case, "before the Windsor Forest Court in 1632, in which "there is a dictum of Lord Chief Justice Richardson) "Mr. Hargrave thinks upon a misapprehension (Note "154). But the rule which is laid down in 2nd "Inst. 200, has been adopted by all the authorities, "that 'a statute made in the affirmative, without "'any negative expressed or implied, doth not take "'away the common law.'"

I rely upon that position. Here is the Rubric without any negative expressed or implied, and therefore I say it does not take away the operation of the common law. Then he goes on to refer to a case in Comyn's Digest, and he says, "That case decides "that the penalty attached by the Uniformity Act "of Elizabeth for not reading the Common Prayer, "on the second offence, does not take away the same "common law penalty on the first offence. Now here, "the former law being this—'Let lay baptism be valid, "'but let ministers only perform the rite, unless in "'case of great necessity;' and the new law being—

" ' Let lawful ministers baptize,' it must be taken as " an addition to and not a substitution for the former, " unless the intention plainly appear to make it sub- " stitutionary and not accumulative. The proof is " on those who would make it substitutionary and " abrogatory."

(*The Dean of the Arches.*) Exactly; and what you have to make out is that the order for wine alone in the present Prayer Book, wine and water having been ordered in the former Prayer Book, is not a substitution —that you have to make out.

(*Dr. Tristram.*) My learned friend Mr. Prideaux went very clearly into the case, and called your Lordship's attention to the fact that the word " wine " was used in the ritual of that day for wine and water. " There is another striking instance, namely, in the " delivery of the Sacrament to the people. It is said " in the first Book ' When he delivereth the Sacra- " ' ment of the Body of Christ, he shall say to *every* " ' *one* these words.' But in the second Book it is " simply, ' when he delivereth the bread he shall say.' " The words ' every one ' were omitted. That this " omission was made in deference to the Puritans is " clear. The Catholics desired to say the words to " each communicant, as more expressive of their doc- " trine, that God wills that each and all shall be " saved."

(*The Dean of the Arches.*) You say that the maxim, " expressio unius est exclusio alterius " does not apply.

(*Dr. Tristram.*) That is what I say. " Surely " it could not be for one moment inferred, that in so " far as the omission of the words ' every one ' gave " the liberty to one party of administering to a " ' table,' as it is expressed, at once, it at the same " time took away the liberty from the other party " of administering to each communicant separately." That is a passage from Mr. Grueber's pamphlet on the mixed chalice. There are one or two other passages all of which I will not read at length, but which I wish to refer your Lordship, to the case of Kemp *v.* Wickes (3 Phillimore, page 264), page 276; the passage is: " The law of the Church of England and " its history are to be deduced from the ancient general " canon law; from the particular constitutions made " in this country to regulate the English Church, from " our own canons; from the Rubric and from any " Acts of Parliament that may have passed upon the " subject; and the whole may be illustrated, also, by " the writings of eminent persons." Then there is also a passage at page 281. After citing from several ecclesiastical lawyers, and also from Lyndwood, he says: " Now these passages show not only that those " baptisms were held to be valid, but they show how " extremely cautious the Church was that baptism " should not be repeated. These references to the " ancient law will also serve to explain and illustrate " any matter which could be considered as doubtful " in the construction of the more modern law of " the Rubric. It therefore seems to admit of no doubt " that by the law of the English Church, as well " deduced from the general canon law as from its own " particular constitutions down to the time of the " Reformation, lay baptism was allowed and prac- " tised." So the matter stood at the time of the Reformation. Then Sir John Nicholl lays down the same principle that Lord Brougham does with reference to the authority of the canon law. At page 286 he says: " In construing all laws, it is proper to " inquire how the law previously stood, for it will " require more express and distinct terms to abrogate " and to change an old established law, than to provide " for a new case upon which the former law has been " wholly silent."

(*The Dean of the Arches.*) Yes, that is very pertinent.

(*Dr. Tristram.*) " Private baptism by laymen had " always been held valid, and almost enjoined as " regular. The Rubric having now introduced the " order that it shall be administered by the lawful " minister, what would be the obvious construction of " this alteration?"

(*The Dean of the Arches.*) And what does he say would be the consequence—read the passage.

(*Dr. Tristram.*) " That in the regular and ordinary " and decent administration of private baptism it " became the duty of the lawful minister to perform " the office. But if the old law was meant to be " completely changed, if it had been intended to " invalidate the old law in this respect, and that " all other baptism except that by a lawful minister " should be considered as absolutely null and void, the " new law would most expressly and distinctly have " declared it." Those are the passages to which I wish to refer your Lordship upon this part of the case. The counter proposition that I should lay down in opposition to my learned friends upon this point is, that in ceremonial acts as in matters of doctrine certain questions were advisedly left open, and the passages to which I shall refer your Lordship in support of that proposition are some well-known passages in the judgment of the Judicial Committee of the Privy Council in the case of Gorham *v.* Bishop of Exeter. I am quoting from the Report of Mr. Brodrick and Mr. Freemantle, page 96.

" If the Articles which constitute the code of faith, " and from which any differences are prohibited, " nevertheless contain expressions which unavoidably " admit of different constructions,—and members of " the Church are less at liberty to draw from the " Articles different inferences in matters of faith not " expressly decided, and upon such points to exer- " cise their private judgments,—we may reasonably " expect to find such differences of opinion allowable " in the interpretation of the devotional services, " which were framed not for the purpose of determin- " ing points of faith, but of establishing (to use the " expression of the statute of Elizabeth) an uniform " order of Common Prayer, and of the administration " of sacraments, rites, and ceremonies of the Church " of England."

(*The Dean of the Arches.*) That passage rather points the other way, does it not; it points rather to there being a distinction that in matters in which they are to be uniform there is nothing left. I think it rather points against your argument, does not it?

(*Dr. Tristram.*) I shall submit, not, my Lord, if the construction which we put upon rites and ceremonies is correct, because we do not for one moment contend that a clergyman is entitled to omit any prayer, or add any prayer, accompanied by a manual act. All that we contend is, as your Lordship has heard over and over again, that a clergyman may do these acts without words, without being brought within the penal clauses of the Acts of Uniformity.

Then at page 102 of the same judgment is this: " Mr. Gorham's doctrine may be contrary to the " opinion entertained by many learned and pious " persons, contrary to the opinion which such persons " have, by their own particular studies, deduced from " Holy Scripture, contrary to the opinions which " they have deduced from the usages and doctrines of " the primitive Church, or contrary to the opinion " which they have deduced from uncertain and " ambiguous expressions in the formularies; still, if " the doctrine of Mr. Gorham is not contrary or " repugnant to the doctrine of the Church of England " as by law established, it cannot afford a legal ground " for refusing him institution to the living to which " he has been lawfully presented." Then it goes on to say: " We agree with Sir William Scott in the " opinion which he expressed in Stone's case, in the " Consistory Court of London, ' That if any Article " ' is really a subject of dubious interpretation, it " ' would be highly improper that this court should " ' fix on one meaning, and prosecute all those who " ' hold a contrary opinion regarding its interpreta- " ' tion.' " Then there is another passage at page 104: " We express no opinion on the theological accuracy " of these opinions, or any of them. The writers " whom we have cited are not always consistent with " themselves, nor are the reasons upon which they " found their positions always valid; and other

" writers of great eminence, and worthy of great " respect, have expressed very different opinions. " But the mere fact that such opinions have been " propounded and maintained by persons so eminent " and so much respected, as well as by very many " others, appears to us sufficiently to prove that the " liberty which was left by the Articles and formu- " laries has been actually enjoyed and exercised by " the members and ministers of the Church of " England." There is only one other authority on this part of the case to which I will refer your Lordship, and that is a passage in the judgment of the Privy Council in the case of Williams *v.* The Bishop of Salisbury (2 Moore's Reports, New Series, page 425) : " There may be very many matters of religious " speculation and inquiry on which the Church may " have refrained from pronouncing any opinion at all. " On matters on which the Church has prescribed no " rule, there is so far freedom of opinion that they " may be discussed without penal consequences. Nor " in a proceeding like the present are we at liberty " to ascribe to the Church any rule or teaching which " we do not find expressly and distinctly stated, or " which is not plainly involved in or to be collected " from that which is written." My Lord, that of course refers to questions of doctrine; but I must press upon your Lordship that if there is to be that liberty allowed in questions of doctrine, why should there not be some slight liberty allowed in questions of practices such as those which are brought before the Court in this case ?

Then my friend Dr. Stephens on the other side contended that upon the well-known doctrine of *contemporanea expositio* it was quite clear that the interpretation which he puts upon the Acts of Uniformity and the Rubrics was the interpretation intended to be put upon them by the framers. He referred first of all to the several Injunctions ; he referred to the Royal Injunctions; he referred to the Injunctions of Bishops, and to the Visitation Articles of Bishops, and he also referred to the writings of several of the Reformers. His contention is that the Injunction of 1547, the first Injunction, was repealed by 1 Edward VI., cap. 12. My contention is that it is not repealed.

(*The Dean of the Arches.*) Why ?

(*Dr. Tristram.*) Because I submit to your Lordship that this Injunction was not issued under the statute of the 32nd of Henry VIII., but that it was issued under the statute of the 26th of Henry VIII., cap. 1.

(*The Dean of the Arches.*) That is the statute which Sir John Dodson says it was made under.

(*Dr. Tristram.*) No, my Lord, he says under the statute of 1539.

(*The Dean of the Arches.*) Then do you take a different view from Sir John Dodson ?

(*Dr. Tristram.*) Yes, my Lord, with humble submission I do. There were three statutes.

(*The Dean of the Arches.*) Because I rather understood your leader to refer me to Sir John Dodson's view as the ground of his argument.

(*Dr. Tristram.*) Yes, my Lord, that matter had not been looked into at that time.

(*The Dean of the Arches.*) I certainly understood Mr. Prideaux to rely upon Sir John Dodson's judgment. Was not that so, Mr. Prideaux ?

(*Mr. Prideaux.*) I did so because I felt that any rate in this Court I was safe in doing so. But I say that is no reason why Dr. Tristram——

(*The Dean of the Arches.*) It is no reason why your junior should not take a different view, certainly.

(*Mr. Prideaux.*) It is quite true that myself and my friend Mr. James felt we might rest satisfied on this point with the judgment of Sir John Dodson.

(*The Dean of the Arches.*) Let me hear your argument, Dr. Tristram. You say these injunctions were not made under the statute of proclamations ?

(*Dr. Tristram.*) I say they were not made under the statute of proclamations, but under the previous statute passed in 1534, the 26th of Henry VIII., cap. 1. The words of the statute are that the King shall be reputed the supreme head of the Church of England, &c.

(*The Dean of the Arches.*) You see, Dr. Tristram, this is a very important point.

(*Dr. Tristram.*) Yes, my Lord, I felt it to be so. The words are these : " That the King, our Sovereign " Lord, his heirs and successors, kings of this realm, " shall be taken, accepted, and reputed the only " supreme head in earth of the Church of England " called 'Anglicana Ecclesia,' and shall have and " enjoy, annexed and united to the imperial crown " of this realm, as well the title and style thereof, " as all honours, dignities, pre-eminences, jurisdictions, " privileges, authorities, immunities, profits, and com- " modities to the said dignity of supreme head of the " same Church belonging and appertaining : and that " our said Sovereign Lord, his heirs and successors, " kings of this realm, shall have full power and " authority from time to time to visit, repress, redress, " reform, order, correct, restrain, and amend all such " errors, heresies, abuses, offences, contempts, and " enormities, whatsoever they be, which by any man- " ner, spiritual authority, or jurisdiction ought or " may lawfully be reformed, repressed, ordered, " redressed, corrected, restrained, or amended, most " to the pleasure of Almighty God, the increase of " virtue in Christ's religion, and for the conservation " of the peace, security, and tranquillity of this " realm." Now, the reason why it appears to me that these Injunctions were issued under this statute, and not under the Statute of Proclamations, are two-fold ; first of all, prior to the passing of the Statute of Proclamations, we have three Injunctions which were issued by Henry VIII., and your Lordship will find them referred to in " Strype's Memorials," volume 1, part 2, page 495.

(*The Dean of the Arches.*) What do you say is the date of these Injunctions ?

(*Dr. Tristram.*) Prior to the date of 1539, and therefore they must have been issued under some previous Act of Parliament.

(*The Dean of the Arches.*) You mean the Injunctions issued before the proclamation statute.

(*Dr. Tristram.*) Yes, my Lord, that is my argument.

Then the second ground upon which I submit they were not issued under this statute is this—that these Injunctions do not appear to have been published in the way in which royal proclamations are directed to be published, and, if issued under this statute of 1534, I submit that they were not repealed by 1 Edward VI., cap. 12, because there are no pains or forfeitures contained in the Act of 1534 ; and it is only in a case where pains or forfeitures are expressly enjoined in case of non-compliance with such Injunctions that that statute can operate. I say the statute of Edward VI. does not operate upon Injunctions issued under a statute which does not contain clauses of pains and forfeitures.

(*The Dean of the Arches.*) You see, Dr. Tristram, you open a very new ground by this argument.

(*Dr. Tristram.*) Yes, my Lord, it is new ground, but I do not depart from the position—the cardinal position which has been taken by my learned leaders —because we both contend that the Injunctions of 1547 are still binding. All that my learned leaders said was this—they found that Sir John Dodson, who occupied the chair which your Lordship now occupies, decided that they were binding as issued under a particular Act of Parliament, and therefore my friends submitted that your Lordship would be bound by his decision. But I submit that if your Lordship had any doubts upon that point, those doubts will be cleared away by referring the Injunctions to the previous statute.

(*The Dean of the Arches.*) You both contend, as I understand, that even if the Injunctions were issued under the Statute of Proclamations, and if the Statute of Proclamations was repealed, that would not carry with it the repeal of things lawfully ordered under the statute, and therefore that the Rubric in the Prayer Book of Charles II. replaced the state of things under

the Prayer Book of Edward VI., and would replace some of these Injunctions.

(*Dr. Tristram.*) Yes, my Lord. Then my friend on the opposite side will have to overthrow two positions. If he succeeds in satisfying your Lordship either that they were not issued under the 32nd of Henry VIII., or that, if issued under the 32nd of Henry VIII., they are repealed by 1 Edward VI., cap. 12; then he will have to satisfy your Lordship, further, that they were not issued under the statute of 1534, because if issued under that they are clearly not repealed, because 1 Edward VI., cap. 12., does not profess to have repealed and cannot be held to have repealed the statute of 1534.

The next ground upon which my learned friend relied was that, according to the principle of *contemporanea expositio*, the construction which he put upon the Act of Parliament must be the true construction, and in support of this position he referred to certain Articles and Injunctions issued by the bishops. Now I am not going through all those Articles and Injunctions, but I will refer your Lordship very briefly to three of them, in order to show how very unsafe it is to rely upon anything, or at least upon everything, stated in those documents as an authority of what the law was at the time they were issued. I will take Bishop Ridley's Articles of 1550 (1 Cardwell's Documentary Annals, page 93). Those Articles were read against Mr. Mackonochie, and no doubt they prohibited many acts which were illegal, but they prohibit one act which was certainly legal, namely, the saying of the *Agnus Dei* in use in 1550, before the Communion, which is enjoined in the first Prayer Book of Edward VI.

I will next refer your Lordship to the Articles set out in 1 Cardwell's Documentary Annals, pages 74 and 76. These articles were also cited against the defendant by my friend Dr. Stephens, because they prohibited the setting of any light upon the Lord's board at any time. My friend Mr. Prideaux has made several observations upon these Articles, and therefore I shall merely call your Lordship's attention to the fact that in these Articles, which purport to have been issued in 1549, the oil and chrism at baptism are prohibited, although they are directed by the first Prayer Book of Edward VI.

Lastly, I will refer your Lordship to the Articles of Archbishop Grindal, issued in the year 1576, when he was Archbishop of Canterbury. They also are to be found in 1 Cardwell's Documentary Annals, page 399, and amongst other things he asks: "And "whether all vestments, albs, tunicles, stoles, phanons, "pixes, paxes, handbells, sacring bells, censers, chris- "matories, crosses, candlesticks, holy-water-stocks, "images, and such other relics, and monuments of "superstition and idolatry be utterly defaced, broken, "and destroyed." Well, my Lord, at that time the use of the albs, stoles, and crosses were perfectly legal, and yet my friend Dr. Stephens cited this Article against the defendant, and contended that because candlesticks were prohibited by Archbishop Grindal, they are therefore illegal.

The Articles then go on to inquire, "Whether your "parson, vicar, curate, or minister, do wear any cope "in your parish church or chapel, or minister the "Holy Communion in any chalice heretofore used at "Mass." I must say I think that Archbishop Grindal was carrying his power as Ordinary to rather an extraordinary extent. He seems to consider that it was illegal (according to this Article) for a clergyman of the Church of England to administer the Holy Communion in any chalice which had been used at Mass in the Roman Church; therefore shall I humbly submit to your Lordship that you cannot place very much reliance on citations from these Articles.

Next, my Lord, we come to the third argument upon which my friends have relied, namely, that several of the advanced reformers of that time, from whom they quoted very copiously, held opinions at variance with those of Mr. Mackonochie, and therefore they wish you to deduce the conclusion that his practices are illegal. Now there is just one of these to whom I will refer, and from whose works my friend quoted, and that is Thomas Sampson. My friend Mr. Stephens quoted a letter of his, dated January the 6th, 1559. Your Lordship asked who he was. I find he was offered the bishopric of Norwich in 1560, or somewhere about then, but that he declined it; that he was afterwards Dean of Christchurch from 1561 to 1565; that then his opinions were so diametrically opposed to the orthodox opinions of the Church of England that he appears to have resigned the deanery of Christchurch. Your Lordship will find what the opinions of this Reformer whom my friend vouches against Mr. Mackonochie were. In Burnet's History of the Reformation, volume 3, part 1, page 455, "Mr. "Sampson wrote from Zurich, he and his friend com- "plaining of the music of organs, of making sponsors "in baptism necessary, of the cross in baptism, of "the Court of Faculties." Well really if a divine of that date actually complains of and objects to the use of music of organs, of sponsors in baptism, and of the cross in baptism, I do not think he is a very cogent authority to quote against Mr. Mackonochie, in support of the view taken by my friend. This letter of Thomas Sampson which was referred to by my friend Mr. Stephens is a very remarkable letter, and I merely call your Lordship's attention to these words at page 63 of the Zurich letters; he says: "Oh! my father, what can I hope for when the "ministry of the word is banished from Court? while "the crucifix is allowed, with lights burning before it. "The altars indeed are removed and images also "throughout the kingdom. The crucifix and candles "are retained at the Court alone, and the wretched "multitude are not only rejoicing at this, but will "imitate it of their own accord. What can I hope, "when three of our lately appointed bishops are to "officiate at the table of the Lord, one as priest, "another as deacon, and a third as subdeacon, before "the image of the crucifix, or at least not far from it, "with candles, and habited in the golden vestments "of the papacy, and are thus to celebrate the Lord's "Supper without any sermon?" Here, according to the statement of Dr. Sampson, it appears that within two years of the passing of the Act of Uniformity of Elizabeth three bishops are about to violate that Act in celebrating the Lord's Supper, by officiating at an altar on which there is a crucifix and two lighted candles, that is to say, according to the view of my learned friend, your Lordship is asked by my learned friends to conclude that these three bishops did that which was an illegal act, and that they as well as Mr. Mackonochie for so doing were liable to fine and imprisonment. Then in the 64th page there are these words: "I propose this single question for your reso- "lution, for I wish my father to employ you as my "medium of correspondence with Masters Bullinger "and Bernardine. It is this, whether the image of the "crucifix placed on the table of the Lord with lighted "candles is to be regarded as a thing indifferent; and "if it is not to be so considered, but as an unlawful "and wicked practice, then I ask, suppose the Queen "should enjoin all the bishops and clergy either to "admit this image, together with the candles, in the "other churches, or to retire from the ministry of "the word, what should be our conduct in this case? "Should we not rather quit the ministry of the word "and sacraments than that these relics of the Amorites "should be admitted? Certain of our friends, indeed, "appear in some measure inclined to regard these "things as matters of indifference. For my own part "I am altogether of opinion that should this be en- "joined, we ought rather suffer deprivation." There you have on the authority of Dr. Sampson a statement that in the opinion of certain of his own friends these matters, with some of which Mr. Mackonochie is charged, were indifferent, and there is no expression throughout all the quotations that have been cited by my learned friends on the other side indicating that in the opinion of any of the writers these acts were illegal; and I shall respectfully submit to your

Lordship that to bring these citations within the doctrine of *contemporanea expositio* your Lordship must be satisfied that in the opinion of the writers which were quoted all the acts which they reprehend, more particularly of course those acts with which Mr. Mackonochie is charged, were then considered contrary to law.

There is a great deal of valuable information in Burnet's History of the Reformation upon this point, but I have not time to read it to your Lordship now. You will there see the whole account of the proceedings of Dr. Sampson. He subsequently appears to have resigned the deanery of Christchurch.

There is another letter in Burnet, to which I shall refer your Lordship without reading it at length, from Dr. Sampson, at page 153. I shall merely ask your Lordship to make a note of it. It is dated 1566, and certainly there are some very curious questions which he submits there; for instance, "Whether anything of a ceremonial nature may be "prescribed to the Church by the Sovereign without "the assent and free concurrence of churchmen?" "Whether it be lawful to revive the Jewish ceremo- "nies respecting the habit of the priesthood, and which "were abolished by Christ?" "Whether it be expe- "dient to borrow rites from idolaters or heretics, and "to transfer such as are specially dedicated to *their* "sect and religion to the use of the Reformed "Church?" "Whether conformity and general "agreement must of necessity be required in ceremo- "nies of this kind?" "Whether those ceremonies may "be retained which occasion evident offence?" Then he says, "Here you have, most esteemed sir, our "difficulties. Here many pious men are hesitating; "for the sake of whom I again ask it as a favour from "you, that having well considered the matter with "Master Gualter and the rest of your colleagues, with "your wonted piety, you will plainly state your "opinion, and send a written answer to each of the "above questions." There was a difference of opinion, and there has been at all times in the Church, as to whether it was expedient to do these things. Dr. Sampson thought it was not; the Queen thought it was. Her three bishops ministered at the Holy Communion before the altar in the chapel in a manner (according to my friend's contention) contrary to the Act of Uniformity.

I am reminded by my learned leader that I should press upon your Lordship this consideration, that our contention is, that though the words "rites and ceremonies" often mean ritual, they do not mean this in the title to the preface of the Prayer Book.

(*The Dean of the Arches.*) That has been argued a good deal, has it not?

(*Dr. Tristram.*) Yes, my Lord. Your Lordship will observe the book is called "The Book of Common "Prayer, and other Rites and Ceremonies of the "Church." Your Lordship can hardly take the kneeling during the celebration of the Holy Communion to be a ceremony. But I will now ask your Lordship this question, Can the Court come to the conclusion that such great men as Cecil and Bacon, who at the time when the Act of Uniformity of 1558 passed swayed the councils of Queen Elizabeth, would have been parties to an Act of Parliament which would actually consign a clergyman of the Church of England to a felon's cell, and impose upon him a heavy pecuniary fine, if he should perform any one of those acts with which Mr. Mackonochie is charged? My Lord, it is incredible to suppose the statesmen of that day, such great men as Lord Keeper Bacon, who was Lord Keeper in the year 1558, and Cecil, who was the Queen's Principal Secretary, and whose province it was to moderate between the contending parties of that day, it is incredible to suppose that they would have been parties to such an Act.

It is incredible to suppose that such men would have been parties to the passing of an Act of Parliament which would have consigned a clerk in holy orders to a dungeon for simply kneeling down and offering up a private prayer after the consecration of the elements at the Holy Communion, or for officiating at an altar upon which lighted candles were placed, or for mixing a little pure and clean water with the wine previous to the consecration of the sacramental cup, a practice which was declared by the 5th and 6th of Edward the 6th "to be a godly custom," or for allowing and permitting a censer to be in his church, in which to burn incense during the service. It is impossible to suppose that these men would ever have been parties to such an Act of Parliament, and yet my friend asked your Lordship to come to this conclusion. I say it is incredible to suppose that all these things could have been then made illegal or contrary to the law, when we recollect that at this very time the majority of the clergy of the country were in favour of retaining and adhering to the old forms and ceremonies, and when the great mass of the people of the country were in favour also of retaining and adhering to the old forms and ceremonies, as has been pressed upon your Lordship by my friend Mr. Prideaux.

The natural conclusion from the state of things of that day is that very many of the clergy at that time performed many of these ceremonial acts which are not expressly prescribed by the Rubric; and not only would they do it, but we have authority for saying that some of the most eminent bishops of the Church have done so, Bishop Cosin, Bishop Andrews, and others. On this point I have a little book of Bishop Andrews in which it appears that according to the form of consecration of a church which he drew up, and which was published, I say, from the Rubric of that book it appears that he on that occasion mixed water with the wine prior to the celebration of the Holy Communion.

I further submit to your Lordship that the Legislature at that time adopted a much more reasonable and much wiser course than that contended for on the other side; they left some of these questions open, and they were left to be determined by the Ordinary, by the bishop; they were left purposely to the personal and discretionary jurisdiction of the bishop, and in case the bishop had any doubt he was directed by the paragraph in the preface to the Prayer Book, with which your Lordship is so familiar, to refer to the archbishop. It appears to me that it could not have been the intention of the framers of that preface to leave any question of doubt to be referred to the chancellor of the diocese; because the words "bishop" and "archbishop" are used; and there is no precedent in the ecclesiastical courts of these cases having been submitted to the chancellor in court; and it would be most inconvenient for a clergyman if he had any doubts, to have to go to the chancellor, who might hereafter be his judge in the very matter. The way in which difficulties of this nature arising in such cases would be met would be this—after the bishop had given his decision, if the clergyman did not obey it, the bishop might enforce his decision by after proceedings against the clerk in the ecclesiastical courts. If the ecclesiastical judge considered what the bishop ordered was just and reasonable, then he would enforce it by monition; and I submit to your Lordship that that is the way in which the framers of the Act of Uniformity contemplated meeting cases of this kind.

I will now make a very few observations on the particular charges which have been brought against Mr. Mackonochie. First, as to elevation. It is indicated or suggested by the very words of the Rubric in the consecration prayer. In respect to the first elevation, the form of the marginal Rubrics is much to be observed. Three distinct manual acts are named of the bread: (1.) Here the priest is to take the paten into his hands; (and 2.) Here to break the bread; (and 3.) Here to lay his hand, &c., &c. Again, of the cup: (1.) Here he is to take the cup into his hand; (2.) Here to lay his hand, &c., &c.

Observe, in the consecration of the bread it does not say in one and the same sentence, here he is to take the paten into his hand *and* to break the bread. There

are two distinct acts. The directions certainly imply the taking of the paten up and the putting of it down again. Then are the hands of the priest free to break the bread. Observe, too, it does not say, "Take the "paten into his hand," but "into his hands." It would seem he is to raise the paten with both hands, and afterwards to use both hands to break the bread, as is most convenient. Of the cup, too, the directions seem to point to a separate action by the wording of the second Rubric. Observe, "to lay his hand on "every vessel, be it chalice or flagon," &c. It does not say he is to lay his *one* hand upon the cup while he holds it with the other, and afterwards to lay his hand upon other vessels. Moreover, it would be natural to raise the cup not with the left but with the right hand. In this case the hands must be released. Observe, too, there is a colon after each marginal direction, *i.e.* after the first as well as after the second in the consecration of the bread. They are three distinct acts. Moreover there is in either case a mark of reference, an asterisk, a cross, and a double cross, to the words opposite, marking them further as separate acts. Of the first elevation, then, we may say not only is it not forbidden, but rather suggested or indicated by the language of the Prayer Book of 1662.

(*The learned counsel handed up the following additional observations to the Court.*)

"Further, all that is here said agrees with the views "well known of the principal divines who were Com- "missioners in 1662. Bishop Jolly, in his treatise on "the Christian Sacrifice, has the following remark: "'When we inspect the names of the Episcopalian "'Commissioners and find Sheldon, Cosin, and San- "'derson amongst the bishops, with Heylin, Gunning, "'Pearson, and Thorndike amongst the priests, we "'may suppose that with regard to the Eucharistic "'Sacrifice in particular, they inclined to reduce it to "'the primitive standard, as nearly as the unhappy "'genius which then prevailed would admit.' Now "the primitive standard was undoubtedly to elevate "as an act of oblation to Almighty God."

I do not know that I have any further observations to make upon the subject of the mixed chalice. There is one passage to which I wish to refer you upon Elevation before I conclude, and that is from Bishop Jewel. The contention of my friend Dr. Stephens was, that elevation necessarily implied the paten and cup were raised with a view to being worshipped. Now you find in Bishop Jewel's controversy with Harding, page 512, that the bishop did not consider elevation necessarily implied adoration, for he says, "But, that "the holding up the Sacrament should import adora- "tion to the same, as M. Harding surmiseth, neither "is it thought true by all others of that side, nor hath "it any good savour or shew of truth. Indeed great "pardons and charters have been liberally given of "late years for the better maintenance thereof. And "Durandus saith, 'Therefore elevation is made, *ut* "'*populus intelligat, Christum venisse super altare*, "'that the people may understand that Christ is "'come down upon the altar.' But the old learned "fathers, both Greek and Latin, when they held up "a little, or shewed the Sacrament, evermore they "called the people to draw near, to receive, to be "partakers of the holy mysteries, and to lift up their "hearts; but in the time of the same ceremony they "never spake one word of adoration."

I will pass away from the subject of lighted candles, by citing one passage from the work of Dr. Stephens on the Book of Common Prayer, published by the Ecclesiastical History Society, page 1102a.

(*The Dean of the Arches.*) It is in three volumes, which volume are you citing from? I think they are paged on.

(*Dr. Tristram.*) It is page 1102a. Dr. Stephens, after referring to the fact that a great many dignitaries of the Church had used lighted candles, concludes in these words, "It is difficult to believe that had this" (that is, lighted candles at the communion table), been unlawful, the practice should have been so largely sanctioned by the heads of our Church, especially of those who "revised the Prayer Book." My Lord, with that passage my client, Mr. Mackonochie, cordially agrees.

(*The Dean of the Arches.*) It is an opinion out of court, I am afraid.

(*Dr. Tristram.*) My friend Dr. Stephens has quoted his own book on the Prayer Book; and I merely wish to show your Lordship that all people do not take the same view as he does now, and that he himself did not when he was writing, as it were, calmly and judicially.

On the subject of incense I wish to call your Lordship's attention to a few points which were taken by Dr. Stephens, and to the answers which I have to give to them. I will hand up this paper to your Lordship afterwards, and will supply Dr. Stephens with a copy of it.

(*The learned counsel then read the following paper and handed the same to the Court.*)

INCENSE.—ANSWERS TO MR. STEPHENS'S ARGUMENTS.

(1.) Mr. Stephens says (4th day, p. 2) there is no warrant for it in "the canon law."

But see Archbishop Gray's Constitutions, A.D. 1250, which direct the parishioners to find "a cense pot."—(Johnson's Canons, Aug. Cath. Lib., vol II., p. 117. See also Archbishop Pecham's Constitutions, Lambeth, *ib.* page 302, and Archbishop Winchelsey's Constitutions, *ib.* page 318.

(2.) Then he says: "The first Prayer Book "made not the slightest mention of incense pots "or censers."—*Ib.* page 2.

Nor did it of the linen cloth; nor did the Second Book name the "Glory be to Thee, O Lord," before the Gospel.

(3.) "The question is not one of ornaments "but of ceremonies."—*Ib.* page 2.

But this assumes that the use of incense is a ceremony in the sense of the Act and Book.

(4.) "If incense be used as an act of religious "worship, or as a symbol of prayer, it is an un- "authorized addition to the Book of Common "Prayer."—*Ib.* page 2.

Is then every act so used illegal? *e.g.*, St. Paul speaks of "lifting up holy hands"—is it illegal for the priest at the *sursum corda*, in the celebration, to lift up his hands as a symbol of prayer?

(5.) Mr. Stephens refers (p. 3) to Bishop Ridley's works, Parker Society, p. 90, for a passage against incense.

But the whole passage shows that Ridley was arguing against the honour done to images, and that it entirely supports the prohibition of the 3rd Injunction of 1547 against censing images, but does not in the least touch any other kind of censing or any other use of incense. The title is: "A Treatise addressed to King Edward VI. in the "names of the whole clergy, concerning images, that they "are not to be set up or worshipped in churches."

(6.) Pilkington (p. 129) says: "The Popish "Church hath .... for the ears, singing, ring- "ing, and organs; for the nose, frankincense "sweet."

Then Pilkington objects to both alike, and so any argument from him proves too much.

(7.) Mr. Stephens says (p. 5): "Certain false, "erroneous, and unscriptural doctrines were laid "down by the Court of Rome, so as to put men's "consciences into trammels. And how do they "carry it out? By every species of music, fine "dresses, &c."

Are not "fine dresses" ordered by the Prayer Book? Are they not in use at St. Alban's? Are they not as symbolical of "false doctrine" as incense can be?

(8.) Mr. Stephens refers to Jewell, I. p. 110; II. pp. 710 and 713: Andrewes' Sermons, V. 324 and 355.

But Bishop Jewell is simply treating of sacrifice in connexion with Malachi, 1. 11.

(9.) Mr. Stephens (p. 7) says: "The burning "of incense at the first lesson (by Bishop "Andrewes) may have been a memorial of the "old dispensation, &c."

And BishopAndrewes is merely contending that incense, under the law, was a "type of prayer."

(10.) Mr. Stephens says, in reference to the form provided by Archbishop Sancroft for consecrating a censer, "There was no censer to consecrate."

But it was just as much a "ceremony" in Mr. Stephens's sense, as the censing charged against Mr. Mackonochie; and therefore the one was quite as illegal in Bishop Andrewes as the other is said to be in Mr. Mackonochie.

(11.) Mr. Stephens says (p. 8): "No doubt, "my Lord, incense may be used, it would be idle "for me to say that incense may not be used for "the purpose of fumigation."

Suppose there was not, yet there might have been one; and it is for such an occurrence that he provided the direction: "When a censer is presented and received they say, "'While the king, &c.'" (E. C. Union Case, p. 73.)

(12.) Mr. Coleridge argued that when George Herbert used it, it was for the purpose of fumigation.

He uses this remark in showing that Dean Sherlock was accused of being a papist in disguise, yet it is plain he was not so, and therefore this makes nothing against, but rather for, incense.

He is said to have used it "on great festivals;" this shows it was a religious act; if it was merely for fumigation, why did he not always use it?

Arguments for Incense.

I. The 3rd Injunction of 1547 only forbids in terms the censing of images; it could not have been intended to forbid the use of incense in the celebration of the Mass, because that had nothing whatever to do with any censing of images, therefore incense was required to be used in it at that very time and afterwards. There is no censing of images over the altar at Mass in the Sarum Missal, though there is in the Roman Use.

II. The same service, *i.e.* "the Mass," as it was called in the book of 1549, was substantially continued by that book: if the lights were lawful under it, in virtue of the Injunctions therein referred to, so must also have been the incense.

III. Lights were forbidden before certain images; were all lights therefore forbidden? Clearly not. The censing of images was forbidden; was the censing of persons and things, *e.g.* the altar or the oblations, therefore forbidden? The logical answer also is, clearly not.

IV. Why were the lights and the incense in these cases, named in the Injunctions, forbidden? Because they were abused for the superstitious worship of images. This could not possibly be said of the candles and incense used in the Mass. Still less can it be said of the use of them complained of in Mr. Mackonochie's case.

Incense not only not forbidden but required.

I (a). The "Order of Communion" of 1548, which was issued one year after the Injunction of 1547, prescribes as follows:—"The time of Communion shall "be immediately after that the priest himself hath "received the Sacrament, without the varying of any "other rite or ceremony in the Mass." Therefore the use of incense under the missal went on as before.

II (a). This use of incense under the missal necessarily went on till the very day on which the first Prayer Book came into use.

Reasons why it was likely to be continued.

I (b). There was no prohibition of incense (any more than of the two lights) in the first Prayer Book, nor in any subsequent book; and nothing in any of these books requiring its disuse, but rather the contrary.

II (b). No complaint appears to have been made of incense by the foreign or Puritan party; probably because, as they contended so much for what was scriptural, they had not the same dislike to this scriptural usage which they had to other usages not named in Scripture.

III (b). The constant reference of the Church of England, in her authorized documents, to her following Scripture and the primitive church is a justification of the use of incense, inasmuch as it is consonant to Scripture, and is "a laudable practice of the whole Catholic Church."

IV (b). It has already been shown to the Court that a censer, or any other utensil, if employed for incense under the first Prayer Book, is a lawful ornament now, and may still be used, according to the decision of the Judicial Committee.

V (b). That some utensil was or might have been employed under the first Prayer Book is sufficiently evident from the fact that the inventories of church goods in and about 1552 show the existence of censers in parish churches; and more especially that the assignment of church goods made at the same period by the Royal Commissioners, in virtue of the discretion reposed in them, left such censers for use in the services. The examples given in the English Church Union case, pp. 55–57, are enough for the purpose, inasmuch as they show an intention to allow them to be employed, and this could not have been suffered by the Commissioners if they had been unlawful ornaments.

VI (b). In addition to the historical evidence for post-Reformation use of incense by Bishop Andrewes, Archbishop Sancroft, and Bishop Cosin, already tendered to the Court, the following examples are now furnished: (1) at the consecration of an altar at Wolverhampton in 1635 incense was "burnt" in the chancel which perfumed the whole church (Hierurgia, p. 395); (2) Churchwardens' account books, Solihull, Birmingham: "1665. Paid to George Bird for "mending the altar stone, 1*s.* 6*d.* Itt. payd for bread "and wine and frankincense for the first Sacrament, "13*s.* 2*d.*;" (3) Churchwardens' account books, S. Nicholas, Durham: "1683. For frankincense at the "bishop's coming, 2*s.* 4*d.*;" (4) Ely Cathedral, circa 1779: "It was the constant practice on the greater "festivals at Ely to burn incense at the altar in "the cathedral."—Cole's MSS., B. Museum, 5873, p. 82 d, quoted in English Church Union case, p. 73.

VII. The Judicial Committee in 1850, Gorham *v.* Bishop of Exeter: ". . . . it appears that opinions "which we cannot in any important particulars dis-"tinguish from those entertained by Mr. Gorham, "have been propounded and maintained without cen-"sure or reproach, by many eminent and illustrious "prelates and divines, who have adorned the Church "from the time when the Articles were first estab-"lished . . . . their conduct unblamed and un-"questioned, as it was, proves at least the liberty

" which has been allowed of maintaining such doc-
" trine." (Eccl. Judgts., p. 102.) The principle contained in these words may with equal fairness be applied to Mr. Mackonochie's use of incense (as well as to the other practices charged against him), seeing that Bishop Andrewes and others have employed it.

VIII (b). Mr. Mackonochie may also justly pray the Court not to condemn or forbid the use of incense, lest the Church of England be lowered in the eyes of Christendom as having rejected a practice so plainly agreeable to the Word of God and to the customs of the Catholic Church in the east and the west.

(*The Dean of the Arches.*) You, Dr. Tristram, have come in for a few gleanings only at the end of a very long harvest.

(*Dr. Tristram.*) Yes, my Lord, certainly that is so.

And now I think I have directed your Lordship's attention to all the matters which I have to submit for the consideration of the Court, and I will make a very few observations in conclusion. Your Lordship has directed the attention of counsel to the fact that two of the acts charged have been given up by Mr. Mackonochie in compliance with the wishes of the bishop. I submit to your Lordship that it is contrary, under those circumstances, to all precedent, to proceed criminally against a clerk in holy orders for having committed an ecclesiastical offence such as this (if it be one) after he has relinquished the practice complained of in compliance with the wishes of his diocesan. I submit to your Lordship that even if you were of opinion that these two practices were contrary to the Acts of Uniformity and were illegal, your Lordship would not pronounce any sentence against Mr. Mackonochie after having relinquished them in compliance with the wishes of his bishop.

There is another point upon which I will make an observation, and it is this : My friend Dr. Stephens stated that the second and last article of Mr. Mackonochie's pleas were irrelevant to the case. I submit to the Court that they were in perfect conformity with the practice and principles of ecclesiastical law as approved of by Sir John Nicholl in Bennett *v.* Bonaker, 3 Haggard's Reports, pp. 28, 43, in which case Sir John Nicholl was of opinion that where a charge was brought against a clergyman for having neglected his duty, and for having failed to comply with the Rubrics and the laws of the Church, his previous character, the esteem in which he was held by his parishioners, and also the grounds which induced the prosecutor to bring his suit, were matters which might properly be brought to the notice of the Court, and that those matters ought fairly to weigh with the Court in the form of the sentence which it might pronounce, and also on the question of costs.

My Lord, there is one point further which I must press strongly upon your Lordship, and it is this : If the construction put upon the Acts of Uniformity by my friends on the other side be correct, Mr. Mackonochie was liable, previous to the institution of these proceedings, to have been indicted at the Central Criminal Court, and on conviction or admission of any one of these offences charged he would, by the statute law of the land, have been subjected to imprisonment for six months, and, further, to lose the revenues of his benefice for twelve months. It has been only in the mercy of the promoter that those proceedings have not been taken, and that he has proceeded against him in the Ecclesiastical Court. If the law laid down by my learned friend is correct, he might have proceeded and obtained a conviction against him in a criminal court. Now, suppose that proceedings had been taken in a criminal court, and that Mr. Mackonochie had been called upon to answer before the common law judges of this land for having violated the Act of Parliament on any one of the charges laid in the Articles, do you think, my Lord, that the judges of the Queen's Bench, or any judge sitting in the Central Criminal Court, would have come to the conclusion after all that your Lordship has heard urged on behalf of the defendant, that he was amenable to the criminal law of this land? My Lord, it is inconceivable that any judge sitting in a criminal court would come to the conclusion that the Acts of Uniformity and Rubrics are so clear that Mr. Mackonochie, by doing any one of these acts, has been guilty of a criminal offence, and is liable to criminal punishment ; and your Lordship, as I humbly submit, is bound to put the same interpretation on those acts as would be put upon them by the Court of Queen's Bench, or in the Central Criminal Court, or in the Court of Criminal Appeal. Before you come to the conclusion that Mr. Mackonochie is liable to the censure of the Court, you must come to the conclusion that with regard to each act of which you consider him guilty he would, according to the construction which is put upon statutes by judges in criminal cases, be liable to conviction and punishment under these statutes ; and I shall humbly ask your Lordship, in conclusion, having considered all that has been said, and bearing in mind that Mr. Mackonochie, in adopting these ceremonial acts, is simply doing that which many of the most eminent divines of the Church have done before him, is merely doing that which Queen Elizabeth herself insisted upon being done in her own chapel within two years after the Act of Uniformity of 1558 was passed ; that he is merely doing that which according to Dr. Sampson, my friend's own favourite witness, was done by three bishops in the Queen's chapel ; that he is merely doing that which was done by Bishop Cosin, Bishop Andrewes, and many others—I shall humbly submit that your Lordship cannot come to the conclusion that he has been guilty of the offences with which he is charged upon the arguments submitted to you by my friends who appear for this prosecution ; and that you will allow him to return uncensured to his parish where he has for so long, so zealously, and with so much good, been labouring among his people, none of whom have condescended to come into this Court to charge him with having committed any offence against the laws ecclesiastical of this realm.

(*Mr. Prideaux.*) I have one fact to mention, and it is very important, or I would not trouble your Lordship with it. It is to call your Lordship's attention to the position of the Article on " ceremonies " in the first Prayer Book. It is very important, and will occupy a very short time. First, you have in the Prayer Book the Morning and Evening Prayer ; then you have the Sacraments ; then you have the other rites and ceremonies of the Church, retained ; and then you have the Article " Of ceremonies, why " some be abolished and some retained." If your Lordship refers to the *rituale* of the Romish Church, or the *Manuale*, as it was called in England, of the pre-reformation church, you will find that a much larger number were omitted than were retained.

Adjourned to to-morrow, 11 o'clock.

ELEVENTH DAY.

Friday, January 17th, 1868.

(*Mr. Stephens.*) May it please your Lordship,—It has now become my duty, as counsel on behalf of the promoter of this suit, to make a few observations in reply to those that have been addressed to your Lordship by the learned counsel on behalf of the defendant. It would be a very unjustifiable encroachment on your Lordship's time if I were to trespass on your attention except it were for, comparatively speaking, a very limited period, because, if this question is to be decided upon the language of the Acts of Uniformity, this case, as it has been presented to you by the learned counsel on behalf of the defendant, is substantially undefended.

Having omitted in my opening address, to give your Lordship a summary of my argument, I will now, after having had the benefit of hearing the learned counsel on behalf of the defendant, proceed to supply that omission. I stated in my opening address that all the charges in the Articles fall under one class—that they are "other rites and ceremonies than those that are "prescribed by the Book of Common Prayer," and that they are offences against the Acts of Uniformity as a whole. I likewise then stated, and I now reiterate it, that the rites and ceremonies in question are symbolical of the errors, the corruptions, the superstitions, and the idolatries of the Church of Rome. The elevation of the elements is appropriate to the Romish doctrine of the sacrifice of the Mass, which makes them a subject of adoration, and the use of this rite or ceremony in Protestant churches must either openly or secretly strike at the established doctrine of the Sacrament of the Lord's Supper, and, as such, is in direct contravention of the design of the Book of Common Prayer and the spirit and provisions of the Acts of Uniformity. This practice is symbolical of the doctrine against which our Reformers protested, and in protesting against which many of the noble army of martyrs "loved not their lives unto the death."

One of the leading principles of the Prayer Books of our Church was to secure uniformity and to set aside all former uses, except such as were expressly retained. In the work of the Reformation the Church had not only to purify its doctrine, but to provide an authorized manual of common prayer for public worship, and to ordain a common order of ritual. By Article XXXIV., "Every particular or national Church hath "authority to ordain, change, and abolish the cere- "monies or rites of the Church ordained only by "man's authority, so that all things be done to "edifying." The ritual of our Church is to be found in the common order which has been from time to time appointed, and in revising from time to time this order the Church, as it was bound to do, has put away, first, such things as were perceived to be most abused; secondly, such as were found to be superfluous; thirdly, such as were found to be subservient to error and to superstition.

The provisions of the Book of Common Prayer and the explanation drawn up to show "why some of "the ceremonies were abolished and some retained," plainly indicate that such as were "put away or clean rejected" were regarded as abolished. "I take it to be clear," says Dr. Lushington, in Westerton and Liddell, "that our Church did not adopt by its silence "every use and custom of the ancient Church which "it did not expressly prohibit, and that it has set "forth what it did adopt." This passage your Lordship will find in Moore, page 50. That learned judge again says, in the same page, "What the Church has "prescribed is a virtual prohibition of everything else "*ejusdem generis*," and the maxim "*Expressio unius* "*est exclusio alterius*" does apply.

By the 2nd and 3rd of Edward VI., chap. 1, it is recited, to the intent that uniform quiet and godly order should be had, the Archbishop of Canterbury and others were appointed to "draw and make one con- "venient and meet order, rite, and fashion of common "and open prayer and administration of the Sacraments "to be used in His Majesty's realm of England and "in Wales," which was accordingly set forth in the book annexed. Therefore, it was the professed purpose, in compiling the Book of Common Prayer and establishing it by authority of Parliament, that the whole realm should have one authorized order and one appointed use. But these purposes must have been defeated, if it were open to any individual or individuals to alter the services which were so prescribed by introducing what he or they might have thought proper as having been used in the pre-reformation period. Because, if that licence had been allowed, clergymen would have had an opportunity of introducing those ceremonies, that had been set aside,—as not being appropriate, or as not being edifying, or as being superstitious, or as being superfluous.

The next statute was the 3rd and 4th of Edward VI., chapter 10. That statute was passed in order to prevent the introduction of those old rites and ceremonies which had been rejected, either because they were superstitious, or because they were not edifying, or because they were superfluous, or because they were inappropriate. And it recites "that they did not only give occasion to such per- "verse persons as do impugn the order and godly "meaning of the King's said Book of Common Prayer "to continue in their old superstitious service, but "also minister great occasion to diversity of opinions, "rites, ceremonies, and services." The Act likewise provides for the abolition of all books or writings whatsoever theretofore used for the service of the Church, other than such as shall be set forth by the King's Majesty.

I have previously remarked that the old service books that had been in use before the first Prayer Book of Edward VI. were abolished in the reign of Elizabeth, and the reason is obvious. They would have interfered with the spirit and the letter of the provisions of the Act of Uniformity of Elizabeth. I have also shown, from the records published by Mr. Peacock, the authorized destruction of mass books and other service books belonging to the different parishes at the end of Mary's reign. So likewise in Laud's Visitation Articles of 1628, when he was Bishop of London, the injunction is (your Lordship will find it in the 5th volume of Laud, part 2, page 514 of the Anglo-Catholic edition), "whether there be any in your parish who "are known or suspected to conceal or keep hid in "their houses any mass books, portasses, breviaries, "or other books of popery or superstition?" That being so, from what source is it that the directions for those rites and ceremonies, which are the subject of the present contention, have been derived? Why, from those old Popish mass books and service books, those rags of superstition and of idolatry.

The 5th and 6th of Edward VI. substituted the second Prayer Book for the first Prayer Book of Edward VI. and made all the provisions of the 2nd and 3rd of Edward VI., chap. 1, applicable to it. This latter statute prohibited "any other rite, cere- "mony, order, form, or manner in the administration "of the Sacraments, except such as were then men- "tioned and set forth."

(*The Dean of the Arches.*) Are those the words, "any other rite, ceremony, or form?"

(*Mr. Stephens.*) "Any other rite, ceremony, order, "form, or manner in the administration of the Sacra- "ments except such as were then set forth." The Acts of Uniformity of Elizabeth and Charles II. forbid any other rites, ceremonies, form, or manner in the celebration of the Eucharist than is prescribed by the

Book of Common Prayer. By the 1st Elizabeth, chap. 2, section 4, "If any manner of parson, . . . " that ought or should sing or say the common prayer " mentioned in the said book . . . . . " refuse to use the said common prayer or minister " the Sacraments . . . . . in such order " and form as they be mentioned and set forth in the " said book; or shall wilfully or obstinately standing " in the same"—that I interpret to mean "standing in the same church."

(*The Dean of the Arches.*) What is your interpretation of that?

(*Mr. Stephens.*) That wilfully standing in the same means standing in the church.

(*The Dean of the Arches.*) Do the words "the same" refer to the word "church?"

(*Mr. Stephens.*) I will come to that presently. I have interpolated the word "church" for the word "same,"—"use any other rite, ceremony, order, form, " or manner [the word 'manner' is important in the " consideration of this case] of celebrating the Lord's " Supper . . . . . than is mentioned or " set forth in the said book" shall incur certain punishments.

By statute 13th and 14th Charles II., chap. 4, section 17, "No form or order of common prayer, admi- " nistration of Sacraments, rites, or ceremonies shall be " openly used in any church . . . other than what " is prescribed and appointed to be used in and by " the said book." And by the 24th section, "The " several good laws and statutes . . . . . " which have been formerly made and are now in " force for the uniformity of prayer . . . . shall " stand in due force."

The intention to secure uniformity in the public service of the Church is strongly manifested by the provision made for the intervention of the bishop of the diocese to appease diversity and doubts as to the manner of performing divine service. There may be things not expressly mentioned in the Prayer Book, but that are intrinsically useful or subsidiary to the performance of that, which is expressly directed by the Prayer Book, and the use of such things as are useful and subsidiary is subject to episcopal control, which control must be exercised and regulated according to the spirit and the language of the Acts of Uniformity.

The reformation of doctrine naturally led to changes of ritual. These changes took place when the form of the Romish mass was changed into a new form for celebrating the Holy Communion. The change was gradual. The Mass, as Sir Herbert Jenner Fust has observed in Faulkener and Litchfield, (Robertson, page 219,) continued to be performed during the time of Henry VIII.; and also for the first two years of the reign of Edward VI. We find by his Prayer Book set forth in 1549, the service thus described, "The supper of the Lord and the Holy Communion, commonly called the Mass."

The word "altar" was likewise used as descriptive of the structure upon which the celebration was to take place, and the service is so constructed in the first book of Edward VI. as to leave it open to the interpretation, that the priest at the celebration was offering a sacrifice at the altar. It is justly observed in Liddell and Westerton (Moore 179), "That at the "date of the first Prayer Book of Edward VI. " the doctrine of the English Church as to the real " presence and the nature of the Holy Communion " was undecided." That I deem to be a very important passage for your Lordship to consider in ultimately determining the question at issue in this case. It was that great subject which engaged the attention of Cranmer, until his views were subsequently incorporated in the Articles of 1552. Then, as Sir Herbert Jenner Fust says, "it was thought " necessary to make a very material alteration in the " Book of Common Prayer—that is in the second " book of Edward—the Sacrament of the Lord's " Supper was no longer called the Mass—the form as " well as the name of that which had been called an " altar, upon which the sacrifice was supposed to " have been offered up, was changed." At page 225 he says, "The object in framing the second Prayer " Book was the removal of old superstitions, and " when one of the modes of carrying that object into " effect was to be the abolition of altars and the sub- " stitution of tables for those altars, it must be that " something more than a mere alteration of name " was intended. It would not have satisfied the " purpose for which the alteration was made merely " to change the name of altar into table. The old " superstitious notions would have adhered to the " minds of the simple people, and would have con- " tinued so long as they saw the altar on which " they had been used to consider a real sacrifice was " offered."

Perhaps it may afford some illustration of the case that my friend Mr. Prideaux has to support, when I remind your Lordship that during the entire of his argument he never mentioned the "holy table." He never mentioned the "communion table." It was the "altar" from the commencement to the end of his address. The Mass was a sacrifice in a literal sense of the word, and it was accompanied by accessories indicative of adoration for worship of the thing offered or sacrificed. The principal of those accessories now necessary to be noticed was the elevation of the elements, and perhaps, though in a less degree, incense. So also there were lights and other ceremonies, not that all those were originally superstitious or wrong, but they had become so blended with the idolatrous portions of the Mass that they could not be suffered to remain. Others of those accessories were more nearly allied to the very origin of the idolatrous worship of the Mass. These, of course, it was indispensable to abolish by name.

When abuses of such magnitude undoubtedly existed in the most important of all the sacred offices and in the very doctrinal points, as it may be said, on which the Reformation hinged, it is incredible, it would be against common sense, to suppose that such practices as conduced to sustain the Romish idea of transubstantiation and a literal sacrifice were not amongst the principal practices and ceremonies intended to be abolished. Again, the Prayer Book contains no explanation of a symbolical meaning of the "lights" or "incense," or the "elevation;" they, therefore, come under the description of dark and dumb ceremonies, which have been abolished and clean rejected.

Dr. Lushington, in Westerton and Liddell (Moore, page 51), says, "If any doubt remain respecting " what the Church has prescribed, the test is the " usage of the Church." I will now proceed to try the questions in issue by such test. Since the time of Mary not the slightest trace can be produced that in the Injunctions and Visitation Articles any inquiries were made whether the parochial authorities procured or used candles or candlesticks, incense or incense pots, or a cruet for water; notwithstanding many of such inquiries went into the minutest particulars. At the same time the Injunctions and the Visitation Articles exhibit the anxiety, the very deep anxiety, of all the prelates to enforce, with the utmost strictness, conformity to the Book of Common Prayer, and that there should be only one order, rite, ceremony, form, or manner of celebrating the Lord's Supper.

No legal usage has been or can be produced, no statute has been or can be produced containing directions to use as a ceremony lighted candles in the performance of Divine service; or to use incense as a ceremony in the performance of Divine service; or to use the mixing of water with the sacramental wine as a ceremony during Divine service.

As I have previously remarked, the only directions that were received, and the only trace we have of all these rites and ceremonies which are now the subject of complaint, are to be found in those Popish mass books and service books which had been abolished by the several Acts of Parliament of Edward VI. and of Elizabeth, being a portion of those engines of

priestrule and priestcraft for enslaving the minds of the people in spiritual darkness.

The construction given to the Act of Uniformity by the Ecclesiastical and Temporal Courts has invariably been, that any addition to or omission from the Book of Common Prayer is illegal; and on that point I shall shortly refer your Lordship to three cases. The first is Newbery *v.* Goodwin, 1 Phillimore, page 282. Sir John Nicholl, in giving judgment in that case, says, "The law directs that a clergyman is not "to diminish in any respect or add to the prescribed "form of worship."

(*The Dean of the Arches.*) I have had the Articles looked up in that case since it was last mentioned. They are very curious, and I do not quite understand what Sir John Nicholl meant by the omission. I will not mention it now; but it certainly was one which would have been as tolerable an omission as could have been conceived. Perhaps you may have the curiosity to look at the Articles.

(*Mr. Stephens.*) I am much obliged to your Lordship. I apprehend the learned judge is laying down a general proposition.

(*The Dean of the Arches.*) Yes, my reference to the Articles is rather in favour of your remark; because the omission with which the defendant was charged was one which, perhaps, might have been looked at with more favour than most things.

(*Mr. Stephens.*) I am much obliged to your Lordship. Sir John Nicholl says: "The law directs that "a clergyman is not to diminish in any respect or "add to the prescribed form of worship. Uniformity "in this respect is one of the leading distinguishing "principles of the Church of England. Nothing is "left to the discretion and fancy of the individual. "If every minister were to alter, omit, or add accord-"ing to his own taste, this uniformity would soon "be destroyed, and though the alteration might begin "with little things, it would soon extend itself to "more important changes in the public worship of "the Established Church, and even in the Scriptures "themselves. The most important passages might be "materially altered under the notion of giving a "more correct version, or omitted altogether as unau-"thorized interpolations."

The next case is Westerton and Liddell (Moore, page 187). The Privy Council in that case said: "In "the performance of the service rites and ceremonies "ordered by the Prayer Book, the directions contained "in it must be strictly observed, no omission and "no addition can be permitted." Can anyone say, looking at the Prayer Book, that the rites and ceremonies in question are not additions to the Book of Common Prayer? If that be so they come precisely within the spirit of what their Lordships laid down in Liddell and Westerton.

There is only one other case, if it may be called a case, to which I shall have to refer. Your Lordship is aware my friends did not wish to have any discussion in this quiet region, where Christian charity and peace alone prevail, but went down to the stormy atmosphere of the Court of Queen's Bench for a prohibition. It was alleged that the Articles had not stated an ecclesiastical offence. But what did Lord Chief Justice Cockburn say as to the law regulating the performance of Divine Service?—"The question "is whether when an Act of Parliament says that in "the administration of the Sacrament or in the per-"formance of any other rite of the Church, the "minister shall conform strictly to the directions of "the Prayer Book, if he does something not contained "in those directions anybody can say that that is not "a matter for spiritual cognizance, and whether that "is not such a departure as to constitute an offence. "You might introduce anything into the adminis-"tration of the rites of the Church and then say, "because it is something more than is enjoined, and "is not in terms prohibited, therefore it is not an "offence. I take it that what the Act of Parliament "meant was that persons should not follow their own "imaginations or judgments and wills in such matters, "but should conform to the directions contained in "the Book of Common Prayer."

I therefore was not surprised that my friend, Mr. James, never said one word about a prohibition until your Lordship asked the question, and drew his attention to one or two of the observations that were made by the judges. My friend, Mr. James, then said, "Really nothing was decided. It was nothing more "than a mere conversation between Lord Chief Jus-"tice Cockburn and Mr. Justice Lush, after we had all "been breakfasting together at the Lord Chancellor's." That was the answer your Lordship received to a question that you put.

(*Mr. Prideaux.*) I assure you my friend, Mr. James, said more than that.

(*Mr. Stephens.*) He said that. Well, my Lord, what a beautiful picture does my friend thus present to you of a truly happy and united family discussing these ecclesiastical matters on the first day of term in the Court of Queen's Bench!

(*Mr. Prideaux.*) I do not think he said that.

(*Mr. Stephens.*) I do request there will be no interruptions from the other side. What was the result? Why, my Lord Chief Justice Cockburn and Mr. Justice Lush told my friend, "If you omit or add anything "to the Book of Common Prayer you act illegally, "because you do not conform to that book."

Such, my Lord, is the case that I present to your Lordship on behalf of the promoter, and if the questions are to be decided upon the Acts of Uniformity, I am fearless as to the result. But, notwithstanding this positive view of the case on my part, I consider it would be very unbecoming in me if I were to treat with disrespectful silence some of the arguments and some of the observations which have been adduced by my friends on the opposite side.

In the first place, Mr. James has commented upon the length and upon the character of the opening statement. My reply is—and I hope it will be very satisfactory to him—that having regard to the interests of the promoter, Mr. Coleridge and myself felt that our statements could not have been shorter, nor could the character of those statements have been different, because it had become our painful duty to deal with a system, which has not been unhappily described by the late Sydney Smith, as one of "posture and imposture."

My learned friend, Mr. Prideaux, has also thought proper by way of taunt to tax me with being identified with the "frequenters of Exeter Hall," the "members of the Church Association," and the readers of the "Record." My Lord, all I can say is, that so far as my clients fall within any of those categories, I am not in the slightest degree ashamed, but, on the contrary, I am proud of my associates; because I feel assured that they, as a body, hold the true Catholic faith, and let me say the true Catholic faith *undefiled* —a faith exclusively based upon Holy Scripture; for, to use the language of our sixth article, "Holy Scrip-"ture containeth all things necessary to salvation, so "that whatsoever is not read therein, nor may be "proved thereby, is not to be required of any man, "that it should be believed, as an article of the faith." And, my Lord, so much error has of late been vented upon this head, that I shall continue to guard myself by the occasional use of that very significant expression, the "Protestant faith."

My friend, Mr. Prideaux, has on several occasions stated that I have described the Church of England as an Act of Parliament Church. I deny that I have said so. My opinions upon this subject were published 30 years ago, in my edition of De Lolme, which, with the permission of the Court, I will read as expressive of my then and present opinions. The passage I am referring to is in the first volume, at page 309, and at the end of the reign of Elizabeth.

"The statutes and Acts of Convocation by which "the Reformation was accomplished have been cited, "from whence it will be perceived that the identity "of the English Catholic Church was not destroyed "under the Tudors.

"'The only difference in the Church, as it existed previous to the dynasty of the Tudors, and as it stood at the termination of the reign of Elizabeth, was, that certain ecclesiastical abuses had arisen, which were corrected by Parliament and the clerical synods in convocation under Henry VIII., Edward VI., and Elizabeth; but the identity of the Church was never destroyed.

"The best illustration of the mode in which the Reformation was effected is Statute 5 and 6 William IV., c. 76. It having been proved that positive abuses existed in Municipal Corporations, Parliament, in 1835, made enactments to correct such abuses, but in all other respects the rights of such corporations were left unimpaired, and no corporation lost its original identity.

"So with the English Catholic Church. It having been proved that positive abuses existed in the Church, its clerical synods in convocation, its lay synods in Parliament or the Crown by power placed in its hands by the joint authority of those synods, made, under the reigns of Henry VIII., Edward VI., and Elizabeth, certain enactments to correct such abuses, but in all other respects the rights of the Church were essentially left unimpaired, and its original identity was never lost."

My friend, Mr. James, has complained of my having adduced a great deal of archæological learning to prove the case against Mr. Mackonochie. He spoke of his client in these words, "As a clergyman who probably had had no opportunity of ever learning or seeing or hearing, even by remote hearsay, one-hundredth part of the mass of documentary evidence." My friend seems not to be aware that Mr. Mackonochie himself challenged this archæological investigation in his address to his parishioners, in which he announced the giving up, under protest, of the elevation and the censing of persons and things. He says, with respect to incense, "It is, I think, inconceivable that this should have been done anywhere at all if such use had then been illegal. I therefore look forward confidently to the time when further investigation shall have thrown more light on the practice of those days; and when English common sense shall have made a convert of that English caution which, though it may sometimes resemble prejudice, is in itself a most valuable quality."

(*The Dean of the Arches.*) What are you reading from?

(*Mr. Stephens.*) From Mr. Mackonochie's address, which is annexed to the Articles. He is speaking of censers being assigned by the Royal Commissioners, in Edward VI. reign, for use in the parish. Mr. Mackonochie apparently refers to the assertions on the subject in the Church Union case, assertions which I think I have shown to be altogether destitute of foundation. He says, "We find nothing about its rejection in the 16th century, and we do find censers left in some churches, though not many, by the Royal Commissioners in Edward VI. reign, assigned for use in the parish." The words "use in the parish" being printed in very large type.

In reliance, therefore, upon archæological investigations, conducted either by himself or his friends, Mr. Mackonochie has thought fit to depart from what has been the accustomed use and practice of the Church during the last 300 years in the mod of performing the service in the Church in England. He and his friends have imagined, that they could see more clearly into the hidden meaning of Acts of Parliament and Rubrics than any other class of men, and have acted in defiance of episcopal remonstrances. It is now, however, rather too late for them to complain of those investigations having taken place, when the result of them has clearly established, that they have not a single shadow of ground for their position, and that they are altogether in the wrong.

Again, my friend, Mr. James, complained of Mr. Martin, the promoter. This is Mr. James's language. "He is practically a stranger, and seems to have no connexion with the district except that he is the secretary to some schools there. I think that is the only connexion he has with the district. He does not appear to have frequented the services of the church or to have had occasion to do so. He is a mere stranger who has put himself forward for the purpose of raising this question." Now, my Lord, what are the facts? Mr. Martin is much more interested in the performance of the services of the church of St. Albans than nine-tenths of those fashionable ladies and gentlemen who resort to it from the western part of the metropolis. It is true that Mr. Martin is not, technically speaking, a resident in the parish; but he has lived in it for 10 or 12 hours per week during the last 30 years. It is not true that his only connexion with the parish is as secretary of a school, inasmuch as he is lessee and occupier of premises in the parish, and the legal advisers of the Bishop of London considered he was a more suitable person to promote these proceedings than a resident parishioner whose name had been submitted to the bishop upon the sudden death of Mr. Bolton, who was the original promoter of this suit.

Mr. Martin felt it his duty in order to prevent the dissemination of popish rites and ceremonies, to allow his name to be used, though personally he would have preferred taking no part in this litigation. In reference to the original proceedings he had nothing to say to them; in fact he was, as I am instructed, ignorant of them. The promoter of this suit, so far from deserving censure for his conduct, is entitled to the deepest praise and thanks from the Protestant members of the Church in England. When we perceive, according to the representations of Mr. James, the numbers of the congregation who attend the services of the Church at St. Alban's, it proves the imperative necessity of Mr. Mackonochie being restrained from the further use of the rites and ceremonies in question, symbolising as they do the pernicious doctrines of the Church of Rome, and thus saturating the minds of the people with theological poison.

Mr. James triumphantly says, no complaint has been made by the churchwardens against Mr. Mackonochie, for the mode in which the services at St. Alban's have been conducted. It is, my Lord, however, a very remarkable fact, that if the services give such very great satisfaction to the inhabitants of the parish of St. Albans, Mr. Mackonochie has not been enabled to get a single person who is an inhabitant of that parish to officiate as churchwarden, and that the churchwardens of the parish of St. Alban's are and have been for some years non-residents, and as such are incapable of legally performing any of the duties incident to the office of churchwarden.

Mr. Prideaux says, "Mr. Mackonochie is not an obstinate person who wilfully" (I am using Mr. Prideaux's language) "would disturb the godly and quiet order in this realm. Because what did Mr. Mackonochie do?"—(and here it is requisite to bear in mind the language that Mr. Prideaux uses, in order to appreciate the spirit of condonation)—"Mr. Mackonochie believed, and no doubt Mr. Mackonochie in his heart now believes, that it is perfectly lawful to elevate the blessed Sacrament above his head. Mr. Mackonochie believed, and no doubt Mr. Mackonochie at this moment believes, and, I venture to say, to the day of his death will believe, that it is lawful at this moment to incense persons and things during the celebration of the Holy Communion."

I respect this language of Mr. Prideaux, because it is manly and bold; and under such circumstances it seems to be rather surprising, that Mr. Mackonochie should not have evinced the greatest alacrity to have met the discussion of these questions as mere naked questions of principle. But from the commencement of these proceedings, down to the present moment, so far from Mr. Mackonochie being anxious to discuss this matter as a question of principle, he has endeavoured to have recourse to every dilatory proceeding, evidently and very wisely considering, that

his safety consisted in his running away under a chaos of the most pitiable technicalities.

My friends on the opposite side have occupied no small portion of your Lordship's time in objecting to the form of the Articles. Except with respect to elevation, for an object which I will mention presently, I do not propose to take any notice of such objections; because the Articles were settled under the immediate directions of your Lordship's predecessor. It has been objected by Mr. James and Mr. Prideaux that the Articles are defective. Mr. James objects to the 3rd Article, because he says the letters of request and the citation do not contain a sufficiently precise signification of the charge of "elevation" and "prostration" or of "adoration." And that the 3rd Article, which is more precise on this point, cannot be considered to supply the deficiency, because the Articles cannot in law go beyond the letters of request and citation, or be held to amend the original defect.

The history of the amendment of this Article, which has occupied so much of your Lordship's valuable time, is illustrative of the very just fears which are entertained by the opposite side against meeting this question on its real merits. The 3rd Article, as first filed, agreed precisely with the letters of request. The form of the Article was objected to by the defendant, and Dr. Lushington, though holding the plea to be sufficient and proper, suggested that the words "or otherwise" should be omitted, which was, of course, done. The 3rd Article was accordingly amended. The defendant then intimated, through his proctor, that he should again object to the form of the pleadings unless the degree of elevation was specified. Accordingly, to meet the defendant's views, the words "above the head" were added, and the Article was then admitted to proof without further opposition on the point of form.

The case stands thus. Originally the letters of request and the Articles were identical. The defendant then insisted upon certain words being inserted in the Articles. His request was acceded to, and the Articles were amended. And he now comes forward at this stage of the cause and raises a technical objection in consequence of our having carried out what he himself had suggested. Well, all I can say with regard to the promoter is, that he would much rather be the subject of such conduct than its author.

A great deal of special pleading has been employed by my friends to prove that the Decree and Articles are defective, because they did not allege that Mr. Mackonochie did the acts complained of "wilfully and obstinately." I do not know whether your Lordship wishes me to address any observations to you upon that point.

(*The Dean of the Arches.*) You told me you were going to say something to me about "wilfully and obstinately standing in the same;" you mentioned that to me a little while ago. I do not know whether you intend to do so or not now.

(*Mr. Stephens.*) I do, my Lord.

(*The Dean of the Arches.*) I mentioned that because you asked me whether I wished you to go into the question.

(*Mr. Stephens.*) Very well, my Lord, I will go on; but I thought the question so clear, that it was unnecessary. These words only occur in one of the sections of Elizabeth's Act of Uniformity, namely, the 4th section.

(*The Dean of the Arches.*) In one of the sections of each of the two statutes?

(*Mr. Stephens.*) Yes, my Lord.

(*The Dean of the Arches.*) That is the section you are prosecuting under. There is no penalty mentioned in the other sections except by reference.

(*Mr. Stephens.*) It provides that the minister "who "shall wilfully or obstinately, standing in the same, "use any other rite, ceremony, order, form, or man- "ner of celebrating of the Lord's Supper" . . . . . "than is mentioned or set forth in the said book," shall for the first offence forfeit one year's income and suffer imprisonment for the space of six months, and for the second offence be imprisoned for one year and be deprived of his spiritual promotions.

(*The Dean of the Arches.*) That is the same section?

(*Mr. Stephens.*) Yes, that is Elizabeth's statute, sec. 4. I have only read to your Lordship the important words so far as it applies to my argument. This section gives no discretion as to punishment; it is therefore reasonable to require that whenever an offence is charged it should be charged as having been wilfully and obstinately committed. But the jurisdiction of the Court of Arches does not rest (and there is the fallacy of the argument of my learned friends) on the 4th section of the Act of Elizabeth, but on the 23rd section of that Act, which is as follows: "All and singular archbishops and bishops, and every "of their chancellors, commissaries, archdeacons, and "other ordinaries, having any peculiar ecclesiastical "jurisdiction, shall have full power and authority "by virtue of this Act, as well to inquire in their "visitation, synods, and elsewhere within their juris- "diction at any other time and place, to take accu- "sations and informations of all and every the things "above mentioned, done, committed, or perpetrated "within the limits of their jurisdictions and authority, "and to punish the same by admonition, excommu- "nication, sequestration, or deprivation, and other "censures and process, in like form as heretofore hath "been used in like cases by the Queen's ecclesiastical "laws."

These provisions applied not only to the particular offences, enumerated in the 4th and other sections of the Act of Uniformity, but to all violations of the general enactments of the 3rd section:—"That all "ministers shall be bounden to use the mattens, even- "song, celebration of the Lord's Supper, and adminis- "tration of each of the sacraments, and all the open "and common prayer, in such order and form as is "mentioned in the Prayer Book;" and in like manner it applies to the general provisions of the Act of Uniformity of Charles II. The Ecclesiastical Court having the choice of a variety of punishments, namely, by "admonition, excommunication, sequestra- "tion, or deprivation," there was no reason for limiting its jurisdiction to acts done "wilfully and obstinately." There is an essential distinction between the two sections. Under the 4th section the punishment is positive; but under the 23rd section it is discretionary.

(*The Dean of the Arches.*) Let me understand your argument. It is not necessary, you say, for you to establish that these acts were done wilfully and obstinately.

(*Mr. Stephens.*) Certainly not under the 23rd section, because there the punishment is discretionary; under the 4th section it is positive.

If the powers of the Ecclesiastical Court were limited to acts done "wilfully or obstinately" there would be no means of punishing a clergyman, even for acts of the grossest negligence in the performance of Divine service, so long as he did not act "wilfully or obstinately."

We rely not only upon the Acts of Uniformity of Elizabeth and Charles II., but upon the canons of 1603, and especially upon the 14th canon. We also claim the benefit of the general ecclesiastical law.

(*The Dean of the Arches.*) The canons are set out in the Articles, and were set out in consequence of the application of the defendant?

(*Mr. Stephens.*) Yes.

(*The Dean of the Arches.*) That is so, because I remember very well that my predecessor said in substance this: "It has been more according to usage "that the precise law should be specified; but whether "it is specified or not, if I found the law had been "broken I must visit the breaker of it with a "penalty."

(*Mr. Stephens.*) Precisely. I was going to call your Lordship's attention to that passage in Dr. Lushington's judgment which is in the following language:

" You refer to the Prayer Book as a body. You need " not refer to any particular part; but I think the " statute should be referred to; that is, I think it " advisable to do so in this case. I do not say it is a " matter of absolute necessity required by any par- " ticular rule of law; but as it is a case of great " importance I think it ought to be cited, and that it " should be done. *The Queen's Advocate:* Will that " apply to any particular canon? *Dr. Lushington:* " Yes, if any particular canon is referred to it should " be stated; but, with all due deference to you, whether " stated or not stated, if in the course of the discussion " I should find the law laid down in the Acts of Par- " liament I should be bound to obey them. It may " be a very good objection to the admission of the " Articles that the law is not stated sufficiently; but " it would not have released me from my obligation " to follow the law." And, my Lord, I believe that judgment is perfectly consistent with the practice of the Court.

(*The Dean of the Arches.*) According to the papers before me, I see these Articles were reformed in that way?

(*Mr. Stephens.*) Not only in that, but in every other particular, we followed the directions of your Lordship's learned predecessor.

(*The Dean of the Arches.*) I need hardly repeat that in my opinion all that is binding upon me; I am not sitting here on appeal in the case. All that Dr. Lushington ordered in that part of the case, rightly or wrongly, I must consider binding upon me. If it is wrong it must be set right elsewhere.

(*Mr. Stephens.*) My learned friends have said a great deal about this being a criminal proceeding and about the Acts of Uniformity being penal Acts, and have accordingly used the utmost licence in urging technical objections conceived, I must say, in the narrowest spirit of special pleading, and supported by Jervis's edition of Archbold's Criminal Law. We contend, on the contrary, that even if this be in form a criminal proceeding, it is not, in substance, a criminal proceeding. Instead of instituting proceedings in a common law court under the 4th section of the Act of Elizabeth, which would have subjected Mr. Mackonochie to heavy penalties, we have instituted our proceedings in this Court, which is not bound to inflict any particular punishment, and our Articles only ask that Mr. Mackonochie may be admonished.

In substance this is a dispute about a civil right—Mr. Mackonochie insisting that he is at liberty to conduct the service at St. Alban's according to his notions of the usages of the Catholic Church, while the promoter, on the other hand, insists that he is bound to conform to the Acts of Uniformity. We contend, moreover, that the Acts of Uniformity are remedial Acts, and entitled to a liberal construction. But, nevertheless, it seems desirable to call your Lordship's attention to one authority, showing the limitations that have been put on the directions that everything is to be construed strictly in criminal proceedings. I refer to The King *v.* Royce, 4 Burrows, page 2082. Lord Mansfield says in that case: "Tenderness ought " always to prevail in criminal cases, so far at least as " to take care, that a man may not suffer otherwise " than by due course of law, nor have any hardship " done him or severity exercised upon him where the " construction may admit of a reasonable doubt and " difficulty. But tenderness does not require such a " construction of words (perhaps not absolutely and " perfectly clear and express) as would tend to render " the law nugatory and ineffectual, and destroy or " evade the very end and intention of it. Nor does " it require of us we should go into such nice strained " critical objections as are contrary to the true mean- " ing and spirit of it."

I will now discuss the case of The King and Sparkes. My learned friend, Mr. Prideaux, has expressed his surprise that I did not cite that case, but I can assure him it had not escaped my attention. I omitted citing it, because I thought it not improbable that my friends would do so. They have done so, and I admit that my anticipations have been more than fully realized. My friend, Mr. James, cited it, and I will tell your Lordship what he said. This is his language:—" The offence under the statute is not " using the Book of Common Prayer in order and " form; as to which there is no allegation, no charge " whatever, that every word of the Common Prayer " was not used, and that every prescription of the " Common Prayer was not complied with;" and his conclusion was, that Sparke's case justified the use of additional prayers to those contained in the Book of Common Prayer. The effect of this construction would be, that any clergyman might add any prayers whatever to the services of the Church and not be punishable for such conduct.

(*The Dean of the Arches.*) I understood it to be not that he could interpolate prayers, but that when the service had been performed and over, then, and then only, he might have what prayers he chose. I do not know whether that was the argument he intended.

(*Mr. Stephens.*) Then, my Lord, it comes within the case of Westerton and Liddell; that you cannot alter or omit.

(*The Dean of the Arches.*) Perhaps I may be wrong, but I understood him to make that distinction, that you might not insert a prayer during the service, but that when the service provided by the Acts of Uniformity was over, then you might have what prayers you pleased.

(*Mr. Prideaux.*) We cited it in that way, or intended it at least to go that length; but we also cited it as an authority that you might insert a prayer even during the service, because your Lordship will remember that I insisted that the sermon——

(*The Dean of the Arches.*) I thought Mr. James guarded himself upon that point?

(*Mr. Stephens.*) At all events there is no doubt about Mr. Prideaux. I can prove my case against him.

(*The Dean of the Arches.*) Then you are quite well founded in your argument, Mr Stephens?

(*Mr. Stephens.*) I will take the argument upon what Mr. James says, and I then contend he would come within the Act of Uniformity, because it would be openly using in a church other prayers than those prescribed by that Act. Mr. Prideaux said this: "The " case of The King and Sparkes is an express autho- " rity that if you say and sing the services according " to the use of the Church of England, you may " introduce another prayer. I do not understand " what it decides if it does not decide that;" and then he adds, "I really cannot understand what it does " decide."

(*Mr. Prideaux.*) I do not recollect that. I may have said it. I do not recollect it in that way.

(*Mr. Stephens.*) I have before me the shorthand writer's notes. If you wish to withdraw the alleged statements you can do so.

(*Mr. Prideaux.*) I do not think I said it.

(*The Dean of the Arches.*) Does not the note in that case say it was a prayer before sermon that had been used?

(*Mr. Prideaux.*) It says so; and adds, "This was a malicious prosecution."

(*Mr. Stephens.*) I agree with my friend, that he does *not* understand what the case of The King and Sparkes decides. I do not know whether your Lordship has a reference to 2 Showers, Rep. 448. That was the book from which the case was cited.

(*Mr. Prideaux.*) It is also in I. Modern.

(*Mr. Stephens.*) I have nothing to say to I. Modern.

(*Mr. Prideaux.*) As my friend seems afraid of I. Modern——

(*Mr. Stephens.*) I am not afraid of anything and never was; so I wish you would stop your interruptions.

(*Mr. Prideaux.*) I was only going to say, my Lord, that as my friend seems afraid of the report as given in I. Modern, I particularly refer your Lordship to it.

(*Mr. Stephens.*) I am only dealing with 2 Showers, the only book quoted by the opposite side. This

appears to have been an indictment against Richard Sparkes, the vicar of North Leigh, "for using in time " of Divine service different prayers from the common " prayer appointed by the Book of Common Prayer, " and in a different manner than as thereby appointed."

" Upon error being brought to reverse a judgment " given at the quarter sessions for the county of Devon, " for the payment of 100 marks fine against the de- " fendant, he being there convicted by verdict on an " indictment, for that, being minister or curate of " such a place, he did on the Lord's day use other " prayers than according to the Book of Common " Prayer."

Lord Chief Justice Herbert and Mr. Justice Holloway took this objection, "saying that it might be a " prayer before sermon, and yet he might use the com- " mon prayer (and so in truth the fact was)" [those words are in parenthesis, and are the editor's] "and " therefore they held it no offence, unless it had been " alleged, that he did not read the common prayer."

That is no decision; it is nothing more than the reasoning of the judges; and I will prove it in a moment.

" Owing to the hesitation of the other judge " (Wythens), the defendant's counsel (Shower) took " another objection to the indictment, and the case " was decided in his favour upon such objection."

The only point decided by Chief Justice Herbert and Mr. Justice Holloway was, that the indictment as it stood was insufficient, as it did not appear what other prayers were used or during what part of the service. It is therefore clear that the only point decided in this case was a mere question of pleading.

(*The Dean of the Arches.*) There is a note at the end: "The prosecution alarmed most of the clergy, " but the Lord Chief Justice's opinion gave them " satisfaction, which in truth was founded on a good " deal of reason." Then, "But in truth the design " of the Act of Uniformity in that prohibition was to " make a deprivation, &c., and not a temporal offence, " or subject the party to an indictment."

(*Mr. Stephens.*) The decision in the case was exactly what I have stated. It was upon a question of pleading, viz., that the indictment as it stood was insufficient, as it did not appear what other prayers were used, or during what part of the service. That was the only decision; a decision upon a miserable point of pleading.

This case of Martin and Mackonochie is not a proceeding at common law, but in the ecclesiastical courts, and no argument can be drawn from the practice of one court applicable to the other. The Church Discipline Act, as its preamble shows, intended to uphold the principles of the ecclesiastical law, and was not intended to alter the procedure further than to restore to the bishops, the personal jurisdiction which they originally exercised, and which was afterwards delegated by them to their chancellors or officials. The jurisdiction of the Ecclesiastical Court still remains, and is exercised according to its own practice and form of process; and the charges are stated with sufficient precision according to the rules of the Ecclesiastical Court.

Will your Lordship excuse me, if I read a note of Shower, because it will explain my argument.

(*The Dean of the Arches.*) By all means.

(*Mr. Stephens.*) The note is at page 439, and is as follows: "This was a malicious prosecution, for it " was only a prayer in the pulpit, and the common " prayer was constantly read, and it had a fate ac- " cordingly; for, no doubt, if it had been an offence " within this Act of Uniformity, the justices would " have had some cognizance of it; for by the 24th " section all statutes concerning the former book of " Queen Elizabeth are quoted to be in force as to " this book now used."

This note clearly shows that this case was a prosecution for using a prayer before the sermon. The use of the bidding prayer before the sermon had been enjoined by the 55th canon of the canons of 1603. The use of this prayer was frequently insisted upon by the ecclesiastical authorities. In support of that, and in order to save time, as your Lordship is so familiar with this subject I need only refer to Wren's Visitation, Articles, A.D. 1636, which will be found in 2 Cardwell's Doc. Ann., 252; and likewise to Archbishop Tenison's letter in 1695, 2 Cardwell's Doc. Ann., 385.

(*The Dean of the Arches.*) The 16th section of this statute of Elizabeth also refers to the authority of the Ecclesiastical Court, as well as the 23rd.

(*Mr. Stephens.*) I did not think it necessary to go into details upon that question, it was such a clear proposition of law. It would only have been an idle waste of your Lordship's time to have gone further into the subject. In 1 Cardwell's Documentary Annals, page 21, you will find the form of the bidding prayer had been previously given in the Injunctions of Edward VI. of 1547. Consequently, at the date of the different Acts of Uniformity, the bidding prayer might well be considered as an appendix to the sermon, and would therefore be authorized by the general reference to the sermon in the several Prayer Books as forming part of the sermon and an appendix to the sermon.

In 2 Hickeringill's Works, page 87, "The Black Nonconformist," a treatise well worthy the attention of my learned friends, the following passage occurs:— " So that all are nonconformists, and liable to indict- " ment and loss of their liberty, as well as loss of their " livings, that pray before or after sermon in other " form or order than is set down in the Common " Prayer Book."

From the language here used by Hickeringill, it appears the dissatisfied Puritans had a theory that the use of a prayer before the sermon, such as the bidding prayer, was unlawful. And it is a curious coincidence, that the passage in Hickeringill is dated in 1681, as your Lordship will find by a reference to the 58th page of the second volume; while the case of The King and Sparkes was decided in the 1st James II., namely, in the year 1685.

I will now proceed to "rites and ceremonies." My friend, Mr. James, has contended that "ceremony," "service," and "rite" mean the same thing; therefore that gestures and postures and things of that kind, do not come within the term "rite or ceremony, nor anything which is an ornament." I do not know whether your Lordship wishes me to address you upon this point; I should be perfectly content to leave the case as it stands.

(*The Dean of the Arches.*) You must exercise your own judgment.

(*Mr. Stephens.*) Very well, my Lord, it is better perhaps for me to make a few comments upon the subject; but it appeared so clear that I almost thought it unnecessary.

The theory of my friends is at variance with the mode in which the words "rites and ceremonies" are used in the Acts of Uniformity, and in all the Visitation Articles and Injunctions. The 2nd and 3rd Edward VI., c. 1, in the preamble states: "Where of " long time there hath been had in this realm of " England and in Wales divers forms of common " prayer, commonly called the service of the Church; " that is to say, the use of Sarum, of York, of Ban- " gor, and of Lincoln."

(*The Dean of the Arches.*) Do you mean to allude to those words, "the doers and executors of the said rites and ceremonies?"

(*Mr. Stephens.*) Yes; "and besides the same now " of late much more divers and sundry forms and " fashions have been used in the cathedral and parish " churches of England and Wales, as well concerning " the mattens or morning prayer and the evensong, " as also concerning the Holy Communion, commonly " called the Mass, with divers and sundry rites and " ceremonies concerning the same, and in the ad- " ministration of the Sacraments of the Church." Here "rites and ceremonies" are not distinct services, as spoken of in this Act of Parliament, but parts or

adjuncts of the Holy Communion, and the mattens and evensong.

(*The Dean of the Arches.*) Do you apply that observation to both the words "rites and ceremonies?"

(*Mr. Stephens.*) "Ceremonies," my Lord; but I will take the argument as applying to both at the same time.

(*The Dean of the Arches.*) You will take the argument as you like best, but it occurs to me there might be a distinction between the word "rite" and the word "ceremony."

(*Mr. Stephens.*) Of course if your Lordship thinks the argument does not apply to "rites" it will be more convenient to take them separately. I will first take "ceremonies." By the second article of Bishop Ridley's Injunctions, issued in the year 1550 (1. Cardwell's Doc. Ann., page 93), it is directed, "finally, that "the minister, in time of the Holy Communion, do "use only the *ceremonies* and gestures appointed by "the Book of Common Prayer, and none other, so "that there do not appear in them any counterfeiting "of the popish Mass." Therefore he deals with it independently of rites. He deals with it as mere ceremony.

In Grindal's Remains, page 124, the fourth article forbids any person to "use *at* the ministration of the "communion any gestures, rites, or ceremonies not "appointed by the Book of Common Prayer, as "crossing or breathing over the sacramental bread "and wine, nor any shewing or lifting up of the "same to the people, to be by them worshipped and "adored, nor any such like; nor shall use any oil "or chrism, tapers, spattle, or any other popish cere-"mony in the ministration of the sacrament of "baptism."

The next authority that I shall cite for this object is the 14th canon of the canons of 1603: "All "ministers likewise shall observe the orders, rites, "and ceremonies prescribed in the Book of Common "Prayer, as well *in* reading Holy Scriptures and "saying of prayers as in administration of the "Sacraments, without either diminishing in regard "to preaching or in any other respect, or adding "anything in the matter or form thereof." Like language is used in Archbishop Bancroft's Visitation Articles, which will be found in 2 Cardwell's Documentary Annals, page 104; and in Archbishop Abbot's Visitation Articles, 2 Cardwell's Documentary Annals, page 170. Likewise, in the Visitation Articles of 1619 and 1625, which appear in Andrewes's minor works, pages 115 and 130; and likewise, in the Visitation Articles of Laud, both when he was at London and at Canterbury, 5 Laud's Works, pages 319 and 423.

I will, however, read to your Lordship an extract from Laud, part 2, page 399. It is the fifth article of Laud's Visitation Articles, when he was Bishop of London: "Whether doth your minister use the "administration of the Lord's Supper, Baptism, "Instruction of Children, Solemnization of Matri-"mony, Visitation of the Sick, Burial of the Dead, "the Commination, and Churching of Women, under "*such words, rites, and ceremonies* as are set forth "and presented by the said Book of Common Prayer "and no other."

In Archbishop Sheldon's directions to the clergy, (which will be found in 2 Cardwell's Documentary Annals, page 329,) they are directed "That in their "own persons in their churches they do decently and "solemnly perform the Divine Service by reading "the prayers of the Church, as they are appointed "and ordered in and by the Book of Common "Prayer, without addition to or diminishing from "same, or varying, either in substance or ceremony, "from the order and method which by the said book "is set down, wherein I hear and am afraid too "many do offend."

It therefore appears that, instead of ceremonies being distinct services, each service consists partly of substance and partly of ceremony.

(*The Dean of the Arches.*) That note to the title "of ceremonies, why some be abolished and some retained," is rather in support of your view, I think; I mean "certain notes for the more plain explica-"tion and decent ministration of things contained in "this book;" the third note is, "As touching, kneel-"ing, crossing, holding up of hands, knocking upon "the breast, and other gestures, they may be used "or left, as every man's devotion serveth without "blame."

(*Mr. Stephens.*) I understand the writer there to mean that those are ceremonies.

(*The Dean of the Arches.*) So it would appear to me at present. "As touching, kneeling;" that is under the head "of ceremonies, why some be abolished and some retained," in the first book of Edward VI.; and the note says, "As to these things every man is at liberty to do as he thinks fit." Therefore I suppose kneeling, crossing, and so on, must be ceremonies otherwise they would not naturally have come under that head.

(*Mr. Stephens.*) Certainly, my Lord; that is in support of my argument. In 2 Cardwell's Documentary Annals, page 297, line 32, your Lordship will find the following language: "Lastly, concerning ceremonies." It is King Charles's declaration concerning ecclesiastical affairs: "therefore our present consideration "and work is to gratify the private consciences of "those who are grieved with the use of some ceremo-"nies, by indulging to and dispensing with their "omitting those ceremonies."

(*The Dean of the Arches.*) What ceremonies was King Charles referring to there?

(*Mr. Stephens.*) At page 299, line 10, it is receiving the Sacrament "kneeling;" then at the same page, line 15, there is "the cross in baptism."

(*The Dean of the Arches.*) You mean that all these are ingredients, elements, constituent parts of a rite?

(*Mr. Stephens.*) Precisely, my Lord, "bowing at the name of Jesus," (*ibid*, line 26,) "the use of a surplice" (*ibid*, line 30).

(*The Dean of the Arches.*) It strikes me so at present, I confess.

(*Mr. Stephens.*) I have no further observations to make to your Lordship upon that point.

I will now deal with the question of the manual acts. The rubrics as to the manual acts during the prayer of consecration were omitted in Edward's second book; and therefore, according to the construction that my friend, Mr. Coleridge, and myself have placed upon the Acts of Uniformity, they thenceforth became unlawful.

(*The Dean of the Arches.*) Stop a moment; that is an important position; I must take it down. You say that while the second book of Edward VI. was in force all manual acts were unlawful.

(*Mr. Stephens.*) Yes, my Lord.

(*The Dean of the Arches.*) Let me take that down.

Mr. Stephens.) Upon the principle that I have laid down.

(*The Dean of the Arches.*) Yes, I quite understand the principle; at least, I presume it is that all that is not enjoined is forbidden.

(*Mr. Stephens.*) Yes, my Lord.

(*The Dean of the Arches.*) And you say that extended up to the time of Charles II.'s Prayer Book.

(*Mr. Stephens.*) Certainly, my Lord. There is no doubt some evidence exists that Cosin and others used these manual acts in Charles I.'s reign, and upon this my friend, Mr. Prideaux, has raised a theory; that not only these manual acts, but everything else which had been omitted from any of the Prayer Books, continued lawful notwithstanding the omission. If we examine what Cosin says upon the subject, we shall find, he recommends, that the rubric in reference to these manual acts should be restored "for the better warrant of the minister." The passage in question is to be found in 5 Cosin's Works, page

516, "Again, at the words there 'He took bread "and he brake it, and He took the cup,' no direc- "tion is given to the priest (as in King Edward's "service book there was, and as in most places it "is still in use) to 'take the bread and cup into his "hands,' nor to break the bread before the people, "which is a needful circumstance belonging to this "Sacrament; and therefore for his better warrant "therein such a direction ought here to be set in the "margin of the book."

(*The Dean of the Arches.*) What is the expression there—"in the margin of the book," and not "in the rubric"—according to the passage you have read? Do you consider he is referring to the rubric or to what is said in the margin of the book?

(*Mr. Stephens.*) No, my Lord, he is suggesting alterations to be made in the Book of Common Prayer, and that directions for these manual acts shall be placed in the margin. Your Lordship will bear in mind they are placed in the margin of the present Prayer Book as a rubric. The mode in which Bishop Cosin, in a passage which I am about to read, speaks of Bucer's recommendation, that these manual acts should be left out of Edward's second book, shows, that in his opinion the intention was to leave them out.

I now propose to refer to 5 Cosin's Works, page 478: "Notes on the Book of Common Prayer." "Therefore he [Bucer] mislikes also the making "of any crosses (as the book appointed) over the "bread and wine, or that the minister should take "the bread and wine into his hands when he reads "the words of institution; because by this prac- "tice men would think that he said these words to "the bread and wine and not to the communicants; "and it should seem that thereupon those directions "in the margin for the priest taking the bread and "wine into his hands, (when he says, 'took bread' "and 'took the cup') were afterwards left out, and "yet the use could not for all that be left off, it being "a general custom among us to do so still."

What Cosin apparently means is, that although leaving out was intended to prohibit a practice, and generally had the effect of stopping a practice, yet this particular practice had not been stopped. I do not dispute that the practice might have existed, but I contend that it was a practice not warranted by the Acts of Uniformity, and therefore it was illegal. Moreover, whatever reliance may be placed upon Cosin's statement, as to the usage of his own time, he was writing from 80 to 90 years after Edward's second book, for the purpose of proving that the revisers of Edward's second book did not intend the manual acts to be discontinued, or that in fact they were not discontinued, and therefore his evidence on these latter points is not of much value.

The Savoy conference sat in 1661. The Puritan ministers requested that some rubric on the subject of these manual acts might be inserted: they said, "We concede that the manner of consecrating the "elements is not here explicit and distinct enough, "and the minister's breaking of the bread is not so "much as mentioned." (Cardwell's Conferences on the Book of Common Prayer, page 321.) In pursuance of this request of the Puritan ministers and of Cosin's suggestion, the present rubrics as to the manual acts were inserted in the Prayer Book of 1662.

The case of the manual acts is in fact an exception that proves the rule. A practice edifying in itself, but not mentioned in the Prayer Book, had come partially into use, and by general consent rubrics are inserted prescribing exactly what is to be done, in order that there might be uniformity.

(*The Dean of the Arches.*) They say on the other side that there is no authority to be found for any prohibition of the continuance of these manual acts after Edward VI., and before the date of Charles II.'s Prayer Book; that is what they allege.

(*Mr. Stephens.*) That is the theory no doubt. No authority is to be found prohibiting these manual acts, but if the principle be conceded that every single thing that is not prohibited may be allowed, what becomes of uniformity? What becomes of the one rite, ceremony, order, form, and manner of performing the services of the Church?

(*The Dean of the Arches.*) I only meant with regard to this particular matter.

(*Mr. Stephens.*) Yes, my Lord, but that would have the effect of admitting the principle.

A definition has been given to your Lordship of the word "use." My friends have asserted it to mean the mode of chaunting the service. It will be sufficient for me to refer to the IXth and XIIIth pages of the Preface to Maskell's Ancient Liturgy of the Church of England, where it is said, "I propose to "discuss what is the meaning of the term 'use.' "Upon this question the chief difficulty seems to be, "how far, or if at all, we are to include the varieties "also which unquestionably existed of music and "chaunting? How much of ceremonies and rites, "besides the bare words and order of the prayers, "ought to be included is another question, and rests "upon very different grounds; but when we speak "of the use of the church of Salisbury, or of the "church of York or Hereford, not only need we not "include the chants and music, but rather, if we wish "to be precise, altogether exclude the consideration "of them." At page XIII.: "One word also before "I pass on upon the expression in the passage in the "Preface to the Common Prayer Book, 'the great "diversity in saying and singing,' and 'now from "'henceforth all the whole realm shall have but one "'use.' It is possible that the reformers, among their "multiplicity of plans, did intend to enforce an uni- "formity in singing also throughout the realm; but "whatever they may have meant by the words just "quoted, I think that it is quite clear that the first "Common Prayer Book of King Edward and all "succeeding ones were not in fact aimed at the abo- "litione of varieties of music, but of a variety of "prayrs and rites and ceremonies. This object "was effected."

I will now proceed to the subject of elevation and kneeling. The Rev. Mr. Malin in his evidence says, that *after* the consecration of each element the consecrating clergyman elevates it above his head and then kneels down before the communion table. Whatever the motives of Mr. Mackonochie may be for such elevating and kneeling, persons who see him do so, may not unreasonably attribute to him the like motives as are avowed by another parochial clergyman who practices the like elevation and kneeling; and upon that point I will refer your Lordship to the Report of the Ritual Commissioners, and solicit the attention of the Court to the evidence of Mr. Bennett, when he was under the examination of Mr. Hubbard, one of the non-resident churchwardens of the parish of St. Alban's, and as such incapable of performing any legal act in connexion with that parish.

(*The Dean of the Arches.*) Are you satisfied of that? Are you satisfied that Mr. Hubbard's house of business is not in St. Alban's? If it is you know he would be capable. However, it is quite irrelevant to the present question.

(*Mr. Stephens.*) I understand Mr. Hubbard has no house of business in the parish, and I made my observations upon that supposition.

(*The Dean of the Arches.*) But if he had a house of business in the parish of course he would be properly churchwarden.

(*Mr. Stephens.*) Of course he would.

(*The Dean of the Arches.*) It does not matter, Mr. Stephens; it has no bearing upon this question.

(*Mr. Stephens.*) Mr. Hubbard is, however, churchwarden of St. Alban's by courtesy, and he examined Mr. Bennett. The following questions by Mr. Hubbard to Mr. Bennett, and the answers, are at page 75 of the first report of the Ritual Commissioners: "You stated that you lifted up the elements *after*

" consecration ; to what extent do you lift them up ? " It may not be to the same extent every time ; nor " can each celebrating priest elevate them to the same " height ; there is no rule about it ; it is simply a " gentle elevation. Some elevation is inevitable ?— " Yes. You must raise the cup and the paten from " the communion table in order to perform the act " of consecration ?—Yes, one elevation takes place " before the consecration, and there is another ele- " vation *after* the consecration. There are two " elevations. The priest cannot take up the cup " without an elevation. That is not for the purpose " of adoration. In either case do you elevate the " paten or the cup with the view of presenting " them to the adoration of the people ?—Yes, dis- " tinctly, in the latter case. It signifies to the people " that the act of consecration has taken place. That, " in truth, is the fact which you wish to express " to them by raising it up and presenting it to their " notice ?—Yes. In the case of the consecration " prayer, do you pronounce it as a whole or do you " make a pause after the consecration of the bread in " order to make any prostration ?—We never use any " prostration ; only kneeling. Do you, *after* the " consecration of the bread, make a pause in the " consecration prayer for the purpose of making a " kneeling ?—There is no pause, it is a simultaneous " act. It is not an absolute kneeling, but an incli- " nation only ?—Yes, what is called a genuflexion. " Does a genuflexion mean touching the ground ?— " Touching the ground with one knee." At page 76, (question 2766,) the Dean of Ely puts the following questions to Mr. Bennett : " Did I understand you to " use this phrase, that the elevation of the elements " took place for the purpose of adoration ?—Yes ; *I* " *consider the first elevation for the purpose of* " *consecration to be totally distinct. After* the con- " secration both the elements are elevated for the " purpose of people knowing that the consecration " has taken place and that they may have the oppor- " tunity of adoring and praying. Would you hold " that the phrase 'the adoration of the elements' " was a proper orthodox phrase ?—It is the adora- " tion not of the elements, but of that which is hidden " under them."

(*The Dean of the Arches.*) You know I am not trying Mr. Bennett.

(*Mr. Stephens.*) My Lord, I have made no comment upon his evidence.

(*The Dean of the Arches.*) I am not trying Mr. Bennett.

(*Mr. Stephens.*) I am aware of that, my Lord.

(*Mr. Prideaux.*) I did not like to interrupt, my Lord, but I felt that we were not responsible for any reason that Mr. Bennett might give.

(*Mr. Stephens.*) I do not propose to use the evidence in that way. I did not lay down that proposition. But I contend when the like acts are done at St. Alban's as are done in Mr. Bennett's parish church, that persons—innocent persons—persons, for instance, like myself—going into that church would have a right to assume that what was done in Mr. Bennett's church was done at St. Alban's, and for the like objects. I am only using this evidence and the book that I am now about to cite for the purpose of showing the construction that may be legitimately placed upon the ceremonies of which we now complain as taking place at St. Alban's during the performance of Divine service.

I will refer your Lordship to "The Ritual Reason why," page 126. Here we find the like reason given for the elevation after the consecration. " Why does " he elevate the Blessed Sacrament after either conse- " cration ?" This is the answer : " For two reasons ; " first, as presenting the sacrifice to the Father, under " the separate forms which represent His soul and " body parted in death, and as shewing the Lord's " death before the people by this act ; and, again, as " exhibiting to them Christ really though invisibly " present to receive their homage. In this the priest " imitates St. John the Baptist, who was not content " to worship his Lord, but pointed him out to the " people, saying, 'Behold the Lamb of God!'"

It is impossible, my Lord, that practices which are susceptible of such an interpretation, can be recognized as lawful in the parish churches of this country.

My friends have contended that Mr. Mackonochie is at liberty to use any ceremonial acts and gestures he pleases, provided he does not impugn the doctrines which the Church of England requires to be held and taught. I think that is a correct statement of their position. But the practices I am now dealing with, "elevation" and "kneeling," show the utter insuffi- ciency of any such rule as that, as a safeguard for the faith of the Church. It has been shown that this elevation and kneeling, practised by Mr. Mackonochie, are identical with those used in the Church of Rome to express adoration towards the transubtantiated elements. I have also shown that the like ceremonies of elevation and kneeling are recommended in the "Directorium Anglicanum," and "The Ritual Reason why," (both books are written by clergymen of the United Church of England and Ireland,) for the pur- pose of expressing adoration towards the elements, or towards something in or under them ; and I assert that they are practised by Mr. Bennett, a parochial minister, avowedly for that purpose.

Mr. James, however, suggests that these things might be done quite innocently. My friend said, " Where," says my friend, " is there any offence in the " lifting above the head, unless it is said to be for the " purpose of adoration, or unless it is said to be with " some object, or some motive,—something that can " be alleged to be done in violation of the laws of the " Church ?" And again he says, with reference to kneeling, " Why is it illegal for the priest to express " by kneeling the same reverence which every commu- " nicant expresses by kneeling ?"

So long as a clergyman's opportunities for teaching his own individual opinions are limited to what he says in the pulpit, he is obliged to express the doctrines he teaches in clear intelligible English, and if he teaches anything contrary to the doctrines of the Church, he can be punished by the laws ecclesiastical. But if a clergyman is at liberty to add to or to alter the prescribed service, if he may lawfully introduce symbolical acts for the purpose of teaching his own peculiar notions, it is impossible that any efficient control can be exercised over the doctrine he teaches. And what would be the result ? That a clergyman might symbolize doctrines which he cannot preach. But I submit that as a clergyman cannot teach false doctrine, he cannot symbolize false doctrine by rites or ceremonies.

This practice of elevating the elements after the consecration is no part of the usage of the Church. I will refer your Lordship to the Chronicle of the Convocation of Canterbury in 1866, which contains a report of the Ritual Committee of Convocation ; that committee was composed of one dean, six archdeacons, and eight proctors. I think it has been published by the Ritual Commissioners.

(*The Dean of the Arches.*) It is upon the subject of ritual, is it ?

(*Mr. Stephens.*) Yes ; the passage is at page 9 of the Chronicle of Convocation, and touches upon the subject of the elevation of the elements after consecra- tion. It says that " this practice having been expressly " forbidden by the first book of Edward VI., and " discountenanced by the usage of the English Church " ever since is, in the opinion of the committee, in- " admissible." Your Lordship will likewise find this passage at page 160 of the Ritual Commissioners' Report.

(*The Dean of the Arches.*) Before you conclude your argument upon this, Mr. Stephens, do I under- stand your contention is that the expression " standing in the same " means standing in the church ?

Adjourned for a short time.

(*The Dean of the Arches.*) You are going now to a different subject, Mr. Stephens?

(*Mr. Stephens.*) Yes, my Lord, I am.

(*The Dean of the Arches.*) Are you going to give me any authority for "standing in the same," meaning standing in the church? That is all I want to know.

(*Mr. Stephens.*) I have no authority upon the subject, except a very humble one, namely, my own.

(*The Dean of the Arches.*) It is a puzzling expression, no doubt, but "standing in the same church," the word "church" has not been mentioned before, has it?

(*Mr. Stephens.*) But it does not follow that because it has not been mentioned before——

(*The Dean of the Arches.*) What I want to know is, what the word "same" refers to, "same" is a word of reference. In the 4th section of the Act of Elizabeth, it is this:—"If any manner of parson, "vicar, or other whatsoever minister, that ought or "should say or sing Common Prayer mentioned in the "said book, or minister the Sacraments, from and "after the feast of the Nativity of Saint John Baptist "next coming, refuse to use the said Common Prayers "or administer the Sacraments in such cathedral or "parish church, or other places as he should use to "minister the same, in such order and form as they be "mentioned and set forth in the same book, or shall "wilfully and obstinately standing in the same, use "any other rite." It is page 365 of your own book, a few lines from the top."

(*Mr. Stephens.*) Your Lordship will find "parish church" is mentioned, "In such cathedral or parish "church or other places as he should use to admi-"nister the same, in such order and form as they be "mentioned and set forth in the same book or "language, shall wilfully or obstinately standing in "the same," that, as it seems to me, can only apply to the cathedral or parish church.

(*The Dean of the Arches.*) But why "standing in the same?"

(*Mr. Stephens.*) "Standing in the same" is, no doubt, a very strange expression, but, my Lord, strange expressions are not confined to the Acts of Uniformity, and I submit that the expression in question could apply to no other antecedent except the cathedral or the church.

(*The Dean of the Arches.*) I only wanted to know your argument upon that, I do not wish to interrupt you.

(*Mr. Stephens.*) Your Lordship's interruptions have been of considerable use to me in the course of the argument. No one more appreciates them than myself.

(*The Dean of the Arches.*) I hope I have made no interruption except for the purpose of assisting counsel and myself.

Now, my Lord, I am going to a very dry subject, namely, the Proclamation Act.

(*The Dean of the Arches.*) I am very glad of it.

(*Mr. Stephens.*) It has been argued by my friends Mr. James and Mr. Prideaux that the Injunctions of Edward the VI. are of statutable authority by reason of their being issued under the Proclamation Act of 31st Henry VIII., cap. 8., but my Lord this fanciful theory will upon a careful examination of the statute be found to be utterly destitute of foundation.

I will deal separately with my learned friend Dr. Tristram's argument upon that subject.

It is rather significant that my learned friends Mr. James and Mr. Prideaux have omitted to discuss the question, and have exclusively relied upon the judgment of Sir John Dodson in Westerton and Liddell without offering, perhaps very wisely, any argument in support of that learned judge's opinion. I do not think that the 31st of Henry VIII., cap. 8, is to be found *in extenso* in the ordinary editions of the statutes of the realm, it is to be found only in the folio edition; I do not know whether your Lordship has a copy.

(*The Dean of the Arches.*) No, I have not. I must get one for this case.

(*Mr. Stephens.*) Perhaps there may be one in the Library—I think it would be of very great assistance to your Lordship if you had it before you.

(*The Dean of the Arches.*) I have got Sir John Dodson's recital of it.

(*Mr. Stephens.*) I am not going to rely upon that recital, and I am going through the entire statute. I have made a very careful abstract of it, and I will hand up to your Lordship that abstract, if you think proper to receive it.

(*The Dean of the Arches.*) I will certainly receive it, but shall be very glad to hear you, of course. Dr. Tristram told me he would hand up a paper which he was to show you first.

(*Mr. Stephens.*) My Lord, the paper was sent to me, but I did not receive it until a late hour last night, and I have not had an opportunity of reading it. I do not presume to hand up to your Lordship any abstract of an argument, but a mere abstract of the Act of Parliament, that is all I presume to do.

(*The Dean of the Arches.*) I shall be very glad to have it.

(*Mr. Stephens.*) Your Lordship is fully aware that the question which Sir John Dodson had to decide was, whether the cross was illegal, as being among the images directed to be destroyed by the Injunctions of 1547. Sir John Dodson held that crosses were among the images directed to be destroyed, but his decision upon this point was overruled by the Judicial Committee of the Privy Council. Therefore, his opinion upon the collateral question of the authority of the Injunctions, though entitled to the most respectful attention, is not a binding decision upon your Lordship.

I propose, in the first instance, to call the attention of the Court to the provisions of the 31st Henry VIII., cap. 8, from which, in Sir John Dodson's opinion, the Injunctions of 1547 derived a statutable authority. It is commonly called "The Proclamation Act." It is an Act "That proclamations made by "the King should be obeyed and kept as though "they were made by Act of Parliament." This statute did not give the King any additional power for issuing a proclamation. Its only object was to provide by statute for the punishment of disobedience to Royal proclamations, which it assumed the King already had power to issue, especially in cases of emergency. The first section commences with a recital—perhaps as I have a full note of the parts of the statute I intend to rely upon, I will hand up the folio volume containing the statute to your Lordship.

(*The Dean of the Arches.*) If that is equally convenient to you I should like to see it.

(*Mr. Stephens.*) The first section, as your Lordship perceives, commences with a recital, that the King had issued proclamations which had been disobeyed, and that it was necessary the King should set forth proclamations, as cases of necessity should require; and that there should be a power for punishing disobedience to such proclamations. It then enacts, "That the "King, with the concurrence of certain members of "his council, may set forth the proclamations, and "that they shall be obeyed as though they were issued "by Parliament *for the time in them limited*,"—reserving to the King a dispensing power.

Respecting the words "for the time in them limited," they are susceptible of two observations,—first, that those proclamations are not to be of a permanent character, but merely temporary provisions for cases of emergency. Secondly, that it was essential for the validity of every proclamation, that the time during which the proclamation was to be in force, should be specified in the proclamation itself.

My first proposition is, that these proclamations were not of a permanent character, but merely temporary provisions for cases of emergency. My second proposition is, that it was essential for the validity of every proclamation that the time during which the

proclamation was to be in force should be specified in the proclamation itself.

The second section provides, "That no proclama- "tion shall interfere with any Acts, Common Laws, "standing at this present time in strength and force, "nor yet with any lawful or laudable customs of this "realm." Such language shows the retrospective character of this Act of Parliament, and perhaps that point may possibly have been overlooked by Sir John Dodson in the judgment, upon which my learned friends have relied.

The third section provides, that the sheriffs to whom the proclamations are sent under the great seal, shall proclaim them in a certain number of places within their district. Therefore, until these proclamations have been sent under the great seal, and proclaimed in a certain number of places within their districts, they are of no validity. And it may perhaps save your Lordship's time if, in the construction of these statutes, you will bear in remembrance all the learned arguments, and all the technical objections which my friends have had recourse to on the opposite side, as to the supposed construction of the penal character of Elizabeth's Act of Uniformity.

The fourth section provides, that "The offenders "against any such proclamation being tried and "convicted, before certain specified members of the "council, shall suffer the penalties, whether of fine "or imprisonment, specified in the proclamation." Therefore every proclamation, in order to satisfy the requirements of this statute, must specify the penalties to be inflicted on the offenders. And perhaps your Lordship will take a note of that point, because I shall raise an argument upon it with reference to the Injunctions.

(*The Dean of the Arches.*) I have already got a note of the former part.

(*Mr. Stephens.*) What I want your Lordship to take a note upon, is this fourth section. Every proclamation, in order to satisfy the requirements of this statute, must specify the penalties to be inflicted upon the offenders, instead of the punishments by fine and imprisonment, which the Council, under sec. 4 of 31st Henry VIII. cap. 8, were empowered to inflict. The Injunctions of 1547 only impose ecclesiastical punishments, which the Council had no power to inflict under the Proclamation Act; and those ecclesiastical punishments are to be inflicted by whom? Why, by the Ordinary, and not by the thirteen members of the King's Council.

(*The Dean of the Arches.*) There is not a word in this statute, that I can discover about ecclesiastical punishment. There is not a word about ecclesiastical laws, or about Ordinaries.

(*Mr. Stephens.*) Nothing about ecclesiastical punishments. This is a penal statute. All the observations which my friends have made about the penal character of Elizabeth's Act of Uniformity apply to this statute.

(*The Dean of the Arches.*) It does not seem to me to have any bearing upon ecclesiastical matters?

(*Mr. Stephens.*) Quite so; and if so, the Injunctions of 1547 are gone.

(*The Dean of the Arches.*) I am only speaking of them as they strike me at first sight.

(*Mr. Stephens.*) Quite so. When all the provisions of the Proclamation Act are considered, it will appear clear that they do not apply to ecclesiastical punishments. I am inclined to think Sir John Dodson did not read this statute.

(*The Dean of the Arches.*) I think he did.

(*Mr. Stephens.*) Then it is very astonishing he should have arrived at the conclusion he did.

(*The Dean of the Arches.*) You must not take me as expressing any opinion that is binding.

(*Mr. Stephens.*) Clearly not, my Lord. The only unfortunate person who says anything that is binding just now is myself. I will now refer your Lordship to 1 Cardwell's Documentary Annals, page 22. The Injunctions of 1547 (Edward VI.) conclude with the following passage:—"All which and singular "Injunctions the King's Majesty ministereth unto his "clergy and their successors, and to all other his "loving subjects: straightly charging and commanding "them to observe and keep the same upon pain of "deprivation, sequestration of fruits, of benefices, sus- "pension, excommunication, and such other coercion, "as to Ordinaries or other having ecclesiastical "jurisdiction, whom His Majesty hath appointed for "the due execution of the same."

How is it possible for any lawyer to contend, that with that clause these Injunctions were issued under this Proclamation Act?

(*The Dean of the Arches.*) You see, looking at Sir John Dodson's judgment now——

(*Mr. Stephens.*) I am going to read that judgment *in extenso*.

(*The Dean of the Arches.*) Then you will deal with how Bishop Gardiner dealt with them.

(*Mr. Stephens.*) I will deal with that, and I think I shall be able to show that his Lordship's views ought not to be relied upon.

(*The Dean of the Arches.*) It seems to have been argued that the Injunctions were dealt with at that time by Bonner, and that seems to argue that they did come under that statute.

(*Mr. Stephens.*) If your Lordship will allow me I will deal with that question at once. I will refer you to 5 Foxe's "Actes and Monuments," page 171. In the Injunctions issued by Cromwell, in 1538, the punishments for their infraction are substantially the same as those of 1547—namely, "upon pain of deprivation, "sequestration of your fruits, or such other coercion "as to the King or his Vice-gerent for the time being "shall be seen convenient."

Cromwell at this time was Vice-gerent to the King, for all his jurisdiction ecclesiastical, and styles himself as such at the commencement of these Injunctions of 1538. The session in which the Proclamation Act was passed commenced on the 28th April 1539. Therefore these Injunctions of Cromwell were not issued under the Proclamation Act, although they are substantially like the Injunctions of 1547, and inflict the like penalties for their violation.

(*The Dean of the Arches.*) The Injunctions of Cromwell could not have had any force by this statute?

(*Mr. Stephens.*) Clearly not. But the reason I use the argument is this, and it is a very remarkable fact, that there are the like penalties for the infraction of the Injunctions of 1538 as there are for the Injunctions of 1547. That is rather an important element in discussing the question as to whether these Injunctions were issued under this statute or not. I am now dealing with the fourth section. The accusation was to be within six months after the offence committed, and the conviction was to be within 18 months. That section also contains a proviso protecting every offender who does not live in a county in which such proclamation shall have been proclaimed within one year before. This proviso, coupled with the words, "for the time in "them limited" in the first section, proves that the proclamations to which this Act was intended to apply were merely temporary. Again, it appears from the preamble that the Legislature desired to provide for emergencies which required "a speedy remedy" . . . "without abiding for Parliament."

(*The Dean of the Arches.*) What section are you upon now?

(*Mr. Stephens.*) I am now arguing as to the effect of the fourth section, and I wish to ask your Lordship whether you attended to the words "for the time in "them limited?"

(*The Dean of the Arches.*) Yes.

(*Mr. Stephens.*) The fifth section merely describes the process against the offenders.

The sixth section relates to offenders leaving the country.

The seventh section applies to offenders concealing themselves.

The eighth section provides, "That during the "minority of King Henry's successor, all proclama- "tions that should be made and set forth in this

" realm should be set forth in the King's name, and " should bear underwritten the full names of those of " the Council who authorized the Proclamation." This section requires these Proclamations to be set forth with the " names of the Council underwritten." That is, copies which are to be sent to the sheriffs to be proclaimed, and which are, under section 3, to be set up in certain places within their districts, are to have underwritten the full names of such of the Council as authorized the proclamations. It would not be sufficient that a single copy of such a proclamation should be signed by the King and his councillors. The copies to be set forth must be so signed,—a fact which seems to have escaped the attention of Sir John Dodson.

Section 9 contains directions to the justices to whom any proclamations may be sent under this Act. The 10th section empowers the Councillors who adjudicate on offences under this proclamation to diminish the pecuniary penalties contained therein.

(*The Dean of the Arches.*) Perhaps that observation of mine with regard to there being no reference to anything ecclesiastical, was rather too broad, because I see the beginning of that statute is this: " Whereas " the King s most royall Majestie for diverse con- " siderations, by the advice of his counsell, hathe here- " tofore sett forth diverse and sondrie his Grace's " proclamacions, as well for and concerning diverse " and sondrie articles of Christ's religion." It seems to refer to the Articles upon that subject.

(*Mr. Stephens.*) Suppose it did, my Lord, this is a penal statute, and the directions of a penal statute must be strictly followed.

(*The Dean of the Arches.*) It does not affect that part of your argument?

(*Mr. Stephens.*) There is no power under that section to inflict ecclesiastical punishment, and in order to give effect to the Injunctions of 1547 the whole case falls to the ground, so far as regards the Proclamation Act of Henry VIII., unless it can be shown that there was a power to inflict ecclesiastical punishments.

I must now direct your Lordship's attention to the 34th and 35th Henry VIII., chapter 23. I do not think this statute will be found in the ordinary editions of the Statutes at Large.

After reciting the former Act of the 31st Henry VIII. that divers proclamations had been made under its provisions, and that proceedings against offenders had been taken: but that such proceedings had not been completed within the time limited by the Act, namely, 18 months from the commission of the offence, because there were not a sufficient number of members to constitute a court—Sir John Dodson, when commenting upon the proclamation stated erroneously (I say it with the deepest respect) that it does not appear that Henry VIII. issued any proclamations under this statute. And yet, my Lord, it is stated in the recital: " Since the " making of the said Act, the King's Highness, with " the advice of his Council, hath for the profit of this " realm caused divers goodly and proper proclamations " to be made, which divers wilfully disposed persons " have diversely broken."

(*The Dean of the Arches.*) That is the recital?

(*Mr. Stephens.*) The use I intend to make of the recital is to show that divers proclamations have been issued under that Act. Sir John Dodson says the contrary.

(*The Dean of the Arches.*) Certainly it recites them.

(*Mr. Stephens.*) The first statute then enacts that during the life of Henry VIII. the quorum for trying offences under the 31st Henry VIII., cap. 8., should be reduced from 13 to nine members.

(*The Dean of the Arches.*) It is all one section here. It is all put together, and then it concludes: " This " Act to endure during the King's Majesty's life, " which our Lord long preserve."

(*Mr. Stephens.*) Exactly so, my Lord, and therefore so far as that statute is concerned, when Henry VIII. died the Act was gone.

I will now direct your Lordship's attention to the observations of Dr. Lushington in Westerton and Liddell (Moore, page 34), upon the statute of 31 Henry VIII., cap. 8., and 35 Henry VIII., cap. 23. What does that learned judge say: " Statutes 31 Henry VIII., " cap. 8, and 35 Henry VIII., cap. 23, prescribe par- " ticular formalities according to which the powers " given by the Acts must be exercised. Certain In- " junctions were indeed issued by Edward VI., A.D. " 1547, but they are not found to have been issued in " pursuance of these statutes, or in virtue of them, " nor with the requisite formalities. Whoever should " affirm that these Injunctions ought to be received as " law must prove the affirmative—must establish their " titles so to be considered." How have the learned counsel on the opposite side established their case? Why by merely reading the judgment of Sir John Dodson, and not attempting to support that judgment by any argument or by reference to any statute or any case. And they had very good reasons for the course which they took; they knew that their case was utterly destitute of any foundation, and that they could not prove that the Injunctions of 1547 had any statutable authority.

I will now redeem the promise which I made to your Lordship of referring to the judgment of Sir John Dodson *in extenso*, which you will find reported in Moore, pages 96 to 102. The learned judge says, " By the statute 31 Henry VIII., c. 8, entitled " ' An Act that Proclamations made by the King " ' shall be obeyed and kept as though they were made " ' by Act of Parliament,' it is enacted in section 1, " that ' always the King for the time being with the " ' advice of his Honourable Council, whose names " ' hereafter follow, or with the advice of the more " ' part of them, may set forth at all times by the " ' authority of this Act his proclamations under such " ' penalties and pains and of such sort as his High- " ' ness and his said Honourable Council, or the " ' more part of them, shall deem necessary and " ' requisite; and that these same shall be observed " ' and kept as though they were made by Act of " ' Parliament, for the times in them limited, unless " ' the King's Highness dispense with them, or any " ' of them under his Great Seal.' The fourth section " of the same statute, setting forth before whom " offenders were to be convicted, contains the list of " officers referred to in the first section.

" These officers, at the head of whom stood the " Archbishop of Canterbury, consisted of twenty-five " persons, holding twenty-six offices among them; " and offenders were to be convicted before these, " or at least before one half their number. Another " section directed that such proclamations should be " posted up in market places. A further section " directed that these proclamations should not infringe " any existing law. This was a very curious pro- " vision, respecting which Bishop Burnet and other " writers observed that it contained very wide words, " and ended in giving large power to make interpre- " tations of the law. Section eight directs, that in " the event of the King's successor being a minor, " then ' all and singular proclamations which shall be " ' in anywise made and set forth into any part of " ' the realm or other the King's dominions, by virtue " ' of this Act within the aforesaid years of the said " ' next heir or successor, shall be set forth in the " ' successor's name then being King, and shall import " ' or bear underwritten the full name of such of the " ' King's Honourable Council then being as shall be " ' the devisors or setters forth of the same, which " ' shall be in this case the whole number afore re- " ' hearsed, or at least the more part of them, or else " ' the proclamation to be void and of none effect.' " By the 34th and 35th Henry VIII., c. 23, it was " enacted, that offenders against proclamations made " under the foregoing Act might be convicted before " nine of the King's Council. These Acts continued " in force until towards the end of 1547, when they " were repealed by the Parliament which met in " November of that year. It does not appear that " Henry VIII. issued any proclamations under the " above-mentioned Acts." [I have already shown to your Lordship, in the language of the statutes, that

that position cannot be supported, because the statute in question actually recites that proclamations were issued], "The Injunctions issued by him in 1536 "and in 1538, as well as 'The Institutions of a "Christian Man,' having been published before, "apparently under the authority given to the King "by the Act of Supremacy; 'The Erudition of a "Christian Man,' published in 1542, subsequently to "the first of these, does not assist in throwing any "light upon the question. Henry VIII. by his will "appointed sixteen guardians of his son, and twelve "Councillors, who held among them most if not all "the offices enumerated in the fourth section of the "31st Henry VIII., c. 8.

"The learned Judge of the Consistory Court, relying, it would seem, in part at least, on a passage "to be found in 'Collier's Ecclesiastical History,' was "of opinion that the Injunctions of Edward VI. had "no parliamentary authority. Reference is made in "the report of his judgment to the marginal note in "the 5th volume of Collier's work, p. 228; but on "examination of the text it will appear that Collier "was not stating his own view of the question, but "merely setting forth the reasons assigned by Bishop "Gardiner in his letter and elsewhere, for opposing "the Injunctions issued by the King. Gardiner seems "to have been almost the only person who disputed "the validity of these Injunctions at the time, and he "was thrown into prison in consequence. He afterwards, indeed, thought proper to retract, and wrote "a letter to the Protector in order to get released "from his confinement. The Protector, however, "for reasons best known to himself, thought it better "to keep him there until the session of Parliament "was over, as otherwise the bishop might have given "him some trouble. Nevertheless, Gardiner had "expressed his wish to retract his objection to the "Injunctions, and it was remarkable that Bishop "Bonner also never refused to acknowledge their "validity. In his letter to the Protector, Bishop "Gardiner alleged that the religion professed in the "late reign was established by law, and that although "the King's proclamation was to have the same force "as an Act of Parliament, yet that it was not to overrule any Act then in being; and that, moreover, the "Injunctions of King Edward had not been proclaimed "and published at the market places with the requisite "formalities.

"The learned Judge of the Consistory Court, "having mentioned the Acts 31st Henry VIII., c. 8, "and 35th Henry VIII., c. 23, and stated that they "prescribed particular formalities according to which "the powers given by them were to be exercised, "then observed that certain Injunctions were indeed "issued by Edward VI. in 1547, but they are not "found to have been issued in pursuance of those "statutes, or in virtue of them, nor with the requisite "formalities. Whosoever should affirm that these "Injunctions ought to be received as law must, he "says, prove the affirmative. This has not been "done, and the Court therefore has not the advantage "of any explanation from that source. Since the "decision of this case in the Consistory Court of "London I have been furnished with a copy of a pamphlet published by a learned barrister, Mr. Chambers. Speaking of the Injunctions issued in May, "1547, in the first year of King Edward's reign, he "states that the original of them exists in Corpus "Christi College, Cambridge, and that by the kindness "of Dr. Pulling, the present master, he had obtained "a fac-simile of the King's signature thereto. The "same kindness has been extended to me by Dr. "Pulling, and I find, as I had no doubt I should, "that the representation of Mr. Chambers that the "signature of King Edward VI. appears on the "first page in a large bold character, and the other "signatures (13 in number) at the end of the Injunctions, is perfectly correct. As to the preparation "and issue of the Injunctions of Edward VI., I find "from Burnet that by a patent, dated the 13th of "March 1547, the King appointed Somerset Protector, and all the former counsellors and executors, "with the exception of Southampton to form his "Council.

"They are all mentioned in the patent as follows:" [I will not trouble your Lordship with their names, for I do not think it is an important element. Then the judgment goes on] "Thus we have 11 or rather 12, "if both secretaries are to be counted, of officers "required under the Proclamation Act. The other "four signers may have held, and probably did hold, "some of the other offices; one of them may have been "Chancellor of the Duchy, or Under Treasurer of the "Exchequer, or one of the General Surveyors.

"It must be remembered that the constitution was at "that time in a very unsettled state. The King had "power under the Acts of Supremacy to reform "abuses, but how far that power extended was not "clearly ascertained. The Act giving to Proclamations the force of law seems to have been passed "with the view of determining what he could do." [Your Lordship has read the preamble of that statute, and you have gone through the statute. How far this judgment of Sir John Dodson can be supported is a question of course in the absolute discretion of your Lordship.] "But the Act itself, Gardiner said, caused "large words at the passing of it, and was open to "great doubts of construction;" (now mark what "he says about Burnet). Burnet says that the Act "gave great power to the judges, since there were such "restrictions in some branches of it which seemed to "lessen the great extent of the other parts of it, so "that the exposition of the law had much referred to "them. Upon that Act the great changes of religion "in the nonage of Edward VI. were grounded" [by that Act which your Lordship has been reading!] "Gardiner objected to the Injunctions that they were "invalid, as contradictory to the Acts of Henry VIII., "he also objected to them, that they had not been "posted up in market places as required. His objections, however, were overruled and the Injunctions "enforced."

My Lord, I have now read the entire of the judgment. I have already stated to your Lordship what the question was that Sir John Dodson had to decide, namely, whether a cross was illegal as being among the images directed to be destroyed by the Injunction of 1547; and I wish to press upon the attention of your Lordship that in the ultimate decision of this question you will not be overruling any judgment of Sir John Dodson by adopting the views which I have submitted to the Court; because the decision upon the point as to crosses was overruled by the Privy Council. Therefore, the opinion of Sir John Dodson upon the collateral question of the authority of the Injunctions, as I have said before, though entitled to the deepest respect from the position that he held, is not binding upon your Lordship. In point of fact it is no decision at all; it is a mere expression of opinion. Now what has Sir John Dodson done? He has relied exclusively upon two authorities which I have read to your Lordship. First Burnet's statement; secondly, the fact that a manuscript of the Injunctions in Corpus Christi Library, Cambridge, bears the original signatures of Edward VI., and 13 of his Council. It is upon these premises that Sir John Dodson's judgment has been given, and it is upon a judgment so given that my friends come into Court and say the Injunctions of 1547 are of statutable authority.

What are Burnet's representations? They are as follow:—I refer your Lordship to 1 Burnet's History of the Reformation, by Nares, page 424: "This "Act" (alluding to the Proclamation Act) "gave "great power to the judges, since there were such "restrictions in some branches of it, which seemed "to lessen the great extent of the other parts of it, "so that the expositors of the law had much referred "to them. Upon this Act were the great changes "of religion in the nonage of Edward VI. grounded." I now refer your Lordship to 2 Burnet, pages 40 and 41 of the same edition. "And in the Act of Parliament which he (that is, Henry VIII.) had procured

" for giving force and authority to his Proclamations, " a proviso was added that his son's Councillors, while " he should be under age, might set out proclamations " of the same authority with those which were made " by the King himself. This gave them a full power " to proceed in that work, in which they resolved to " follow the method begun by the late King of send- " ing visitors over England with Injunctions and " Articles."

Those are the representations of Burnet. I have now read *in extenso* the two statements to which Sir John Dodson referred, and your Lordship will find such statements are not only opposed to statements in Collier, but also to the accounts given by Foxe, by Fuller, and by Heylin. I refer your Lordship to 5 Collier's Ecclesiastical History (page 199 of the octavo edition, London), where it is said :—" Now we " do not find the Injunctions of Edward VI. were " either proclaimed in the manner above mentioned " or supported by any proclamation ? "

(*The Dean of the Arches.*) Is that Collier's own language, or is he reciting what Gardiner says ?

(*Mr. Stephens.*) He is giving Gardiner's reasons.

(*The Dean of the Arches.*) He is reciting what Gardiner said ?

(*Mr. Stephens.*) That is so.

In 5 Foxe's Actes and Monuments, page 706, it is said, " Forasmuch as at his first entry (notwithstand- " ing his father's good beginning, in abolishing the " usurped power of Antichrist), he yet found most of " his laws greatly repugning against this his zealous " enterprise ; he therefore proposed, by the advice of " his said wise and Honourable Council, and of his " own regal power and authority, somewhat to pro- " secute his godly purpose, until such time as by " consent of the whole estate of Parliament, he " might establish a more free, perfect, and uniform " order therein."

I now beg to refer your Lordship to 2 Fuller's Church History, page 304, section 3. The title is " Commissioners sent into several counties with in- structions to reform," &c. What is the form of words ? " By his own regal power and authority, and by the advice of his Council."

(*The Dean of the Arches.*) That would be by the authority inherent, or supposed to be inherent, in the Crown.

(*Mr. Stephens.*) Yes, whatever that may be.

(*The Dean of the Arches.*) Whatever that may be.

(*Mr. Stephens.*) But the value of the Injunctions of 1547 depends upon their being of statutable authority.

(*The Dean of the Arches.*) Unless there was a power in the Crown at that time to issue them with- out statutable authority ?

(*Mr. Stephens.*) That would not be a statutable authority ?

(*The Dean of the Arches.*) I say, unless there was a power in the Crown at that time to issue them without statutable authority.

(*Mr. Stephens.*) My contention before your Lord- ship is, that unless it can be clearly established that the Injunctions of 1547 were issued by statutable authority, they are null and void.

(*The Dean of the Arches.*) Yes, I understand you to say that.

(*Mr. Stephens.*) Suppose they were issued by the King by virtue of his prerogative, that would not be issuing them by statutable authority ; it would be by constitutional authority, but not by statutable autho- rity. To make use of a very forcible expression of Dr. Lushington, unless it can be clearly established that the Injunctions of 1547 are of statutable autho- rity, they are gone " root and branch."

(*The Dean of the Arches.*) Of course that must depend very much upon what authority the Crown had at that time.

(*Mr. Stephens.*) I am now assuming there was no statute upon the subject. I do not believe it is pre- tended (at least the opposite side have not attempted to say so) that they have any authority except under the Proclamation Act ; because they have relied upon the judgment of Sir John Dodson, and beyond that everything they have said or done has been " a dark " and dumb ceremony."

(*The Dean of the Arches.*) With the exception of Dr. Tristram, you know, who took another line ?

(*Mr. Stephens.*) I will come, my Lord, to my friend Dr. Tristram by-and-by—I am not forgetting him.

(*The Dean of the Arches.*) Before you leave this point you must deal with that.

(*Mr. Stephens.*) My Lord, I will do so presently ; but what I want to impress first upon your Lordship is this : supposing these Injunctions were issued by virtue of the mere prerogative of the Crown, they would not be in force by authority of Parliament. Authority of Parliament means by statute.

(*The Dean of the Arches.*) Certainly ; but the argument would then be that if the Crown had such authority at the time, they were valid at the time they were issued ?

(*Mr. Stephens.*) If the Crown had such authority at the time, they would be valid at the time they were issued, no doubt ; but it is not pretended, at least in Sir John Dodson's judgment, that they had any authority except under this Proclamation Act. If your Lordship could refer me to any other statute under which these Injunctions of 1547 could possibly have been issued, I will deal with it immediately.

(*The Dean of the Arches.*) Suppose the Crown could have such a power without statute ?

(*Mr. Stephens.*) That would not be sufficient— certainly not. The constitutional power of the Crown and the power of the Crown under statute are two distinct and different powers.

(*The Dean of the Arches.*) Unquestionably they are.

(*Mr. Stephens.*) Supposing these Injunctions did not receive validity——

(*The Dean of the Arches.*) At any rate they are powers derived from different sources.

(*Mr. Stephens.*) They are powers derived from different sources, the one being derived from a source other than that of an Act of Parliament.

(*The Dean of the Arches.*) The power of the Royal prerogative at that time was very doubtful indeed you know ?

(*Mr. Stephens.*) Very doubtful, my Lord.

(*The Dean of the Arches.*) It is very doubtful, I think, what exact authority the Crown had at that time in matters relating to the status and discipline of the Church.

(*Mr. Stephens.*) By virtue of the prerogative ?

(*The Dean of the Arches.*) I mean by virtue of the prerogative.

(*Mr. Stephens.*) But there is no doubt that would not be sufficient.

(*The Dean of the Arches.*) Great writers have thought so.

(*Mr. Stephens.*) But that would not be sufficient, as my learned friend reminds me, with regard to the Rubric upon ornaments.

(*The Dean of the Arches.*) No, certainly not as to the Ornaments Rubric, because that says " by authority of Parliament."

(*Mr. Stephens.*) If so, what becomes of the Royal prerogative ? What the opposite side has to establish is this, that the Injunctions of 1547 were in force by authority of Parliament—no matter what the power of the Crown may have been by virtue of the prero- gative, still that would not be a power by authority of Parliament. Your Lordship will find it stated in 1 Heylin's History of the Reformation, page 68, that the Injunctions were issued by the King's authority.

(*The Dean of the Arches.*) That would be his prerogative authority.

(*Mr. Stephens.*) Precisely. I have now come to the second point which I have to discuss with regard to Burnet.

(*The Dean of the Arches.*) You say that Burnet is inaccurate—is that your position ?

(*Mr. Stephens.*) The passages in Burnet upon which Sir John Dodson relied, are inaccurate. First, the learned judge is inaccurate upon his construction of the statute, and secondly, upon the authorities that he cited.

The fact that a manuscript referred to bears the signature of Edward VI. and 13 of his Councillors is not satisfactory evidence of the Injunctions having been issued under the Proclamation Act. How does it prove that they were issued under the Proclamation Act? The 7th section of the Proclamation Act is not satisfied by a single copy of the Proclamation having been signed by the Councillors. What does that section mean? It means that the copies sent to the sheriff to be proclaimed are to be set up in certain places within their districts and are to have the names of the Councillors underwritten. The printed copies of the Injunctions which were circulated throughout the country had no signatures to them. My friendshave not attempted to produce one that has. Therefore, supposing these Injunctions had been issued, unless they had complied with the provisions of the Act of Parliament in that particular, namely, with the names of the Councillors underwritten, they would have been invalid; and no punishment could have been inflicted upon offenders against them.

This case hangs upon this old manuscript at Cambridge; that is the whole case. There are no signatures to the Injunctions in Sparrow nor in Cardwell that I can find. My friend Mr. Droop has been to the British Museum; he has seen two copies there, and neither of them have signatures. If there had been one with signatures at the British Museum, at Oxford, or at Cambridge, it would have been produced.

The 3rd section of the Proclamation Act required that proclamations should be sent to the sheriffs under the Great Seal and proclaimed. The Injunctions in Corpus Christi library are not stated to have the Great Seal upon them; Sir John Dodson does not say so; there is no evidence that they were ever sent to the sheriffs or that they were proclaimed. On the contrary, Foxe, Fuller, and Heylin all state, that they were delivered to Commissioners appointed to visit the several dioceses. In 5 Foxe's Actes and Monuments, page 706, it is stated, dealing with the Ecclesiastical Injunctions of 1547, "There were, "delivered unto them certain Injunctions and Ec- "clesiastical Orders drawn out by the learned "King's Council which they should both inquire of "and also command on His Majesty's behalf to be "thenceforth observed of every person to whom "they did severally appertain within their sundry "circuits." Again, in 2 Fuller's Church History, page 304, "The King chose Commissioners and sent "them with instructions into several parts of the "kingdom." I assume the date to be 1546–47. In 1 Heylin's History of the Reformation, pages 68 to 84 of the Ecclesiastical Society's edition, "This was to "be done by sending out Commissioners into all parts "of the kingdom armed with instructions to inquire "into all ecclesiastical concernments."

The account that Sir John Dodson gives of these manuscript Injunctions in Corpus Christi library is quite consistent with their having been merely draft Injunctions which the King and Council had agreed to issue; the signatures of the King and his Councillors being merely introduced to show that they were not opposed to the draft. Sir John Dodson again does not appear from his judgment to have seen the original manuscript or even a complete copy of it, but merely a *fac simile* copy of the signatures. Your Lordship will bear in mind that in his judgment it is the signatures which he deals with and not the body of the document.

If the Injunctions of 1547 had been issued under the Proclamation Act they would have lost their statutable authority upon the repeal of that Act. I must now ask your Lordship to turn to the 1st Edward VI., cap. 12, section 4, you will not find it except in the folio edition. The session began on the 4th November 1547, and ended upon the 24th December of the same year. That statute repealed the 31st Henry VIII., cap. 8, and the 34 & 35 Henry VIII., cap. 23.

(*The Dean of the Arches.*) I may take this as a fact that on the 5th November 1547 the statutes 31st Henry VIII., cap. 8, and 34 & 35 Henry VIII., cap. 23. were repealed.

(*Mr. Stephens.*) Yes, my Lord, it says so here.

(*The Dean of the Arches.*) Well, what was the effect of that?

(*Mr. Stephens.*) The effect was to take away from any Proclamation that had been issued under the repealed statutes any authority or effect that they might have derived from having been made under such statutes.

(*The Dean of the Arches.*) To invalidate them retrospectively?

(*Mr. Stephens.*) To invalidate them.

(*The Dean of the Arches.*) Retrospectively?

(*Mr. Stephens.*) Retrospectively. Has your Lordship got my proposition down?

(*The Dean of the Arches.*) I think I have, quite accurately.

(*Mr. Stephens.*) Before I refer to the decisions of the common law courts in support of that proposition, I will, with your Lordship's permission, direct your attention to an article which has been written upon "Ritualism and the Ecclesiastical Law," by Mr. Benjamin Shaw, a member of the profession and a gentleman of deep learning upon these subjects.

(*The Dean of the Arches.*) Is it a pamphlet?

(*Mr. Stephens.*) It is published in the Contemporary Review, January 1866. The reason I read it, is, because I have not seen the point so well put by any writer as it has been put by Mr. Shaw. I refer your Lordship to page 23 of the pamphlet: "The Injunc- "tions were put forth in the summer of 1547, and in "the ensuing winter was passed the statute 1 Edw. "VI., c. 12, which repealed the Acts in question, "declaring that the Act 'made in the Parliament "'holden at Westminster in the thirty-first year of the "'late King Henry VIII., that proclamations made "'by the King's Highness, by the advice of his "'Honourable Council, should be obeyed and kept "'as though they were made by authority of Par- "'liament; and also one other Act, made in the "'Parliament holden in the thirty-fourth year of the "'reign of the said late King Henry VIII., for the "'due execution of the said proclamations, and also "'all and every branch, articles, and matters in the "'same statutes, and in every of them, mentioned "'or declared, shall from henceforth be repealed and "'utterly made void and of no effect."' That is the language of the statute. Then Mr. Shaw observes, "It is a well-settled principle of law that any obli- "gation flowing from a statute either mediately or "immediately (that is from some rule or order made "in pursuance of powers granted in a statute) "becomes null and void as soon as the statute is "repealed." He then quotes, in support of that position, a number of authorities.

(*The Dean of the Arches.*) He does not mean to assert that the acts done while it is in force were invalid?

(*Mr. Stephens.*) No, my Lord, not while it was in force, certainly not.

(*The Dean of the Arches.*) Supposing these Injunctions of 1547 had been issued under the Proclamation Acts, and that the Proclamation Acts were repealed?

(*Mr. Stephens.*) Then I should respectfully contend that the Injunctions were gone; and I will presently prove it upon the authority of decisions by the common law courts.

(*The Dean of the Arches.*) Gone for the future?

(*Mr. Stephens.*) Gone for the future.

(*The Dean of the Arches.*) Yes.

(*Mr. Stephens.*) Anything that has been done under those Injunctions during the time that the statute was in force would be good.

(*The Dean of the Arches.*) Just so. Then comes in the consideration of the Rubric, which says that what was by the authority of Parliament in the second year of Edward VI. shall be retained and had in use.

(*Mr. Stephens.*) Yes, but it has not been established that they were in force by authority of Parliament in the second year of Edward VI.

(*The Dean of the Arches.*) I mean to say you are arguing on the assumption now that they were.

(*Mr. Stephens.*) Precisely.

(*The Dean of the Arches.*) Of course if the Injunctions derive their authority by statute, and the statute which gave them authority has been repealed, in future they cannot be issued.

(*Mr. Stephens.*) Clearly not. The article proceeds: "To take a recent instance, the Acts in relation to "friendly societies gave those bodies power to make "rules for their own government, and declared that "when duly made and certified by a barrister "appointed for that purpose, they should be binding "on the members of such societies. By 13 & 14 "Vict. c. 115., the law concerning friendly societies "was modified, and the previous Acts repealed. "But in order to prevent rules already made under "those Acts from becoming void, which would neces-"sarily have ensued, and would have been incon-"venient, the Act contained an express clause 'that "'such repeal shall not invalidate or affect anything "'which has been done before the passing of this "'Act in pursuance of any of the said Acts.' The "Injunction, therefore, cannot be considered as "having any Parliamentary authority in the second "year of King Edward. Consequently, it cannot "be referred to under these terms in the Rubric, "and its bearing on the matter is thus disposed of."

In Dwarris's Statutes, page 528, it is laid down that "no proceedings can be pursued under a repealed "statute, though commenced before the repeal, unless "by special exception." In fact, my Lord, after the repeal of an Act nothing can continue to be done under its authority unless by virtue of some special saving clause to that effect.

In Kay *v.* Goodwin, 6 Bingham, page 582, Chief Justice Tindal says: "I take the effect of a repealing "statute to be to obliterate it as completely from the "records of Parliament as if it had never passed; "and it must be considered as a law, that never "existed, except for the purpose of those actions "which were commenced, prosecuted, and concluded "whilst it was an existing law."

In Steavenson *v.* Oliver, 8th Meeson and Welsby, page 234, the Act of 6th George IV., cap. 103, declared that every surgeon in the navy should be entitled to practise as an apothecary without undergoing the ordinary examination for that purpose. This Act, however, was *temporary* only and the question was raised, whether a man who had been a navy surgeon while the Act was in force, continued to be entitled to the privilege after it had expired. Baron Parke says: "There is a difference between "temporary statutes and statutes which are repealed. "The latter, except as far as they relate to trans-"actions already completed under them, become as if "they had never existed; but with reference to the "former, the duration of the provisions is matter of "construction." Upon the ground of this distinction the right was held to remain. Had the Act been repealed, the right given by it would have ceased. So here, my Lord, the Proclamations issued under the Proclamation Acts ceased to have Parliamentary authority after the passing of the 1st Edward VI., cap. 12.

There are several other cases upon that point as to the construction of statutes to which I will give your Lordship a reference, viz., The Queen *v.* Inhabitants of Mawgan, 8 Adolphus and Ellis, page 496, and The Queen *v.* The Inhabitants of Denton, 18 Queen's Bench, page 761. I think your Lordship will find all the law applicable to this question in those cases.

I now come to the time of Queen Mary. The Injunctions of 1547 were not expressly repealed in Queen Mary's reign, as the Statutes of Uniformity and other Acts of Parliament relating to religion were; but they were altogether disregarded. The only apparent reason that can be assigned for such an omission is this—that the Injunctions of 1547 were not regarded as legislative enactments. Dr. Lushington in Westerton and Liddell, Moore, 65, says:—"The "Injunction of 1547 is not entitled to the force of an "Act of Parliament, nor proved to be issued under "any such authority; but the Injunction is strong "and undeniable proof of what in the early times of "the Reformation was deemed right on this subject "and sanctioned by royal authority. There can be "no doubt also, that this Injunction was accepted and "acted upon by Archbishop Cranmer. It is equally "clear, however, that this use of candles is not ex-"pressly authorized by the 2nd and 3rd of Edward "VI., nor by the first Book of Common Prayer. Sub-"sequently, as the Reformation grew in strength, and "approached its present proportions, the setting lights "on the communion table was expressly prohibited, "and no other ceremonies were to be used than those "appointed in the King's Book of Common Prayer."

(*The Dean of the Arches.*) What authority had those articles? "This appears," he says, "from the "Visitation Articles moved by Royal authority shortly "after the first Book of Common Prayer."

(*Mr. Stephens.*) The best answer I can make to your Lordship is what you stated to me just now—that the Royal authority was involved in a considerable amount of obscurity at that period of our history.

(*The Dean of the Arches.*) You see, Dr. Lushington there treated the royal authority of Edward VI. as nothing, and the royal authority of Elizabeth as everything.

(*Mr. Stephens.*) Well, my Lord, it is not for me to comment upon any observations which the learned judge made upon that subject.

(*The Dean of the Arches.*) Before you sit down will you give me a little assistance upon this point. The Prayer Book of Edward VI. refers to Injunctions. I want some assistance upon the question as to what effect that may have.

(*Mr. Stephens.*) I am going to deal with that subject, my Lord; it has not escaped my attention.

I will now conclude my observations upon this branch of the case, namely, the effect of this Proclamation Act, by laying down four propositions to your Lordship.

First, if these Injunctions were issued under the Proclamation Acts, nevertheless, upon the repeal of those Acts in November 1547, they were not in force by the authority of Parliament in the second year of Edward VI.

Secondly, if they were intended to be issued under the Proclamation Acts of Henry VIII., they were not issued in accordance with their provisions; (1) there is no time limited during which the Injunctions were to continue in force; (2) because the copies of those Injunctions which were printed and circulated were not signed by 13 members of the King's Council, as required by 31 Henry VIII., cap. 8., and there is no evidence of their having been proclaimed in accordance with the 3rd section of that statute.

Thirdly, that instead of the punishment by fine and imprisonment which the Council under section 4 of 31 Henry VIII., cap. 8., were empowered to inflict, the Injunctions of 1547 only threaten *ecclesiastical punishments*, which the Council had no power to inflict under the Proclamation Act; and those ecclesiastical punishments are to be inflicted by the ordinary, and not by the 13 members of the King's Council.

Fourthly, it appears from the earliest historia of the Reformation, Foxe, Fuller, and Heylin, that t Injunctions were not issued under the Proclamati Act, but by virtue of the King's supremacy.

I am now going to another branch of the subject, and one to which your Lordship has directed my attention. My learned friends appear also to rely, with

reference to the authority of the Injunctions, upon the following Rubric in Edward I.'s Prayer Book, which is to be found at the end of the Communion Service in that book: "Upon Wednesdays and Fridays "the English Litany shall be said or sung in all "places, after such form as is appointed by the King's "Majesty's Injunctions, or as is or shall be otherwise "appointed by His Highness."

It has been argued that this recognition of the Injunctions gave them Parliamentary authority, the Prayer Book being put forth under the Act of the 2nd and 3rd Edward VI., cap. 1.; consequently, it is said, that the altar lights sanctioned by another of the same set of Injunctions, must have been in the Church of England by authority of Parliament in the second year of King Edward VI. I believe that was the contention on the opposite side.

The question seems to be this: Does a reference to a particular Injunction legalize the whole set of Injunctions of which it is one? It becomes expedient to test this proposition by analogous cases. It is said in the Prayer Book of Charles II., in the Rubric at the commencement of the Communion Service, that in particular cases there specified "the "Ordinary shall proceed against the offending person "according to the canon." This reference is to the 26th, 27th, and 109th canons of the canons of 1603. Will it be contended that this sanction so given to one canon gives Parliamentary authority to the whole mass of those canons?

Such a proposition would be in direct opposition to the case of Middleton and Crofts (2 Atkins, 668), where it was held that the canons of 1603 do not bind the laity—for if they have the authority of Parliament, the whole realm must be bound by them. If the proposition contended for by my learned friends be correct, it is a little remarkable, that in Middleton and Crofts it never occurred to the court or to the counsel that there was a very short and conclusive ground of decision, inasmuch as the reference to one canon in the Prayer Book must have legalized all. That would be the result of upholding the contention of mylearned friends.

Now let me direct your Lordship's attention to Articles XI. and XXXV. The Homily on Justification is referred to as "more largely expressing" the true doctrine, and the homilies are also confirmed by Article XXXV. Either every part of every homily, according to the principle laid down by my learned friend, acquires statutable authority, and therefore *inter alia*, the one that alleges that it has always been held *folly to light a candle in the daytime;* or, else it must be admitted, that citations of and references to particular clauses do not legalize every single thing in the same collection.

Article XXXVII. cites the Injunctions of Elizabeth. Does that render all those Injunctions of Elizabeth statutable and in force at the present moment? Let us see what would be the result of these Injunctions of Elizabeth having statutable authority. The 29th Injunction of Elizabeth, which will be found in 1 Cardwell's Documentary Annals, page 224, is in the following language:—"That no manner of priest or "deacon shall hereafter take to his wife any manner "of woman, without the advice and allowance first "had upon good examination by the bishop of the "same diocese and two justices of the peace of the "same shire, dwelling next to the place where the "same woman hath made her most abode before "her marriage." Has this Injunction statutable authority?

The Rubric in question, so far from giving statutable authority to the King's Injunctions, furnishes, I respectfully submit to your Lordship, good evidence that they depended solely upon the King's authority, and might be varied or revoked at any time by the King. In Edward's first book (Liturgies, 197), the Litany is to be "said or sung in all places, after such form "as is appointed by the King's Majesty's Injunctions, "or, as is or shall be hereafter appointed by His Highness." What does that prove? That the provisions of these Injunctions as to the Litany, might be varied by the King whenever he thought proper, which is inconsistent with their having legislative authority.

The Injunctions of Edward VI. as regards matters of Divine service were intended to be temporary and to prevail only until otherwise ordered by the King's authority. The 19th Injunction says, "That no "person shall from henceforth alter or change the "order or manner of any fasting day that is com-"manded, nor of Common Prayer or divine service, "otherwise than is specified in these Injunctions, "until such time as the same shall be otherwise "ordered and transposed by the King's authority." —1 Cardwell's Documentary Annals, page 13. Again, at page 16, "The parsons shall instruct and teach "in their cures that no man ought obstinately and "maliciously to break and violate the laudable cere-"monies of the Church by the King commanded to "be observed, and as yet not abrogated."

I will now deal with my learned friend, Dr. Tristram. It is evident that the opposite side are not a "happy and united family," for he seems to have taken a view in direct opposition to that of his two learned leaders. Dr. Tristram has suggested, instead of the Injunctions of 1547 having been issued under the Proclamation Act, as his two learned leaders contended, that they were issued under the Supremacy Act, 26th Henry VIII., cap. 1. This Act declared the King to be the supreme head of the Church, and enacted that he and his successors should have "full "power and authority from time to time to visit, "repress, redress, reform, order, correct, restrain, "and amend all such errors, heresies, abuses, offen-"ces, contempts, and enormities, whatsoever they "be, which by any manner, spiritual authority, or "jurisdiction ought or may lawfully be reformed, "repressed, ordered, redressed, corrected, restrained, "or amended." Thus far my learned friend Dr. Tristram's view of the origin of the Injunctions agrees with what I intended myself to submit to your Lordship.

(*Dr. Tristram.*) I will ask your Lordship to be kind enough to read No. 2.

(*The Dean of the Arches.*) What is that?

(*Dr. Tristram.*) "Shall have and enjoy annexed "and united to the Imperial Crown of this realm as "well as the title and style thereof as all honours, "dignities, pre-eminences, jurisdictions, privileges, "authorities, immunities, profits, and commodities to "the said dignity of supreme head of the same Church "belonging and appertaining."

(*Mr. Stephens.*) Very well, my Lord, that has left the case just where it was.

(*Dr. Tristram.*) One oft hose privileges might have been the privilege of issuing Injunctions.

(*Mr. Stephens.*) But I do not admit that the Injunctions of 1547 ever had statutable authority. The statute 26 Henry VIII., cap. 1, was repealed at the end of Mary's reign by 1 & 2 Philip and Mary, cap. 8, and has not been revived.

(*Dr. Tristram.*) I differ from my learned friend, because I think your Lordship will find it was revived by 1st Elizabeth, cap. 1, and I shall also refer my learned friend to 5th Elizabeth, cap. 1.

(*Mr. Stephens.*) The 18th section, 1st Elizabeth, cap. 1, however, gave the Queen powers quite as extensive as were granted by the 26th of Henry VIII., cap. 1—"And that your Highness, your heirs and "successors, Kings or Queens of this realm, shall "have full power and authority, by virtue of this Act, "by letters patents under the Great Seal, to assign, "name, and authorize, when and as often as your "Highness, your heirs or successors, shall think "meet and convenient, and for such and so long "time as shall please your Highness, your heirs or "successors, such person or persons being natural "born subjects to your Highness, your heirs or suc-"cessors, as your Majesty, your heirs or successors

" shall think meet to exercise, use, occupy, and " execute, under your Highness, your heirs and suc- " cessors, all manner of jurisdictions, privileges and " pre-eminences in any wise touching or concerning " any spiritual or ecclesiastical jurisdiction within " these your realms of England and Ireland, or any " other your Highness's dominions and countries; and " to visit, reform, redress, order, correct, and amend " all such errors, heresies, schisms, abuses, offences, " contempts, and enormities whatsoever, which by " any manner of spiritual or ecclesiastical power, " authority, or jurisdiction can or may lawfully be " reformed, ordered, redressed, corrected, restrained, " or amended." Then there is the 17th section, which I should not have troubled your Lordship with, had it not been for the very kind interruption of my learned friend Dr. Tristram, for which I am indebted to him—" And that also it may likewise please your " Highness that it may be established and enacted by " the authority aforesaid, that such jurisdictions, " privileges, superiorities, and pre-eminences, spiritual " and ecclesiastical, as by any spiritual or ecclesiasctial " power or authority hath heretofore been, or may " lawfully be exercised or used for the visitation of " the ecclesiastical state and persons, and for refor- " mation, order, and correction of the same, and of " all manner of errors, heresies, schisms, abuses, offen- " ces, contempts, and enormities, shall for ever, by " authority of this present Parliament, be united " and annexed to the Imperial Crown of this realm."

If the Injunctions of 1547 were merely royal Injunctions, without any statutable authority except what they derived from the Supremacy Act, the Injunction as to lights is clearly not now in force. Elizabeth's Injunctions were also royal Injunctions, and at least have as much parliamentary authority as the Injunctions of 1547, and the 23rd of Elizabeth's Injunctions directed all candlesticks to be destroyed. Therefore, the Injunction of 1547, as to the two lights before the Sacrament, if not previously repealed and superseded, was repealed by this Injunction of Elizabeth. Moreover, if the two lights before the Sacrament were used at Mass, as has been contended by the learned counsel on the opposite side,—the Injunction of 1547 relating to those lights was a law relating to the service, and therefore this Injunction was repealed by the 27th section of the 1st of Elizabeth, cap. 2.

I will now pass on to another part of this argument.

(*The Dean of the Arches.*) I want to make one observation before you do so. As far as the Judicial Committee of the Privy Council is concerned, they do not seem to have treated those Acts of Parliament which Sir John Dodson relied upon as not being in force. At page 161 they say " The next question " is are crosses forbidden under the term ' images ' in " the Injunctions, and Act of Parliament relied on by " Sir John Dodson." Then they go into a long discussion; but there is no suggestion in their decision that the Act of Parliament did not authorize the Injunctions.

(*Mr. Stephens.*) Which Act of Parliament?

(*The Dean of the Arches.*) The Proclamation Act I am speaking of.

(*Mr. Stephens.*) I do not think it was discussed either by your Lordship or the other counsel.

(*The Dean of the Arches.*) No, it appears to me (and it is a curious thing), when speaking of the Injunctions in the Act of Parliament, they do not say the Act of Parliament could not have authorized those Injunctions; they rather treat it as if it had.

(*Mr. Stephens.*) That question, your Lordship is aware, was not discussed before them. They would not allow me to discuss it.

(*The Dean of the Arches.*) Very well; you were going on to another point.

(*Mr. Stephens.*) Assuming the Injunctions of 1547 were in force by the authority of Parliament in the second year of Edward VI. (which they were not), the whole object of the Injunctions as to the two lights upon the high altar before the Sacrament failed, (1) when the Church ceased to reserve the consecrated elements; and (2) when the doctrine of transubstantiation ceased to be taught by the Church. The language of the Injunction is—I am reading from the 7th page of 1 Cardwell's Documentary Annals—Ecclesiastical persons " shall suffer from henceforth no " torches nor candles, tapers, or images of wax to be " set afore any image or picture, but only two lights " upon the high altar before the Sacrament, which, for " the signification that Christ is the very true light of " the world, they shall suffer to remain still."

This language should be carefully considered. It is not " two lights upon the altar," it is " two lights upon the high altar before the Sacrament;" it is two lights, with the condition " *before* the Sacrament." The lights depended upon the presence of the Sacrament, and the presence of the Sacrament depended upon reservation. So when reservation was abolished, (as it practically was by Edward's first book,) and the Sacrament in consequence was not present, the lights were *ipso facto* abolished.

This Injunction attaches to the two lights a signification that Christ is the very Light of the World —meaning that the Christ which was believed to be present in the reserved Sacrament was the true Light of the World. But it is only with the Sacrament upon the altar, and in front of the Sacrament there, that the lights have that signification assigned to them. It does not assign any signification to them in any other relation, or under any other circumstances. The Injunction connects the lights with the Sacrament; in that connection it appropriates a signification to them, and for that signification it allowed them. The signification depends upon the connection, and if the connection be wanting the signification is gone.

Therefore, I submit if this Injunction of 1547 was in force by statutable authority, which I shall respectfully contend it was not, still it would now cease, because the object for putting those two lights upon the altar before the Sacrament had ceased to exist, when the reserved Sacrament was done away with.

The lights were likewise accessories to the " altar," and when the " altar " was abolished, the accessories ceased to exist.

Adjourned till to-morrow.

TWELFTH DAY.

Saturday, January 18th, 1868.

(*Mr. Prideaux.*) Perhaps before my learned friend begins I may just call your Lordship's attention to one circumstance—I do not think my friend can know it—and that is, that the 1st Edward VI., cap 12, sections 1 and 3 to 11 (your Lordship will remember it is the fourth my friend has relied upon) are repealed by one of the Statute Law repealing statutes. I think it right to mention that; it is the 26th and 27th Victoria, c. 112. I merely mention the circumstance to avoid any misunderstanding upon that subject.

(*The Dean of the Arches.*) What sections do you say are repealed?

(*Mr. Prideaux.*) Certain sections of the 1st Edward VI., and, among them, the section which my friend relied upon.

(*The Dean of the Arches.*) He relied upon sec. 4?

(*Mr. Prideaux.*) Yes.

(*The Dean of the Arches.*) And that you say is repealed?

(*Mr. Prideaux.*) Section 1 and then 3 to 11 inclusive. It is section 4 that my friend has relied upon.

(*The Dean of the Arches.*) It may be very important. Sections 1 and 3 to 11 repealed.

(*Mr. Prideaux.*) Yes, my Lord, and some subsequent sections which I do not think are material to this matter. It is enough to say that the section which my friend relies upon is repealed by the 26th and 27th Victoria.

(*Mr. Stephens.*) My Lord, I have not had an opportunity of referring to the statute to which my friend has called your attention, but the question is, what was the law at the time of the passing of the Act of 1662, and likewise at the enactment of the first Prayer Book of Edward VI. I have nothing to do with anything since. The argument of my friend of course has come upon me by surprise.

(*The Dean of the Arches.*) Yes; of course you will have an opportunity of considering it and discussing it in Flamank *v.* Simpson.

(*Mr. Stephens.*) If it be worth the trouble I will do so.

(*The Dean of the Arches.*) I mean you will have an opportunity of doing so. I understand your position to be that even assuming Mr. Prideaux is accurate, and I daresay he is——

(*Mr. Stephens.*) I have no doubt he is.

(*The Dean of the Arches.*) That it would not affect your argument, because your argument is, that when the Rubric of Charles II. was passed, at all events that section was not repealed.

(*Mr. Stephens.*) Precisely. It comes exactly within the principle laid down in the case which I cited yesterday. Have you, Mr. Prideaux, anything more to suggest?

(*Mr. Prideaux.*) No, I thought it due to you and to the Court to mention that.

(*Mr. Stephens.*) My Lord, before resuming my argument, will you allow me to return to you the articles in the office of the judge promoted by Newbery *v.* Goodwin, for the perusal of which I am deeply indebted to your Lordship. Your Lordship will also allow me to hand up a work which I cited yesterday. "Ritualism and the Ecclesiastical Law, by Benjamin Shaw." I did not fully discuss its valuable matter, because I was anxious, as far as possible, to save your Lordship's time. I have shown it to Mr. Prideaux.

(*Mr. Prideaux.*) Yes; Mr. Shaw was kind enough to send me copies of both numbers, and I am quite content that his Lordship should have it. Probably, if I think it worth while, your Lordship will allow me to hand up also the answers which have been published to those articles?

(*The Dean of the Arches.*) Yes.

(*Mr. Stephens.*) My friend can, so far as I am concerned, hand in as many answers as he thinks proper.

I will now, with your Lordship's permission, make a few observations upon the subject of lights generally. With reference to lighted candles during the Communion Service, when not required for light, the case stands thus:—First, neither candlesticks nor candles are mentioned as ornaments or otherwise in the Prayer Books of Edward VI., Elizabeth, and Charles II.; secondly, there are no directions in any of such Prayer Books for the ceremony of lighting and burning candles during the Communion Service for a symbolical object; and thirdly, except for the purpose of giving light, candles are not required in the performance of the service prescribed by any such Prayer Book.

My learned friend, Mr. Prideaux, has laboured to show that neither lights at the Holy Communion nor incense are in any way connected with false or Popish doctrine. I might safely take my friend at his word. Let me, for the sake of argument, assume that both of these practices were not only originally free from objection but laudable—that "they were of Godly intent and purpose devised;" still the question is, whether the law allows them? I contend that it does not. They have been "cut away and clean rejected" for one or other of the reasons mentioned in the preface to our Book of Common Prayer "concerning ceremonies." Let my friends select which of these reasons suits them best—I am not concerned in making such selection; it is enough for me and it will be enough for the Court, that the law "clean rejects them."

Now let us see what the objects of these lighted candles are, according to the view of my learned friend, Mr. Prideaux. For that purpose I will refer your Lordship to a book that has been already submitted to your attention, and with reference to which I have no doubt the opinions of my friend and myself are unfortunately diametrically opposed. I regard this work as one of the most mischievous and dangerous works that has ever been issued against the Established Church; I refer to the book entitled "The Church and the World," at page 345——

(*Mr. Prideaux.*) Which volume?

(*Mr. Stephens.*) When I cite "The Church and the World," I do not mean "The Church and the World 1867."

(*Mr. Prideaux.*) Precisely; I did not understand that until you told me.

(*Mr. Stephens.*) This article is entitled "On the Eucharistic Sacrifice," and it is written, I am sorry to say, by the Rev. P. Goldsmith Medd, M.A., Fellow and Tutor of University College, and Curate of S. John the Baptist, Oxford. Now, what does this clergyman—a minister in our Church— say?: "Cer-
"tainly, it is not to suit any such view, which no
"man, at any rate within our own Church, holds,
"that the restoration of lights, vestments, and incense
"(things which, on the Bishop of Ely's theory, the
"Church, when she reformed herself, ought solemnly
"and expressly to have forbidden) is desired by those
"amongst us by whom it is desired. The doctrines
"involved in the pious endeavour to pay the full
"honour which the Church, when her own voice
"(distinct enough as regards the lights and the vest-
"ments at least) can be heard above the confused

" noise of the various claimants to represent her, " expressly commands to be paid to the one great " ordinance of worship which is of Christ's own " institution are at bottom." "1. That of the Real " Presence—the doctrine that the body and blood of " Christ are 'verily and indeed taken and received,' " are, 'after an heavenly and spiritual manner, given " taken, and eaten,' in the Sacrament of the Lord's " Supper, and that where His Body and Blood are " there is He—there, as wherever else He is, with " profoundest homage to be adored."

I shall now refer the point to another publication, which I believe is out of print. It is a work upon the use of lights on the communion table in the daytime, by the Rev. A. P. Percival, of All Souls College, Oxford, late chaplain to the Queen. It is the second edition that I am reading from.

(*The Dean of the Arches.*) Who published it?

(*Mr. Stephens.*) Rivingtons, in 1851. I believe it is out of print, but your Lordship, of course, is welcome to my copy.

(*The Dean of the Arches.*) I can get it from Rivingtons, I dare say.

(*Mr. Stephens.*) Now what does this learned divine say,—for he was a very learned divine, as your Lordship knows?

(*The Dean of the Arches.*) Certainly; he was a divine of very great erudition.

(*Mr. Stephens.*) He was a private friend of my own, and I appreciated his erudition. Now what did he write upon this question of lighted candles?—" A " Gentile custom, introduced into the Christian Church " without ecclesiastical authority, by weak individual " Gentile converts, who transferred to the tombs of " the Martyrs this rite of idol worship—so it was re- " garded by its defender at the commencement of the " fifth century, who rejected as a calumny the imputa- " tion of such a practice against the Church at large. " By the tenth century, that which had been practised " at the tombs of the Martyrs had been transferred " to the holy table at the most sacred rites; no longer " by permission but by Injunction, that is to say, no " fixed lights upon the altar, but lights held in the " hands of the acolytes during consecration. In the " 15th century that which Jerome repudiated as a " calumny had got to be esteemed so essential, that a " priest who consecrated the Eucharist without it was " considered to have incurred a grievous sin. By " the 16th, as appears by Edward VI. Injunctions, it " had got one step further, and, apart from service " hours, this rite of idol worship was employed to " honour the wafer reserved in the pyx, which was " set forth as an object of the highest worship." A vast mass of information is then given upon the subject, and he sums up in these very emphatic words:—" Such is the fearful history of a custom " sooner than part with which, men are to be found, " in the middle of the 19th century, who deem it a " light matter to resign the care of souls which Christ " had entrusted to their keeping! Where is the " flock which was given thee, thy beautiful flock? " Answer, I resign them for that which I hold in " my hand. What hast thou in thine hand? Answer, " The ashes of a taper burnt upon Thine altar, which " I deemed more precious in Thy sight."

I will now proceed to discuss the subject of incense. With regard to incense my friends have found themselves unable to make anything more than the semblance of a defence. The Sarum Missal contained minute directions as to incense, but these are altogether omitted in the successive Prayer Books of Edward VI., Elizabeth, and Charles II., which contain no reference whatever to the use of incense. There were no censers among the ornaments assigned for use in the Church in 1552, towards the end of Edward VI.'s reign; and "Peacock's Church furniture" proves, in the passages to which I have directed your Lordship's attention, that in Elizabeth's reign censers were systematically destroyed, and in many cases it is said " by authority."

My friend Mr. Prideaux has suggested that incense was sanctioned by the third Injunction of Edward VI., 1547, because, as he says, that Injunction contemplated the possibility of images being "hereafter censed unto."

I will upon that point read to your Lordship a passage from the Injunctions of 1547, which will be found in 1 Cardwell's Documentary Annals, page 7. It is the third article:—" That such images as they " know in any of their cures to be or have been so " abused with pilgrimages or offerings of anything " made thereunto, or shall be hereafter censed unto, " they (and none other private persons) shall, for the " avoiding of that most detestable offence of idolatry, " forthwith take down or cause to be taken down " and destroy the same." But this Injunction admits of the very ample answer, that the Injunctions of 1547 did not interfere with the pre-Reformation services according to the Sarum Missal, and that therefore ministers must have had incense for the purpose of that service, and were not unlikely to have used it. I believe my friends on the opposite side handed up to your Lordship the English Church Union case. I do not want it from you, but I only want to ascertain the fact.

(*The Dean of the Arches.*) I have got it here.

(*Mr. Stephens.*) That being so, my friends have now made that document part of their case. I will therefore conclude my argument upon Incense by quoting from the Church Union case the opinion of my friend Mr. James, and relying upon it. My friend says, "I find myself unable to arrive at the conclusion, " that it is now lawful to use incense during any part " of the service."

(*The Dean of the Arches.*) He does not stand alone in that opinion.

(*Mr. Stephens.*) I will now proceed to discuss the question of the mixed chalice. I am coming to that first part of the Prayer Book of Edward VI. to which your Lordship particularly and especially directed my attention. Notwithstanding the omission of any directions to mix water with the sacramental wine at the Holy Communion in the second Prayer Book of Edward VI., the Prayer Books of Elizabeth, and of Charles II., it has been suggested by your Lordship that the language of the Rubric in the first book of Edward VI. might indicate, that the word " wine " in the present Prayer Book, might mean wine and water as well as wine. I admit that your Lordship expressed no opinion upon it.

(*The Dean of the Arches.*) None at all.

(*Mr. Stephens.*) But merely threw it out in order to hear what observations I had to make upon it. Now I hope I shall not be irksome to your Lordship if I read the Rubric?

(*The Dean of the Arches.*) By all means.

(*Mr. Stephens.*) Then perhaps it may not be a liberty on my part if I ask your Lordship to have before you during my argument the Liturgies of Edward VI.

(*The Dean of the Arches.*) I have them here.

(*Mr. Stephens.*) " Then shall the minister take so " much bread and *wine* as shall suffice for the persons " appointed to receive the Holy Communion, laying " the bread upon the coporas, or else in the paten, or " in some other comely thing prepared for that pur- " pose. And putting the *wine* into the chalice or else " in some fair convenient cup, prepared for that use if " the chalice will not serve, putting thereto a little pure " and clean water, and setting both the bread and wine " upon the altar." It is true that after the mixture of the wine with a little water, it is still spoken of as wine; but it is so spoken of only for brevity's sake.

(*The Dean of the Arches.*) You see it is spoken of again in the Rubric at the end of the Communion Service as wine. " And finally the pastors and " curates within this realm shall continually find at

" their costs and charges in their cures sufficient " bread and wine for the Holy Communion."

(*Mr. Stephens.*) I am indebted to your Lordship for that observation. In the Rubric, which I have just read, it is stated, that a little water has been mixed with the *wine;* and it was therefore unnecessary to speak of it with extreme precision as *wine and water.* But the word " wine," as your Lordship will observe by reference to that Rubric, is also used twice in the earlier part of the same Rubric in speaking of the liquid which is taken by the minister and mixed with water. Was that liquid wine properly so called, or was it wine and water ?

(*The Dean of the Arches.*) What are you referring to at this moment ?

(*Mr. Stephens.*) To the Rubric in Edward's First Book, that directs water to be mixed with the sacramental wine.

We have first to ascertain the meaning of the word " wine " in the two immediate cases where the word " wine " was used, and I reiterate my question, does the ceremony of the mixed chalice consist of adding water to wine, or does it consist of adding more water to what is already wine and water? It will not, I believe, be denied that it consists in adding water to pure wine; and therefore " wine " means pure wine when used without a special explanation, although it may be used for brevity, as meaning wine mixed with a little water where its real meaning appears from the Rubric. Consequently there is no reason to suppose that when the word " wine " is used in the subsequent Prayer Books and in the canons of 1603 without any explanation, it means wine and water, or anything else but pure wine.

I shall close this part of the case—because really as to the arguments of the opposite side it would only be waste of time to answer them—by two quotations, one from a lay judge whom we all know and whom we all respect in the public and private relations of life: the other from an episcopal judge whose wisdom and experience is above all commendation on my part. What does the learned lay judge say ? " Adding to " is varying, and I do not find any evidence that at " the time when the present Prayer Book was com- " piled the word 'wine' was understood to mean " 'wine mixed with water.'" That, my Lord, is the language of the Vice-Chancellor of the County Palatine of Lancaster.

(*Mr. Prideaux.*) In an opinion upon premises of which not the slightest doubt exists.

(*The Dean of the Arches.*) It is in this English Church Union case I have got here ?

(*Mr. Stephens.*) Yes, the case which has been handed up by my friends as part of their case, and which is now before your Lordship.

(*Mr. Prideaux.*) I merely wanted to know what my friend was citing ?

(*Mr. Stephens.*) I am perfectly assured from the friendship which has for so many years existed between Mr. Prideaux and myself, that the second authority I am about to quote, will be by him received with the deepest respect, viz., the Bishop of Exeter; and I am certain that he is likewise too good a " Catholic " ever to dispute the dictum of an episcopal judge, be that episcopal dictum what it may.

(*Mr. Prideaux.*) You must not take that for the truth.

(*Mr. Stephens.*) I will give your Lordship the language.

(*The Dean of the Arches.*) Do not provoke interpellations, Mr. Prideaux.

(*Mr. Prideaux.*) I humbly conceive the Bishop of Exeter was mistaken upon that one point.

(*Mr. Stephens.*) The Bishop of Exeter and the Bishop of Salisbury (I have not been supplied as I ought to have been with the shorthand writer's notes on the subject, and unfortunately I was not present) have been upon some other point introduced to your Lordship in terms of the most laudatory character by my friend, Mr. Prideaux. Let us see what the Bishop of Exeter says in reference to the mixed chalice, and I know that it would be a waste of your Lordship's time if I were to say anything in terms of commendation respecting the acuteness and the learning of the Bishop of Exeter, a prelate for whom I believe your Lordship and myself were counsel for many years. Now what is it that the Bishop of Exeter says in a charge delivered during his recent visitation at Truro in 1866 ?

I do not intend to cite its language from anything which may or may not have been published by the Bishop of Exeter, but from a pamphlet published by a gentleman who has the absolute confidence of the opposite side, and who has benefited the public at large by the publication of this charge—I mean Dr. Littledale. I thought it would be more satisfactory to my friends to read it from a publication of Dr. Littledale's rather than from any other source. The pamphlet in question is entitled " The Mixed Chalice, in a Letter " to Henry, Lord Bishop of Exeter, by Richard " Frederick Littledale, M.A., LL.D., D.C.L., a Priest " of the Church of England." This is the third edition, and it is published by J. Parker. The object of this publication on the part of Dr. Littledale is to correct the Bishop of Exeter upon matters of doctrine and upon matters of law. That is the object, I think, if it has any object at all. Whether it was wise for Dr. Littledale to publish it, entertaining the opinions that he does, is another question.

I will read your Lordship what the Bishop of Exeter says; and this will be my answer to the arguments of my learned friends; indeed, it would be idle for me to carry the discussion further. " In connexion " with the blessed Sacrament we have just partaken " of together, I have one word to say. It is not a " word of censure although it is certainly a very pain- " ful remark to have to make. I have been told that " there are among you those who in administering " the blessed Sacrament depart from the custom and " ordinances of the Church, and, by so doing, violate " the solemn promise and vow they took at the time " of their ordination. They do so by doing that which, " while I freely and fully admit it may not be an " actual sin has no high authority or example in its " favour. I am told there are those who mix water in " the wine which is given in this blessed Sacrament. " Now, if it had pleased our Church to continue such " an ordinance amongst us, we should, of course, have " all gladly observed it; but what right have any of " us to set up our own judgment, our own fancy or " opinions, when they are adverse to the institutions " of the early Church and in contradiction to those " institutions of our own Church which are entitled " to our reverence and thankful obedience. At the " time of the Reformation it did not please the Church " of England to continue the practice of mixing the " water with the wine; and you are the ministers of " that Church, and bound to obey the orders of that " Church, and have promised to do so. Let me urge " those, who are conscious of having disobeyed that " Church, to be more regular in future, and to re- " member that they have promised to perform these " ordinances in the way the Church of England has " appointed. I do not wish to know who they are; I " readily believe it was not done carelessly; but still " I am bound to say it was not done without some " presumptuous disregard to what they must have " known to be their duty. Still we will not imagine " it possible that they intend to offend God."

With the expression of that opinion by the Bishop of Exeter it would be, I consider, most presumptuous on my part if I were to waste the time of the Court by any additional observations upon the subject of the mixed chalice.

Your Lordship has expressed a wish to hear whatever opinions any of the counsel have to offer to you, upon the construction and effect of the clause in the preface " Concerning the Services of the Church," for enabling the bishop to take order for appeasing diversity. I therefore am about to make a few observations

on that point. Your Lordship threw out that challenge to my learned friends on the opposite side. They did not attempt to grapple with it, and I trust the Court will therefore not consider me guilty of assumption in doing so ?

(*The Dean of the Arches.*) I shall be glad to hear any argument on the subject.

(*Mr. Stephens.*) I am much obliged to your Lordship. One instance in which this power seems to have been exercised is found in 2 Cardwell's Documentary Annals, page 226. It is an order of Archbishop Abbot about the administration or serving of the Sacrament in the church of Crayford in Kent (this was in the 9th year of King Charles I., 1633). This letter commences by reciting "George, by the Providence " of God, Archbishop of Canterbury, Primate and " Metropolitan of all England, to our well-beloved in " Christ, the Parson, Churchwardens, and other the " Parishioners and Inhabitants of the parish of Cray- " ford in the county of Kent and deanery of Shore- " ham, of the peculiar and immediate jurisdiction of " us, and of our cathedral and metropolitical Church " of Christ, Canterbury, and to all other Persons " whatsoever unto whom these presents shall come, " or may in any way concern, greeting in our Lord " God everlasting. Whereas, upon some difference " arising among you about the decent and reverend " ministering and receiving of the Holy Communion " in the chancel of the said church at Crayford, we, " upon the petition of you, the parson, did refer the " viewing of the said church, and examination of the " said difference unto Sir Nathaniel Brent, Knight, " our Vicar-General." Here it appears that doubts had arisen as to the mode of performing service, and the parties had referred it to the archbishop, "who, " having viewed the said church in the presence of " you the said parson, churchwardens, and some others " of the said parish, hath certified us what seems to " him upon the said view to be most decent and con- " venient for the most reverend and orderly receiving " of the Holy Communion in the said chancel of the " said church. Now know you, upon the relation of " the said Sir Nathaniel, as also upon a mature and " deliberate hearing of the parties interested in the " said difference in our Manor House of Lambeth, in " the county of Surrey, upon the 21st day of May " Anno Domini MDCXXXIII., in the presence of our " said Vicar-General——" Not of the Chancellor, your Lordship observes, but of the Vicar-General.

(*The Dean of the Arches.*) Yes, but I am not quite sure what authority the vicar-general exercised at that time ?

(*Mr. Stephens.*) The distinction between the chancellor and the vicar-general was this,—that the chancellor exercised in court the contentious jurisdiction and the vicar-general advised the bishop in private, and exercised his spiritual jurisdiction, such, for instance, as attending him upon his visitations.

(*The Dean of the Arches.*) No, every chancellor has the position of the official principal, and the vicar-general, with the single exception of the province of Canterbury——

(*Mr. Stephens.*) I am aware of that, so far as regards England.

(*The Dean of the Arches.*) I was only speaking of England. I believe the province of Canterbury is the single exception.

(*Mr. Stephens.*) There is no other instance in England at the present moment, but there is in Dublin.

(*The Dean of the Arches.*) I think under the Church Discipline Act it is the vicar-general that is mentioned.

(*Mr. Stephens.*) In Ireland it is different. I have reason to know that in Dublin the duties of the chancellor are exercised by Dr. Battersby, and the spiritual duties of the vicar-general are exercised by the Dean of St. Patrick, who accompanies the Archbishop during his visitations. The two offices were made distinct by Archbishop Whately.

(*The Dean of the Arches.*) Yes. Gibson says that it is competent to a bishop to divide them now, if he requires.

(*Mr. Stephens.*) I know that the late Archbishop of Dublin, immediately before his death, had the law carefully considered on the subject, and there was no doubt the archbishop had the power to divide the two offices,—a power which I believe is at this moment possessed by every prelate in this country.

(*The Dean of the Arches.*) That has never been exercised since the Reformation ?

(*Mr. Stephens.*) But I have given the Court a recent case in Ireland ; and I need not tell your Lordship that the Church in Ireland is an integral part of the Church in this country, one and the same in doctrine, discipline, and government. I have a legitimate right to direct attention to the fact that this proceeding is not before the chancellor but the vicar-general ; although the two offices in England have not since the Reformation been divided.

(*The Dean of the Arches.*) I quite see your point. Just in passing, I observe—I thought it was so—that under 3rd and 4th Victoria, cap. 86, mentioning the persons to whom the bishop is authorized to issue a commission, it is rather remarkable that it says, " One of whom shall be his vicar-general."

(*Mr. Stephens.*) That is under the Church Discipline Act, which your Lordship is very well aware——

(*The Dean of the Arches.*) Yes, I know the history of it.

(*Mr. Stephens.*) Your Lordship is perhaps aware that the language of that Act of Parliament is a pitiable satire upon law and common sense.

(*The Dean of the Arches.*) I cannot pronounce an opinion to that extent, but it is remarkable that the official principal is not included, but the vicar-general is mentioned.

(*Mr. Stephens.*) Your Lordship will remember that before the Reformation the two offices were distinct.

(*The Dean of the Arches.*) Yes.

(*Mr. Stephens.*) And then they were united ?

(*The Dean of the Arches.*) In this Court they are distinct.

(*Mr. Stephens.*) I should respectfully submit to your Lordship that it would be open at the present moment for every bishop to appoint a vicar-general in spirituals, and a chancellor. He might divide the office if he thought proper. It was, as I have already stated, done by Archbishop Whately in Ireland immediately before he died.

(*The Dean of the Arches.*) The vicar-general must officiate under the Church Discipline Act, and not the official principal.

(*Mr. Stephens.*) That may or may not be an advantage to my position. I am now laying down an abstract proposition, that before the Reformation the offices were separate.

(*The Dean of the Arches.*) Your present argument is, that this proceeding of Archbishop Abbot was not a proceeding in court.

(*Mr. Stephens.*) Precisely, that is the point your Lorship pressed upon me upon two or three occasions. Here is a proceeding before the vicar-general " and " divers others, and also in the presence of Thomas " Pane, clerk, the now incumbent parson of the parish " church of Crayford, and Thomas Andrewes, John " Ludlowe, churchwardens, and Joseph Bingham, " Thomas King, and John Kettle, parishioners of the " said parish of Crayford and others then and there " present, we have ordered and decreed, and by these " presents do order and decree as follows ; videlicet, " the parishioners and inhabitants of the said parish of " Crayford, and others intending hereafter to receive " the Holy Communion there, &c." Directions are then given as to the mode of receiving the Holy Communion which are not in the slightest degree material to the question which your Lordship has put to me. At the end of page 218, line 15, the order then directs : " We do require you, the minister of Crayford " aforesaid, that upon some Sundays or holy days, in " the time of Divine service, you do publish and declare " this our order and decree to the parishioners of the

" said parish of Crayford, and we admonish you, the " parishioners of Crayford, that upon notice of the " premises, you be obedient and conformable thereto, " as you will answer the contrary at your peril."

This order purports to be not a mere piece of good advice, but a positive order, the disobedience of which will involve peril. If your Lordship has Cardwell's Documentary Annals before you——

(*The Dean of the Arches.*) I remember the passage.

(*Mr. Stephens.*) This is not a proceeding in Court. That is to say, a Court presided over by a chancellor for the exercise of contentious jurisdiction. The Court of Visitation is a Court of a purely spiritual character, where the bishop acts according to his discretion.

There is another order resembling that of Archbishop Abbot's in many respects which is to be found in a note to 6 Laud's Works, p. 61. It is an order of Davenant, Bishop of Salisbury. Archbishop Laud refers to this order in his speech on the censure of Bastwicke, Burton, and Prynne, in the following terms. Some difficulty had lately arisen about placing the communion table in a parish church of his diocese. The bishop, careful to prevent disorder, sends his Injunction under hand and seal to the curate and churchwardens to settle the business. I will now read the note: "The editor in examining the parish " register of Alborne for another purpose most un- " expectedly discovered a copy of this very document, " which, by the kindness of the Rev. G. P. Cleather, " M.A., vicar of the parish, he was permitted to " transcribe. A copy of the order sent from the " Right Rev. Father in God, the Bishop of Sarum, to " the parish of Alborne for the placing of the holy " table and the administration of the Holy Sacrament " of the Lord's Supper. 'John, by divine Providence " 'Bp. of Sarum, to the curate and churchwardens " 'with the parishioners of Auborne in the county of " 'Wilts, and our diocese of Sarum, greeting: Whereas " 'his Maj^ie hath bn. lately informed, that some men, " 'factiously disposed, have taken upon themselves to " 'place and remove y^e Communion Table in y^e Ch. " 'of Auborne; and thereupon his Highness hath " 'commanded me to take present order therein. " 'These are to let you know that both, according to " 'y^e Injunctions given out in y^e raigne of Queen " 'Elizabeth for the placing of Communion Tables in " 'churches, and by the 82nd Canon agreed upon in " 'y^e first yeare of y^e raigne of King James of blessed " 'memory, it was intimated that those tables shd. " 'ordinarily be sett and stand with the side to the " 'east wall of the chancel. I therefore require you, " 'the churchwardens and all other persons not to " 'meddle with the bringing down or transposing of " 'the Communion Table, as you will answer it at y^r " 'own peril.'" [This order is merely a prohibition. But it goes on to give directions respecting the performance of Divine service in the following terms]: " 'Now to the end that the minister may neither be " 'overtoyled, nor the people indecently and incon- " 'veniently thronged together, when they are to " 'draw near and take the Holy Sacrament, and that " 'the frequent celebration thereof may nevertheless " 'be continued, I do further appoint that thrice in the " 'year at the least there be public notice given in " 'the Church for fower Communions to be held, " 'upon fower Sundaies together: and that there come " 'not to the Communion in one day above 200 at the " 'most. For the better observation whereof, and " 'that every man may know his proper time, the " 'Curate shall divide the parishioners into four parts, " 'according to his discretion, and as shall most fit- " 'tingly seeme to this purpose. And if any turbulent " 'spirit shall disobey this our order, he shall be pro- " 'ceeded against according to the quality of his fault " 'and misdemeanour. In witness whereof I have " 'hereunto set my hand and seal episcopal, this 17th " 'day of May 1637.'" This order, as I have read it to your Lordship, purports to be an imperative order, disobedience to which would involve punishment.

There is another document which seems to me further to illustrate the same subject, it is an Order of Council of 1633, for placing the communion table in St. Gregory's Church, and your Lordship will find it in 2 Cardwell's Documentary Annals, page 237.

(*The Dean of the Arches.*) Is that an order of the High Commission Court?

(*Mr. Stephens.*) It is an Order of Council for placing the communion table in St. Gregory's Church.

(*The Dean of the Arches.*) I remember; it is the famous case.

(*Mr. Stephens.*) Yes; it is in the 9th of Charles I., and is dated from Whitehall, November 3, 1633.

The Dean of the Arches.) It was Laud's doing; it was one of the subjects made a matter of charge against him?

(*Mr. Stephens.*) It was. "This day was debated " before His Majesty, sitting in Council, the question " and difference which grew about the removing the " communion table in St. Gregory's Church, near the " cathedral church of St. Paul, from the middle of " the chancel to the upper end, and there placed " altarwise, in such manner as it standeth in the said " cathedral and mother church, as also in all other " cathedrals, and in His Majesty's own chapel, and " as is consonant to the practice of approved antiquity; " which removing and placing of it in that sort was " done by order of the Dean" [here is a distinction to which I am desirous of directing your Lordship's attention] " and Chapter of St. Paul's, who are " ordinaries thereof, as was avowed before His " Majesty by Dr. King and Dr. Montford, two of the " prebends there; yet some few of the parishioners, " being but five in number, did complain of this act, " by appeal to the Court of Arches, pretending that " the Book of Common Prayer and the 82nd Canon do " give permission to place the communion table where " it may stand with most fitness and convenience." This order, after some intermediate observations to which I need not direct your Lordship's attention, goes on at line 5, page 239, in the following language: —" And likewise for so much as concerns the liberty of " the said Common Prayer Book or canon, for placing " the communion table in any church or chapel with " most conveniency; that liberty is not so to be " understood, as if it were even left to the discretion " of the parish, much less to the particular fancy of " any humorous person" [the very case under consideration, my Lord] " but to the judgment of the or- " dinary, to whose place and function it doth properly " belong, to give direction in that point, both for the " thing itself, and the time when, and how long, as he " may find cause. Upon which consideration His " Majesty declared himself, that he well approved " and confirmed the act of the said ordinary, and so " gave commandment, that if those few parishioners " before mentioned do proceed in their said appeal, " then the Dean of the Arches, who was then attend- " ing at the hearing of the cause, should confirm the " said order of the aforesaid Dean and Chapter."

(*The Dean of the Arches.*) That was a very odd proceeding altogether—how it got before the Council one does not exactly see, except as an appeal.

(*Mr. Stephens.*) It may be in this way (although it is a position which, perhaps, may not be admitted by the opposite side), that the Crown is the Supreme Ordinary of the Realm.

(*The Dean of the Arches.*) Yes?

(*Mr. Stephens.*) Now in this case the authority which is recognized is not the bishop, but it is the Dean and Chapter of St. Paul's.

(*The Dean of the Arches.*) Yes, but then they do now to some extent exercise (except so far as the peculiar is abolished by Act of Parliament) a peculiar jurisdiction.

(*Mr. Stephens.*) As Ordinaries.

(*The Dean of the Arches.*) I have the honour of filling at this moment an office in connection with that.

(*Mr. Stephens.*) I am aware of it, my Lord:— " Which removing and placing of it in that sort was

" done by the order of the Dean and Chapter of " St. Paul's, who are ordinaries thereof." I submit that this apparently indicates, the power of regulating matters connected with the service belongs to the ordinary, whoever he may be.

(*The Dean of the Arches.*) Yes, it points that way.

(*Mr. Stephens.*) And that the bishop was mentioned in the "Preface concerning the Service of the Church" only because he was usually the ordinary. This case also shows that an appeal lies from the decision of the ordinary to the Court of Appeal of the province; and even in matters of discretion before the bishop there would be an appeal. For instance, anything that occurs in the province of Canterbury would upon appeal be brought before your Lordship.

(*The Dean of the Arches.*) To the Court, do you think, or to the archbishop in person? The Rubric says, to the archbishop.

(*Mr. Stephens.*) That would involve another position, that your Lordship only sits as——

(*The Dean of the Arches.*) That is true.

(*Mr. Stephens.*) It is an appeal to the primary judge of the court of the province. Your lordship would sit there simply as representative of the archbishop.

(*The Dean of the Arches.*) There are cases as you know in which the archbishop (for instance, with regard to curates under the Residence Act) sits alone without any assistance.

(*Mr. Stephens.*) I am aware of that, and there are several cases where matters have been brought before the Dean of the Arches in which the archbishop has taken cognizance of them himself.

(*The Dean of the Arches.*) Very possibly. By way of illustration of your argument, supposing there had been no Rubrics at all regarding ritual in any of the Prayer Books, to whose authority would the question of ritual observances have been submitted? Surely to that of the ordinary of the diocese?

(*Mr. Stephens.*) No doubt.

(*The Dean of the Arches.*) I mean, according to the old canon law, the ritual of each diocese subject to an appeal to the archbishop was a matter within the cognizance of the bishop of the diocese, was it not?

(*Mr. Stephens.*) Certainly, my Lord.

(*The Dean of the Arches.*) Therefore his authority still remains except in so far as it is taken away by the Acts of Parliament?

(*Mr. Stephens.*) No doubt whatever authority the bishop had anterior to the Reformation for the regulation of Divine service remains unimpaired, except so far as it is affected by the statute law.

I have already referred to the exhortation to take down altars in Bishop Ridley's Visitation Articles in 1550. I will now refer your Lordship to 1 Cardwell's Documentary Annals, p. 94, where it is said:—"That " in divers places some use the Lord's board after the " form of a table, and some as an altar, whereby dis- " sention is perceived to arise among the unlearned; " therefore, wishing a godly unity to be observed in " all our diocese, and for that the form of a table may " more move and turn the simple from the old super- " stitious opinions of the Popish Mass, and to the " right use of the Lord's Supper, we exhort the " curates, churchwardens, and questmen, to erect and " set up the Lord's board after the form of an honest " table, decently covered in such place of the quire " or chancel as shall be thought most meet by their " discretion and agreement, so that the ministers with " the communicants may have their place separated " from the rest of the people; and to take down and " abolish all other by-altars or tables."

I have also referred to 6 Foxe's Actes and Monuments, where there are six reasons given by Ridley for these exhortations, and the sixth and last reason is as follows:—"It is said in the Preface of the Book " of Common Prayer, that if any doubt do arise " concerning the matter, how to understand, do, and " execute the things contained in this book, the party " that so doubt . . . shall alway resort to the " bishop of the diocese."

(*The Dean of the Arches.*) Then do you consider that the substitution of the wooden table for the stone altar was effected under the power of this Rubric?

(*Mr. Stephens.*) Under the power of this Rubric. I believe there has been a great deal of misconception as to the construction of this Rubric, and as to the power of the bishop.

(*The Dean of the Arches.*) I have no doubt about that.

(*Mr. Stephens.*) Ridley there claims to exercise the very power of "taking order" mentioned in the Book of Common Prayer. Your Lordship, perhaps, will bear in mind that this visitation of Bishop Ridley was held in June 1550, as appears in a note to 1 Cardwell's Documentary Annals, page 159. "In " the November following (that is 1550) the King " and his Council issued a letter to Bishop Ridley " in the following terms," which your Lordship will find in 6 Foxe's Actes and Monuments, p. 5, and is entitled, "Reasons why the Lord's board should " rather be after the form of a table than of an altar." " I am not ashamed of the Gospel, because it is 'the " 'power of God unto salvation to every one that " 'believeth.' (Rom. i. 16.) Certain reasons why the " Rev. Father Nicholas, Bishop of London, amongst " other his Injunctions given in his late Visitation, did " exhort those churches in his diocese where the " altars, as then did remain, to conform themselves " unto those other churches which had taken them " down, and had set up in the stead of the multitude " of their altars one decent table in every church; " and that herein he did not only anything contrary " to the Book of Common Prayer or to the King's " Majesty's proceedings, but that he was induced to " do the same thing, moved by his office and duty, " wherewith he is charged in the same book and partly " for the advancement and sincere setting forward of " God's Holy Word and the King's Majesty's most " Godly proceedings."

The considerations referred to in this letter, and which follow it in Foxe, comprise Ridley's six reasons, with the following introduction, which your Lordship will find in 6 Foxe's Actes and Monuments, page 5, and is entitled "The King's Letters to Nicholas Ridley, " Bishop of London"—"Right Reverend Father in " God, right trusty and well-beloved, we greet you " well. And whereas it is come to our knowledge, " that being the altars within the most part of the " churches of this realm being already upon good and " godly considerations taken down"—this seems to show that altars had been taken down in other dioceses besides Ridley's—"there doth yet remain " altars standing in divers other churches, by occasion " whereof much contention and variance ariseth among " sundry of our subjects, which, if good foresight were " not had, might perchance engender great hurt and " inconvenience; we let you wit, that minding to " have all occasion of contention taken away, which " many times groweth by those and such like diver- " sities, and considering that among other things be- " longing to our royal office and cure, we do account " the greatest to be to maintain the common quiet of " our realm; we have thought good, by the advice of " our Council, to require you, and nevertheless spe- " cially to charge and command you, for the avoiding " of all matters of further contention and strife about " the standing or taking away of the said altars, to " give" (and here is a very important word) "substan- " tial order throughout all your diocese, that with all " diligence all the altars in every church or chapel, " as well in places exempted as not exempted, within " your said diocese, to be taken down, and instead " thereof a table be set up in some convenient part of " the chancel, to serve for the administration of the " blessed Communion. And to the intent the same " may be done without the offence of such our loving " subjects as be not yet so well persuaded in that

" behalf as we would wish, we send unto you herewith " certain considerations gathered and collected that " make for the purpose, the which and such others as " you shall think meet to be set forth to persuade the " weak to embrace our proceedings in this part, we " pray you cause to be declared to the people by some " discreet preachers, in such places as you shall think " meet, before the taking down of the said altars."

This is dated the 24th November (4th Edward VI., 1550,) and signed by amongst others Somerset, Cranmer, Bedford, Wentworth, and Ely. Its introduction is a recognition by the King and Council of the supreme ecclesiastical authority, and likewise a proof that what Bishop Ridley did, was done by him under the power given to him in the preface to the Prayer Book, and that he had not exceeded his authority.

(*The Dean of the Arches.*) You know in the first preface of Edward VI.'s Book, it says, "The parties " that so doubt or diversely take anything shall always " resort to the bishop of the diocese, who by his dis- " cretion shall take order for the quieting and appeasing " of the same, so that the same order be not contrary " to anything contained in this Book." Then the preface to the second book is the same, with this addition—"And if the bishop of the diocese be in doubt, " then he may send for the resolution there of to the " archbishop."

(*Mr. Stephens.*) Like our present Prayer Book ?

(*The Dean of the Arches.*) Yes; I do not know whether any light is thrown upon it by that consideration, but at first it was to the bishop alone, and then afterwards it was to be sent to the archbishop.

(*Mr. Stephens.*) It shows that the subject had been reconsidered.

(*The Dean of the Arches.*) Yes, those are the terms of the present Prayer Book.

(*Mr. Stephens.*) There is no doubt your Lordship's observation very much fortifies my argument.

Turning to the 2 & 3 Edward VI., c. 1., we find the 12th section to be as follows : "All and singular arch- " bishops and bishops, and every of their chancellors, " commissaries, archdeacons, and other ordinaries " having any peculiar ecclesiastical jurisdiction, shall " have full power and authority by virtue of this Act " as well to inquire in their visitations, synods, and " elsewhere within their jurisdiction at any other time " and place to take accusations and informations of " all and every the things above mentioned, done, " committed, or perpetrated, within the limits of their " jurisdiction and authority ; and to punish the same " by admonition, excommunication, sequestration, or " deprivation, and other censures and process, in like " form as heretofore hath been used in like cases by " the King's ecclesiastical laws."

Your Lordship put to me a question about the powers of the vicar-general and the chancellor. I should respectfully submit that all the powers in the foregoing section may be exercised by the vicar-general and that they were so exercised anterior to the Reformation.

This section seems to give all ordinaries the same powers of visiting, taking accusations, and punishing, which they had enjoyed with reference to the previous service, thus fortifying the observations which your Lordship made as to the powers of the bishop, viz., that they are the same now as they were before the Reformation, except so far as they have been altered by the statute law.

(*The Dean of the Arches.*) The same as they were by the general law of the Church.

(*Mr. Stephens.*) No doubt, my Lord. This section (and it is an important fact) is repeated in precisely the same terms in the 23rd section of Elizabeth's Act of Uniformity.

Upon these authorities I respectfully submit to your Lordship that the following four propositions will be supported : *first*, that in the reign of Charles the First bishops exercised a power of making orders with reference to the service which they had power to enforce out of court.

(*The Dean of the Arches.*) All this relates to what they may do out of court.

(*Mr. Stephens.*) Yes; out of court; excepting the exercise of the purest spiritual jurisdiction,—the Visitation Court. In Charles the First's reign, bishops exercised a jurisdiction with reference to the services, which they had power to enforce. *Secondly*, that this power was exercised by deans and chapters as well as by bishops.

(*The Dean of the Arches.*) How would they enforce it ?

(*Mr. Stephens.*) They could enforce it by that most dreadful of all punishments, excommunication.

(*The Dean of the Arches.*) But how could that be except under the 52 Geo. III ?

(*Mr. Stephens.*) Yes, they might do it by admonition.

(*The Dean of the Arches.*) But the *ultima ratio* of that, as you justly observed, would be excommunication, for which imprisonment is substituted by the Act of Geo. III. But then enters into the calculation the question whether the machinery of the Act of George III. could be put into force out of court.

(*Mr. Stephens.*) I have not had that under my consideration, but whatever powers the Ecclesiastical Court possesses for the enforcement of its process, would apply to the matters under consideration.

(*The Dean of the Arches.*) Very well, I will take it so.

(*Mr. Stephens.*) *Thirdly*, that the exercise of this power was subject to an appeal to the Court of Appeal of the province.

(*The Dean of the Arches.*) I would wish to understand this accurately. You say this power, so exercised out of court by the Bishop, would be subject to an appeal to the Archbishop.

(*Mr. Stephens.*) Yes, my Lord, to the final court—I will come to that presently.

(*The Dean of the Arches.*) Then you will tell me ?

(*Mr. Stephens.*) Yes, I will come presently to the final court.

Fourthly. That the like power was exercised by Bishop Ridley, by general Injunctions issued in his Visitation.

I need hardly remark to your Lordship that the whole of this question is one of considerable difficulty.

(*The Dean of the Arches.*) Very great difficulty.

(*Mr. Stephens.*) But I submit the most probable conclusion to be deduced from the documents I have referred to is, that the passage in the preface was only intended to be a description in popular language of the power of regulating the services which belonged to the ordinary before the Reformation and was not modified by the Acts of Uniformity, except to this extent, that the ordinary was precluded from doing anything contrary to the Prayer Book.

(*The Dean of the Arches.*) Then there must be a class of things which are neither strictly prohibited nor specifically permitted ?

(*Mr. Stephens.*) Certainly.

(*The Dean of the Arches.*) And would not that be the class of things to which this discretionary authority of the bishop would apply ?

(*Mr. Stephens.*) Certainly. Take, for instance, the credence table. The services could be performed without it ; but still, if the bishop thought it would be useful in any particular church to have a credence table, he could order it, it being subsidiary to the performance of the service.

(*The Dean of the Arches.*) Now then, if I am not disturbing your argument, let me put this : "Would " not that authority of the bishop extend to such " questions as gestures used by the ministers ?"

(*Mr. Stephens.*) No doubt it would.

(*The Dean of the Arches.*) Then would not the right mode of procedure be under that Rubric, and not by Articles ?

(*Mr. Stephens.*) I am aware of that view, and I quite expected a question of the kind from the Court. The construction I have ventured to place on that passage as to resorting to the bishop is supported by

what the late Sir John Dodson, said on the subject in Liddell and Westerton (Moore, 131). It was, as your Lordship will remember, with reference to the question as to whether lace or other embroidery may be added to the "fair linen cloth" on the communion table, and he said, "I do not wish it to be understood "that I consider this to be of very grave importance "in this case; but supposing the law as cited to have "left the matter unsettled, and that it is diversely "taken by the parties, resort must be had to the ordi- "nary, as directed in the instructions prefixed to the "Prayer Book, and that is the course which has been "pursued, for the decision of the judge sitting in "the Consistorial Court of the ordinary has been "obtained, and I see no reason for departing from "that decision."

(*The Dean of the Arches.*) But then you see that is rather against your argument, because that was to the Court——

(*Mr. Stephens.*) If your Lordship will allow me, I will comment upon it. Sir John Dodson treats it as clear that the judge sitting in the Consistorial Court of the ordinary is the person to whom resort is to be had. He adds with reference to altar cloths in the same page. "A similar observation applies to the use "of the various coloured cloths on the communion "table, at the time of Divine service, and the result "must be similar." On appeal to the Privy Council in Liddell and Westerton, the Judicial Committee said, "Whether the cloths so used are suitable or not is a "matter to be left to the discretion of the ordinary. "In this case their Lordships do not see sufficient "reason for their interference, and they must therefore "advise the reversal of the sentence as to the cloths "used for covering of the Lord's table during the time "of Divine service, both with respect to St. Paul's and "to St. Barnabas." Now, here the Judicial Committee took it for granted that they were the persons to exercise the discretion of the Ordinary. That is what the Judicial Committee of the Privy Council assumed.

(*The Dean of the Arches.*) Yes, but there had been a proceeding in court throughout?

(*Mr. Stephens.*) There had.

(*The Dean of the Arches.*) And I think I mentioned to you before, that I myself took the objection before Sir Herbert Jenner Fust, that he ought not to interfere with the decision of the Ordinary at Cambridge. The Ordinary at Cambridge had decided in favour of the stone altar. He said "This is a pro- "ceeding in the Court, and the case is here regularly "on appeal," rather putting aside the Rubric, as much as to say that if this had been a proceeding before the Bishop under the Rubric, it would have been another thing, but he said, this is a regular proceeding in court, and it is here in regular course of appeal.

(*Mr. Stephens.*) Then, of course, they had no alternative?

(*The Dean of the Arches.*) No, that is the reason why I am putting it to you.

(*Mr. Stephens.*) The judge of the Consistorial Court sitting in appeal for the Bishop decided that these altar cloths should be removed, and the Dean of the Arches affirmed that decision. Consequently when the Judicial Committee reversed those decisions, they must have intended to exercise themselves the discretion of the Ordinary.

(*The Dean of the Arches.*) Certainly at that time. No doubt it had come before them by regular course of appeal; and it was for them to affirm or reverse what the inferior courts had done, it was a question in court.

(*Mr. Stephens.*) I have put the case before your Lordship.

(*The Dean of the Arches.*) I am very much obliged to you for the light you have thrown upon it; but it still remains, as it appears to me, a very difficult question.

(*Mr. Stephens.*) My Lord, I have said so; it is one of those questions upon which a very good argument may be raised on both sides.

I am now coming to the conclusion of my reply. I submit that if the several Acts of Uniformity be considered in reference first to the state of our institutions and jurisprudence when they were made; to the cause and to the necessity of making them; to the nature of the subjects embraced by them; and to the universally recognized canons by which the interpretation of law is regulated;—it is impossible to arrive at any other conclusion than this, that all the practices complained of fall under one class, they are rites and ceremonies not prescribed in the Book of Common Prayer, and are offences against the Acts of Uniformity as a whole.

Before I resume my seat I cannot refrain from thus publicly acknowledging the exemplary attention, patience, and courtesy which the counsel have received from your Lordship during this protracted argument.

(*Mr. Prideaux.*) I trust, not only on behalf of my learned friends who appear with me and myself, but also on behalf of the reverend defendant and those who instruct me, that I may be allowed to express our deep sense of gratitude for the very kind and patient attention which your Lordship has given to this case.

(*The Dean of the Arches.*) The Court is much obliged for those observations of counsel. Of course it has a very arduous duty to discharge, and in the execution of that duty it has been very much assisted by the very able arguments of counsel on both sides.

With regard to Flamank *v.* Simpson, I will appoint the earliest day that I can for the hearing.

In the Court of Arches, Wednesday, February 5, 1868.

Before the Right Hon. Sir R. J. PHILLIMORE, Dean of the Arches.

THE OFFICE OF JUDGE PROMOTED BY FLAMANK *v.* SIMPSON.

Counsel for Promoter.	*Counsel for Defendant.*
Mr. A. J. Stephens, Q.C., LL.D.	Dr. Deane, Q.C.
Dr. Swabey.	Mr. Hannen.
Mr. Droop.	Dr. Tristram.
	Mr. Arthur Charles.

Proctors for the Promoter, Messrs. JEBBS and SON, instructed by Mr. W. FLAMANK.
Proctor for the Respondent, Mr. GEORGE H. BROOKS.

FIRST DAY.

(*Mr. Stephens.*) In this case, my Lord, I appear as counsel for the Promoter. This is a proceeding under the Church Discipline Act, promoted by Thomas Flamank, a parishioner and one of the churchwardens of the parish of East Teignmouth in the county of Devon and diocese of Exeter, against the Reverend Thomas Burne Simpson, perpetual curate or incumbent of the parish of East Teignmouth in the same county, for having offended against the laws ecclesiastical in respect of certain practices in the performance of divine service in the parish church.

(*The Dean of the Arches.*) Who is with you, Mr. Stephens?

(*Mr. Stephens.*) Dr. Swabey and Mr. Droop, my Lord.

The Articles state, *first*, that by the statute law and ecclesiastical constitutions and canons of 1603, all clerks and ministers in holy orders are bound to say and use the Book of Common Prayer and administration of the sacraments, and other rites and ceremonies of the Church, according to the use of the United Church of England and Ireland; *secondly*, that the Defendant was a a clerk or minister in holy orders, and was in 1856 duly instituted and licensed in for to the perpetual curacy and incumbency of the parish church of East Teignmouth, and has ever since been and now is the lawful perpetual curate and incumbent of such parish church; *thirdly*, that the Defendant has, within two years last, placed or caused to be placed, candlesticks with candles in them upon the communion table in the said parish church of East Teignmouth, and has caused candles to be lighted during the performance of public divine service, and to continue lighted during the administration of the Lord's Supper or Holy Communion at times when such candles were not necessary to afford light for the due performance of the said service, and that the use of such lighted candles is an unlawful addition to and alteration of the sacraments, and other rites and ceremonies of the Church, and is contrary to the said statute law, constitutions, and canons; *fourthly*, that the said Thomas Burne Simpson has, within two years last past, at the public administration of the Lord's Supper or Holy Communion, in the said parish church of East Teignmouth, mixed water with the wine intended to be consecrated, immediately before the Prayer of Consecration, or at some other time during the celebration of the Holy Communion, and has afterwards delivered to the communicants the cup containing the wine so mixed with water, and that such mixing of water with the wine is an unlawful addition to and alteration of the form and order prescribed and appointed by the said Book of Common Prayer and administration of the sacraments, and other rites and ceremonies of the Church, and is contrary to the said statute law, constitution, and canons; *fifthly*, that the said Thomas Burne Simpson has, within two years last past, in the parish church of East Teignmouth, in the public celebration of the Holy Communion, after the Prayer of Consecration, raised the patent with both hands over his head, and the cup in like manner, and that such elevations of the paten and cup are unlawful additions to and alterations of the form and order prescribed and appointed by the said Book of Common Prayer, and administration of the sacraments, and other rites and ceremonies of the Church, and are contrary to the said statute law, constitutions, and canons; *sixthly*, that the said Thomas Burne Simpson has, within two years last past, in the parish church of East Teignmouth, on receiving the alms collected at the offertory, placed the said alms (and the basin containing them) on a stool instead of on the holy communion table, and that such placing of the alms on a stool and not on the communion table itself is an unlawful alteration in and deviation from that form and order prescribed and appointed by the Book of Common Prayer, and administration of the sacraments, and other rites and ceremonies of the Church, and is contrary to such statute law, constitutions, and canons; *seventhly*, that the said Thomas Burne Simpson has, within two years last past, in the said parish church of East Teignmouth, wilfully omitted the word "all" in saying the last prayer in the Order of Morning and Evening Prayer.

In reference to the seventh charge the Defendant has denied it, and the Promoter does not intend to proceed with it, in consequence of the great expense that would necessarily be incurred by bringing witnesses from Devonshire to London in order to prove it.

(*The Dean of the Arches.*) Then I may look upon the seventh Article as abandoned?

(*Mr. Stephens.*) Certainly, my Lord.

The 8th, 9th, 10th, 11th, 12th, and 13th Articles apply to the preliminary proceedings under the Church Discipline Act, and before this Court had cognizance of the case, therefore I do not think it right to trespass upon your Lordship's time by entering into any detail respecting them.

In the responsive allegation the Defendant admits the allegations contained in the first and second Articles of the charge. Secondly, he admits that, as alleged in the third Article, he has placed or caused to be placed, candlesticks with candles in them on the communion table of the parish church of East Teignmouth, and caused such candles to be lighted during

the performance of divine service, and to continue lighted during the administration of the Lord's Supper, at such times when such candles were not necessary for giving light or for the due performance of the said service. Thirdly, he admits that he has, as alleged in the fourth of the said Articles, at the public administration of the Lord's Supper or the Holy Communion in the parish church aforesaid, mixed water with the wine intended to be consecrated during the celebration of the Holy Communion, immediately before the Prayer for the Church Militant, but not at any other time, and that he has afterwards delivered to the communicants the cup containing the wine so mixed with water, but he denies that such mixing of water with the wine is an unlawful addition to or alteration of the form and order prescribed by the said Book of Common Prayer and administration of the Sacraments and other rites and ceremonies of the Church, or that it is contrary to the Statute Law, Constitutions, and Canons.

In the fourth paragraph he denies that he has, as alleged in the fifth of the said Articles, in the public celebration of the Holy Communion, after the Prayer of Consecration, raised the paten with both hands over his head and the cup in like manner, but he admits that he has within the time aforesaid in the reading of the Prayer of Consecration so raised the paten on pronouncing the words "Do this in remembrance of me." And that he has so raised the cup on pronouncing the words "For this is my blood of the "New Testament shed for you and for many for the "remission of sins."

Fifthly, the Defendant admits that he has, as alleged in the sixth of the said Articles, in the parish church of East Teignmouth, on receiving the alms collected at the offertory, placed the same and the basin containing them on a stool used as a credence table, instead of on the Holy Communion Table, but he denies that he has so placed them otherwise than to obtain more room upon the Holy Communion Table; and he submits that such unintentional and inadvertent placing of the alms on a stool, if it has occurred, is not an unlawful alteration in or deviation from the form and order prescribed and appointed by the said Book of Common Prayer, &c., and is not contrary to the Statute Law, Constitutions, and Canons.

In reference to the sixth paragraph I have already stated to your Lordship that the article with which it deals is withdrawn.

The pleadings in this case put in issue whether the several acts charged against Mr. Simpson, namely; (1) the use of lighted candles on the communion table; (2) the mixing of water with the sacramental wine; (3) the elevation of the elements; and (4) the not placing the alms on the communion table,—are respectively unlawful additions to, alterations of, and omissions from the order and form prescribed by the Book of Common Prayer.

Before proceeding to discuss the authorities and arguments specially applicable to each charge, it will be expedient to consider in the first instance the general question, whether a clergyman is bound to adhere to the directions of the Prayer Book without any addition to, or omission therefrom; or whether he is at liberty to introduce any additional ceremonies or to alter any of the ceremonies prescribed therein.

I submit that the acts charged against Mr. Simpson in the Articles are offences against the Acts of Uniformity, more especially against the 2nd section of the 13th and 14th of Charles II., cap. 4, and the 4th section of the 1st of Elizabeth, cap. 2.

The 2nd section of the 13th and 14th of Charles II., cap. 4, enacts that all and singular ministers . . . shall be bound to say and use the Morning prayer, Evening prayer, celebration and administration of both the sacraments, and all other the public and common prayer, in such order and form as is mentioned in the Prayer Book.

The 4th section of the 1st of Elizabeth, cap. 2, enacts, that if any minister "use any other rite, "ceremony, order, form, or manner of celebrating of "the Lord's Supper openly or privily at Mattens, "Evensong, administration of the sacraments, or "other open prayers than is mentioned and set forth" in the said book, he shall be punished. The 23rd section enacts that the archbishops and bishops and their chancellors shall have power to take accusations and informations of all the things previously mentioned in the Act, and to punish the same by admonition, excommunication, sequestration, deprivation, and other ecclesiastical punishments.

The 24th section of the Act of Uniformity of Charles II. makes the 4th and 23d sections of the statute of Elizabeth applicable to our present Prayer Book.

I submit that to have lighted candles on the communion table when not required for giving light, to mix water with the sacramental wine, and to elevate the elements above the head, are practices severally contrary to these enactments. They are all "other ceremonies not prescribed by the Book of "Common Prayer;" they are respectively deviations from the order and form of celebrating the communion prescribed in the order of the Holy Communion.

The burning of candles during Divine Service, but not for the purpose of giving light, has a religious meaning. Having a light on the Lord's board at any time is enumerated amongst the ceremonies prohibited in the Articles of the King's Visitors, and likewise in Ridley's Injunctions. Thus, we find in 1 Cardwell's Documentary Annals (page 75) that in 1549, there was a prohibition against "setting any light "upon the Lord's board at any time; and, ministers were enjoined "finally, to use no other ceremonies "than are appointed in the King's Book of Common "Prayer, or kneeling, otherwise than is in the said "book."

In Ridley's Injunctions, at page 93 of the same volume, it is enjoined "that no minister do counterfeit "the Popish Mass in kissing the Lord's board; "washing his hands or fingers after the Gospel or "the receipt of the Holy Communion; shifting "the book from one place to another, laying down "and licking the chalice after the communion; "blessing his eyes with the sudary thereof, or paten, "or crossing his head with the same; holding his "forefingers and thumbs joined together toward the "temples of his head after the receiving of the "Sacrament; breathing on the bread or chalice, "saying the Agnus before the Communion; showing "the Sacrament openly before the distribution, or "making any elevation thereof; ringing of the "sacrying bell, or setting any light upon the Lord's "board. And finally that the minister, in time of the "Holy Communion, do use only the ceremonies and "gestures appointed by the Book of Common Prayer "and none other, so that there do not appear in them "any counterfeiting of the Popish Mass."

Lighted candles upon the communion table during the Communion service are an addition to the order and form prescribed by the Book of Common Prayer, and make it a different order and form from that directed by the Act of Uniformity. The Prayer Book not only contains directions as to what the minister is to do, but as to all other things essential to the service as a religious service. Thus, it contains directions in the Order of Holy Communion, for the use of a communion table "having at the communion "time a fair white linen cloth upon it," and for "the covering of the elements with a fair linen "cloth."

The Prayer Book also contains a general provision "that such ornaments of the church and the minister "thereof, at all times of their ministration, shall be "retained and be in use, as were in this Church of

" England by the authority of Parliament, in the " second year of the reign of King Edward the " Sixth."

When the Prayer Book thus provides for the use in divine service of certain particular articles, can it be legitimately denied, that the use *in* the service, with a religious signification, of lights and other articles neither themselves prescribed nor subsidiary to what is prescribed, is an addition to and an alteration of the order and form prescribed in the Book of Common Prayer, and is therefore unlawful?

The credence table is not unlawful, and why? Because it is subsidiary to what is prescribed.

In Westerton and Liddell (Moore, 187) Their Lordships said, " We entirely agree with the opinions " expressed by the learned Judges in these cases, and " in Faulkner *v.* Lichfield, that in the performance of " the services, rites, and ceremonies ordered by the " Prayer Book the directions contained in it must be " strictly observed, that no omission and no addition " can be permitted."

Pews, cushions to kneel upon, pulpit cloths, hassocks, and seats by the communion table, referred to in Liddell and Westerton, are merely for convenience, and are devoid of any religious significance. That in effect is the distinction between the charges in the present articles, so far as they apply to lighted candles, elevation, and the mixed chalice. The Judicial Committee in Westerton and Liddell (Moore, p. 161), decided that "The rubric excluded all use of crosses " in the services." Why? Because crosses were not prescribed in the services, nor were they subsidiary to anything that was so prescribed. The proposition I contend for, viz., that, subject to the exceptions I have mentioned, any addition to the order and form prescribed by the Book of Common Prayer is contrary to the Acts of Uniformity, derives a most material support from two other decisions of the Judicial Committee in Westerton and Liddell, with reference to certain embroidered linen and lace upon the linen cloth used for the communion table. The Committee said :—" With respect to the embroidered " linen and lace used on the communion table at the " time of the ministration of the Holy Communion ; " the Rubric and the canon prescribe the use of a " fair white linen cloth, and both the learned Judges " in the Court below have been of opinion that " embroidery and lace are not consistent with the " meaning of that expression, having regard to the " nature of the table upon which the cloth is to be " used. Although their Lordships are not disposed " in any case to restrict within narrower limits than " the law has imposed the discretion which, within " those limits, is justly allowed to congregations by " the rules both of the ecclesiastical and the common " law courts, the directions of the Rubric must be " complied with ; and, upon the whole, their Lord- " ships do not dissent from the construction of the " Rubric adopted by the present decree upon this " point, and they must therefore advise Her Majesty " to affirm it." (Moore, p. 189).

In this case their Lordships were very unwilling to interfere ; but, like Dr. Lushington and Sir John Dodson, they felt that the addition of lace and embroidery to the fair white linen cloth was contrary to the Rubric, as being a material addition to the order and form prescribed.

After deciding that crosses are not unlawful as architectural ornaments, their Lordships say, " With " respect to the wooden cross attached to the com- " munion table at St. Paul's, their Lordships have " already declared their opinion that the communion " table intended by the canon was a table in the " ordinary sense of the word, flat and moveable, " capable of being covered with a cloth, at which or " around which the communicants might be placed, " in order to partake of the Lord's Supper ; and the " question is, whether the existence of a cross attached " to the table is consistent either with the spirit or " with the letter of those regulations. Their Lord- " ships are clearly of opinion that it is not ; and they " must recommend that upon this point also the decree " complained of should be affirmed."

Here again the cross that was attached to the table was an addition to the prescribed order and form in the Book of Common Prayer. The Prayer Book directed that the Lord's Supper should be administered with a table having a fair linen cloth upon it. The addition of the cross attached to the table and the lace and embroidery upon the table-cloth were, like lighted candles, additions to the order and form prescribed in the Prayer Book, obscuring the pure and simple symbolism of the table and fair linen cloth, and suggesting doctrinal views with regard to the Communion not held by the Church in England.

The mixing of water with the wine is an additional rite or ceremony not prescribed by the Book of Common Prayer. It is an act done during divine service with a religious signification: The consecration and administration to the communicants, of " wine and water," instead of " wine " alone, constitute a different order and form of administering the Sacrament of the Lord's Supper from that prescribed.

The elevation of the consecrated elements above the head, is a ceremony, for it is an act done by the minister during the performance of divine service, with a religious significance. It does not matter for this purpose whether the object of the elevation be to invite adoration, or to signify the elevation of Christ upon the Cross, or the offering of a sacrifice. The elevation of the elements above the head is an addition to the order and form prescribed by the Book of Common Prayer.

The Prayer Book contains the most minute directions respecting the gestures of the minister during the service, and particularly minute directions as to what he is to do during the consecration. The Rubrics in the Consecration Prayer, presenting the mode in which the clergyman is to perform his different acts during the Consecration of the Elements, are placed in a different position from that of any other Rubric throughout the Prayer Book. The performance of those gestures constitutes a part of the order and form prescribed by the Book of Common Prayer, and the introduction of an additional gesture is an alteration of the order and form prescribed.

The not placing the alms upon the communion table is also an omission from the order and form prescribed by the Book of Common Prayer.

Having referred to the Acts of Uniformity of Elizabeth and Charles II., in order to establish the anxiety of the Legislature for a strict enforcement, or a rigid conformity with the requirements of the Book of Common Prayer,—I now propose to quote two short extracts from Visitation Articles of Archbishops Parker and Abbot, and it will appear from such extracts how very great was the solicitude evinced by the ecclesiastical authorities to enforce the strictest adherence to the spirit and language of the Book of Common Prayer. I have already referred your Lordship to Ridley's Injunctions in the reign of Edward VI., 1550 ; and therefore it is unnecessary for me to refer to them again. But I will direct your attention to Archbishop Parker's Visitation Articles, which are to be found in 1 Cardwell's Documentary Annals, page 355, in which he inquires, " Whether divine service " be sayde or songe by your ministers in your severall " churches duely and reverently, as it is set forth by " the lawes of this realme, without any kinde of " variation ; and whether the holy sacraments be " likewise ministered reverently in such manner as " by the lawes of this realme, and by the Quene's " Majestie's Injunctions, and by the advertisements

" set forthe by publike authority, is appointed and " prescribed."

In 1616 in Archbishop Abbot's Visitation Articles, which are to be found in 2 Cardwell's Documentary Annals (page 170) he inquires, " Doth your minister " duly observe the orders, rites, and ceremonies " prescribed in the said Book of Common Prayer, as " well in reading public prayers and the Litany as " also in administering the sacrament, solemnization " of matrimony, visiting the sick, burying the dead, " churching of women, and all other like rites and " offices of the Church, in such manner and form as " in the said Book of Common Prayer he is enjoined, " without any omission or addition. And doth he read " the Book of the last Canons once yearly, and wear " a surplice according to the said canons."

I cannot of course for one moment contend before your Lordship that anything omitted from the Visitation Articles was unlawful; but what I respectfully submit to your Lordship is, that taking the Visitation Articles on the one hand and the Acts of Uniformity on the other, the Visitation Articles included everything that was necessary to be provided for the celebration of Divine Service, everything that the law required to be provided. Lighted candles or incense, for instance, are not subsidiary to any service prescribed by the Prayer Book, and their omission from the Visitation Articles shows that they were not required as necessary to be provided; and it seems to me that what your Lordship directed my attention to in another case, namely, that the Visitation Articles were not issued in one form, but in different forms, and settled by different chancellors in different dioceses, strongly supports my view of the case.

The 14th canon of 1603 directs that all ministers shall observe the orders, rites, and ceremonies prescribed in the Book of Common Prayer as well in reading the Holy Scriptures and saying the prayers as in the administration of the Sacraments, without variation either in regard of preaching, or in any other respect, or adding anything in the matter or form thereof. The 16th canon provides " In the " whole divine service and administration of the Holy " Communion, in all colleges and halls in both univer- " sities, the order, form, and ceremonies shall be duly " observed as they are set down and prescribed in the " Book of Common Prayer without any omission or " alteration." And again, the 36th canon in the second paragraph provides " That the Book of Com- " mon Prayer, and of ordering of bishops, priests, and " deacons, containeth in it nothing contrary to the " Word of God, and that it may lawfully so be used, " and that he himself will use the form in the said " book prescribed in public prayer and administration " of the sacraments and none other."

These provisions emanate from purely ecclesiastical authority, and were agreed to by the Queen as Supreme Ordinary of the Realm. And it does seem to me very surprising that any clergyman should come into this Court and endeavour to set up practices which the heads of the Church have expressly denounced.

In 1665 Archbishop Sheldon addressed a letter to the Bishop of London about Nonconformists, in which he wrote: " And next that you require of them as " they will answer the contrary that in their own " persons in their churches they do decently and " solemnly perform the divine service by reading the " prayers of the Church as they are appointed and " ordered in and by the Book of Common Prayer, " without addition to or diminishing from the same, or " varying either in substance or ceremony from the " order and method which by the said book is set down, " wherein I hear, and am afraid too many do offend, " and that in the time of such their officiating they " ever make use of and wear their priestly habit, the " surplice and hood, that so by their due and reverent " performance of so holy a worship they may give " honour to God, and by their own example instruct " the people of their parishes what they ought to " teach them in their doctrine." 2 Cardwell, Doc. Ann. 328.

And in Westerton and Liddell (Moore, p. 187,) their Lordships say: " In the performance of the ser- " vices, rites, and ceremonies ordered by the Prayer " Book, the directions contained in it must be strictly " observed; no omission and no addition can be per- " mitted."

It is therefore clear, that the most rigid conformity was required to the directions contained in the Books of Common Prayer of Edward VI., Elizabeth, and Charles II.

I will now, my Lord, proceed to deal with the charges in the Articles specifically. The first charge against Mr. Simpson is for " causing candles to be " lighted, and to continue lighted during the admini- " stration of the Holy Communion when such lighted " candles were not necessary to afford light."

The first Book of Common Prayer was not agreed upon until January 1549. But when Edward VI. came to the throne on the 28th of January 1547, certain ecclesiastical Ordinances or Injunctions were issued. I will quote very shortly from these Injunctions (1 Cardwell's Documentary Annals, pages 5 and 7), in which by the first Article, " All deans, archdeacons, " parsons, vicars, and other ecclesiastical persons shall " faithfully keep and observe," and (by the third Article) " shall suffer from henceforth no torches nor " candles, tapers, or images of wax to be set afore " any image or picture, but only two lights upon the " high altar before the Sacrament, which for the " signification that Christ is the very true light of " the world they shall suffer to remain still." Consequently, there are two conditions for these lights. Firstly, the lights must be upon the high altar; and secondly, they must be before the Sacrament, that is, before the reserved Sacrament.

The first Prayer Book of Edward VI. practically prohibited reservation: thus in the Liturgies of Edward VI. (Parker Society's edition, page 85,) it is directed that, " The minister take so much bread and " wine as shall suffice for the persons appointed to " receive the Holy Communion, laying the bread " upon the corporas, or else in the paten, or in some " other comely thing prepared for that purpose." At " page 141 there is a Rubric, which directs, if the " same day there be a celebration of the Holy Com- " munion in the Church, then shall the priest reserve " (at the open communion) so much of the Sacrament " of the body and blood as shall serve the sick person, " and so many as shall communicate with him (if " there be any); and so soon as he conveniently may " after the open communion ended in the Church, " shall go out and minister the same, first to those " that are appointed to communicate with the sick " (if there be any), and last of all to the sick person " himself." These two Rubrics, as I submit to your Lordship, practically did away with and abolished the reservation of the Sacrament.

After the introduction of Edward's first book, the omission of the Injunction as to lights was enjoined in several Visitation Articles and Injunctions—Ridley's Injunctions, for instance, which I have already read to your Lordship (1 Cardwell's Documentary Annals, page 93.) On the accession of Mary, the legislation of Edward VI. with reference to religion was abrogated, and all Divine Service and the administration of the sacraments was restored to what it had been in the last year of Henry VIII.

The second chapter of the second session of the 1st of Mary, after repealing all the principal Acts of Edward VI. relating to religion, including the Edward VI.'s Act of Uniformity, enacted, " That all " suche Divine Service and Administration of Sacra- " mentes as were most comonly used in the Realme of " Englande, in the last yere of the reigne of our late " Sovereine Lord King Henry theight, shall bee from " and after the XXth daye of December in this pnte " yere of our Lorde God one thousande five hun- " dredthe fiftie and three, used and frequented " throughe the hole Realme of Englande, and all other

" the Quenes Majesties Dominions: And that no other " kinde nor order of Divine Service nor administra- " tyon of Sacrātes be after the said XXth daye of " December used or ministredd, in any other mañer, " forme, or degree within the said Realme of Englande " or other the Quenes dominions, then was most " cōmonly used, ministred, and frequented in the said " last yere of the Raigne of the said late King Henrye " the Eight."

This enactment was sufficient to repeal Edward's Injunctions of 1547 against lights before images, and likewise in respect of the two lights before the Sacrament, supposing that the Injunctions of 1547 were then in force. Burning lights before images, and before the reserved Sacrament, and burning lights during the Mass, or other service, are all practices connected with divine service. Elizabeth's Act of Uniformity restored a Protestant service, by enacting that Edward's second Book should be used, with certain specified alterations, but it did not repeal the statute of the 1st of Mary, chapter 2, session 2, except so far as it related to Edward's second Book, which had been scheduled to his second Act of Uniformity.

By the 2nd section of the 1st of Elizabeth it is enacted "that the said statute of repeal, and every- " thing therein contained, only concerning the said " book, and the service, administration of the sacra- " ments, rites, and ceremonies contained or appointed " in or by the said book, shall be void, and of none " effect from and after the Feast of the Nativity of " St. John Baptist next coming."

Therefore, the other Acts of Parliament and ordinances of Edward's reign, repealed either expressly or by implication by the Act of Mary, remained repealed.

The principle I have referred to is laid down in the Bishop's case, (12 Coke, page 7,) where it was decided that another of the Acts repealed by the same Act of Mary, namely, the first Act of Edward VI., cap. 2, as to bishoprics being donative and not elective, was not revived by the repeal of that Act by 1 Jac. 1. c. 25. The judgment, after stating certain objections which had been taken to the validity of the elections of bishops which had taken place after the 1st James, cap. 25, had come into operation, states :—" As to " these objections, upon consideration had of them by " command of the King, it was answered and resolved " by Popham, Chief Justice of England, and Coke, " attorney of the King and afterwards affirmed by " the Chief Baron and the other Justices then atten- " dant to the Parliament, upon good advice and con- " sideration, that although the said Act 1 Mar. be " repealed, that yet the said Act 1 Ed. 6, cap. 2, for " other causes is not now in force, but remains " repealed: Yet true it is that when an Act of Repeal " is repealed, the first Act, as hath been said, stands " in force, and is *implicite* revived. But it is to be " observed, that the said Act 1 Ed. 6. was repealed, " adnulled, and annihilated by three several Acts of " Parliament: and as a man which is bound by three " several bonds, although he break one or two of " them, yet the third which remains whole will bind " him: so when the words of three several Acts " repeal or adnul a first Act, altho' that one or two " of the Acts of Repeal or Adnullation are repealed, " yet the one which remains in force, adnuls the first " Act."

A like state of things exists in the present case.

Queen Elizabeth, in the first year of her reign, issued Injunctions which will be found in 1 Cardwell's Documentary Annals (page 210), and from a comparison of these Injunctions with those of Edward VI. in 1547, we find, that 23 are substantially repeated in Elizabeth's Injunctions, and of the 13 omitted, nine appear to be omitted because they were inconsistent with the existing law. This shows that the Injunctions of 1547 were not considered to be in force, and the two lights upon the high altar were omitted from Elizabeth's Injunctions. Therefore this clearly shows that that Injunction of 1547 respecting the lighted candles, was, so far as Elizabeth was concerned, not intended to be continued in force.

By the 23rd Article of the Injunctions of Elizabeth, in 1559, which all ecclesiastical persons are faithfully to keep and observe, it is ordered, " that they shall " take away, utterly extinct, and destroy all shrines, " coverings of shrines, all tables, candlesticks, trindals, " and rolls of wax, pictures, paintings, and all other " monuments of feigned miracles, pilgrimages, idolatry, " and superstition."

If that language means anything, it means that all candles, without exception, were to be abolished.

I now propose to discuss the question as to the lighted candles in Queen Elizabeth's Chapel, respecting which a great deal has been said, and a great deal has been absurdly written. The fact, that Queen Elizabeth, in the early part of her reign, had lighted candles in her chapel, has been adduced as an argument to prove that the Injunctions of 1547, allowing two lights upon the high altar before the Sacrament, were in force, and that the 23rd Injunction of Elizabeth, commanding the destruction of, among other things, " all candlesticks," was, subject to some exception, in favour of these two lights upon the high altar. It appears, however, that instead of these lighted candles having been retained in Queen Elizabeth's Chapel, notwithstanding her Injunctions, they had been given up together with the other appendages or accessories of the Roman Catholic service, as soon as the Protestant service was re-established by her Act of Uniformity; and that these lighted candles were not re-introduced into her chapel until October 1559, several months after her Injunctions were issued.

I am going to read an extract—I have already read it to your Lordship on another occasion, but it is requisite I should do so now, in order to illustrate the argument I am about to bring before the court, from a despatch of De Quadra, the Spanish ambassador, and given by Mr. Froude, at page 145 of the 7th volume of his History, "Nor was this all. The Queen seemed " to accept the conditions which the marriage (with " the Archduke Charles) would imply and oblige, and " as if to separate herself distinctly from the Protestant " party, she gave orders for the restoration of the " crucifix in the Chapel Royal. Angry words were " exchanged between the Council and the chaplain. " Bedford spoke with bitter surprise to Cecil, and the " order was suspended for a day or two. But on the " Sunday following service was performed with the " altar in full costume, and the priests in orthodox " vestments." Then there is a note at the same page, " The Queen commanded that a crucifix and " some candles should be placed on the altar. On " this account a dispute arose between her chaplains " and the members of the Council, who neglected to " do what the Queen had commanded on that evening. " On the Saturday, at Vespers, it was done, and on " the Sunday there were vestments for the altar and " clergy in such dresses as we use. Bedford at that " time spoke insultingly to Cecil on the subject of " the crucifix."

There has been some doubt expressed as to the authority of these statements; but Mr. Froude, in the preface to the 7th volume of his History, the same in which these extracts occur, at page 6, says, with reference to the credit due to the despatches of these ambassadors, "For these reasons I think it likely " that the Spanish ambassadors possessed sources of " information which the representatives of foreign " states are usually without. I think that no decep- " tion could have been long practised upon them by " either party in the Council which would not have " been betrayed by the other. They write at all times " with a certain mastery of the situation, and in no " instance where their statements can be tested by " other criteria, have I found them to have been " seriously mistaken."

We find further evidence that the lighted candles and the other things mentioned by the Spanish ambassador were re-introduced in October 1559, after having been laid aside for some time. In Strype's Parker

(vol. 1., page 92,) a letter is quoted from Sir Francis Knollys to Archbishop Parker, dated October 13th, 1559, "wishing him prosperity in all godliness, namely, "in his good enterprise against the enormities yet in "'the Queen's closet retained, 'although', said he, "'with the Queen's express commandment these toys "'were laid aside till now a late.'" And the statement of Knollys respecting the removal and subsequent re-introduction of the lighted candles and other articles is confirmed by Strype himself in the more detailed account which he gives of the matter in his Annals of the Reformation (vol. 1, pt. 1, p. 259). "The Queen indeed being used to these things, that "is, the crosses and saints' images in Churches, for "she and her nobles that resorted thither used to give "honour to them, had them at first in her own chapel. "But she seems to have laid them aside, and that "upon the earnest addresses" (and your Lordship may remember that you asked me upon another occasion whether there had been any remonstrance made to Queen Elizabeth against these lighted candles in her chapel) made to her by "her bishops, that in her "Injunctions it might be enjoined that all images "might be removed out of churches, wherein they "did prevail. But it seems not long after the Queen "resumed the burning of lights, and the image of the "crucifix again upon the altar in her oratory." That the crucifix and lighted candles in Queen Elizabeth's chapel were remonstrated against by some of the bishops on *religious grounds*, appears from 1 Strype's Annals.

Bishop Cox, of Ely (1 Strype's Annals, vol. 1, pt. 2, page 501, No. XXII.) wrote to the Queen, excusing himself for refusing to minister in her chapel, because of the crucifix and lights there. He says—"In the "trembling fear of God, in the bond of duty toward "your Highness, in the zeal of God's truth, which "burdeneth and bindeth my conscience, I most humbly "sue unto your like Godly zeal, prostrate and with "wet eyes, that ye will vouchsafe to peruse the con-"siderations which move that I dare not minister in "your Grace's chapel, the *lights* and cross remaining. "The scripture saith in the place where God gave his "commandments he suffered no similitude nor likeness "of anything to be seen. And in his second com-"mandment he forbade both the making of images "and the worshipping them also, and that upon a "grievous plague. How durst man, dust and ashes, "for any respect set up an image in the temple of "God? Your Majesty's learned and godly clergy of "your realm do think this commandment of God "indispensable."

It appears from Bishop Cox's language that the Crucifix was the principal thing objected to, and confirms my argument in reference to this subject, that the lights in Queen Elizabeth's Chapel were never before the reserved Sacrament, but were before the crucifix.

In reply to your Lordship's question, I have not been able to find whether any one of the bishops remonstrated against the lights in Queen Elizabeth's Chapel as "unlawful." But this is not surprising, for the Queen had it practically in her power to establish a crucifix and lighted candles in every parish church in the country.

By the 25th and 26th sections of the 1st Elizabeth, chapter 2, it is enacted "That such ornaments of the "Church and of the ministers thereof shall be retained "and be in use, as was in this Church of England, by "authority of Parliament, in the second year of the "reign of King Edward VI., until other order shall "be therein taken by the authority of the Queen's "Majesty, with the advice of her Commissioners, "appointed and authorized under the Great Seal of "England, for causes ecclesiastical or of the Metro-"politan of this realm. And also that if there shall "happen any contempt or irreverence to be used in "the ceremonies or rites of the Church by the misusing "of the orders appointed in this book, the Queen's "Majesty may, by the like advice of the said Com-"missioners or Metropolitan, ordain and publish such "further ceremonies or rites as may be most for the "advancement of God's glory, the edifying of his "Church, and the due reverence of Christ's holy "mysteries and sacraments."

The Commissioners for Causes Ecclesiastical, and by whose advice the Queen was to exercise these powers, under the 1st Elizabeth, chapter 4, held office only during the pleasure of the Queen. The warrant appointing the commissioners for Ecclesiastical Causes will be found in 1 Cardwell's Documentary Annals, page 255; it is entitled "The Queen's warrant for the "Court of High Commission in Causes Ecclesiastical," and at pages 257, line 20, they are appointed "during our pleasure," and again at page 258, at lines 5 and lines 22, "during our pleasure," being three of the most important parts of the Commission. Consequently the Queen had it practically in her power to make orders for other ornaments and additional rites and ceremonies, and could therefore have ordered that crucifixes or other images should be erected in parish churches of this country, and lighted candles burnt before them.

Again, my Lord, supposing lighted candles had existed in Queen Elizabeth's Chapel, that would have been no test of the law, because many things may be done in a private chapel, which could not be done in a parochial church or cathedral.

That some measure was contemplated by the Queen with reference to crucifixes and other images not long after the introduction of the crucifix and lighted candles, appears from the Zurich letters. In a letter from Thompson Sampson to Peter Martyr, dated 6th January 1560, Sampson says "I will propose this "single question for your resolution, for I wish my "father to implore you as my medium of corres-"pondence with Masters Bullinger and Barnardine. "It is this,—whether the image of the crucifix, "placed on the table of the Lord, with lighted "candles, is to be regarded as a thing indifferent, "and if it is not to be so considered, but as an un-"lawful and wicked practice, then I ask, suppose the "Queen should enjoin all the bishops and clergy either "to admit this image into their churches, or to retire "from the Ministry of the Word, what should be our "canduct in this case?" (1 Zurich Letters, page 64.) This language is perfectly inconsistent with lighted candles being recognized as lawful.

In a letter from Bishop Sandys to Peter Martyr, also in the Zurich Letters, (1st volume, page 73,) the bishop says, "We had not long since a controversy "respecting images. The Queen's Majesty considered "it not contrary to the Word of God, nay, rather for "the advantage of the Church, that the image of "Christ crucified, together with (those of the Virgin) "Mary and (Saint) John, should be placed, as here-"tofore, in some conspicuous part of the church "where they might more readily be seen by all the "people. Some of us (bishops) thought far otherwise, "and more especially as all images of every kind were "at our last visitation not only taken down, but also "burnt, and that too by public authority; and because "the ignorant and superstitious multitude are in the "habit of paying adoration to this idol above all "others. As to myself, because I was rather vehement "in this matter, and could by no means consent that "an occasion of stumbling should be afforded to the "Church of Christ, I was very near being deposed "from my office and incurring the displeasure of the "Queen. But God, in whose hand are the hearts of "kings, gave us tranquillity instead of a tempest, and "delivered the Church of England from stumbling "blocks of this kind."

From these letters which I have read, it appears that, in the beginning of 1560, only a few months after October 1559, the date of the introduction of the crucifix and lights into the Queen's Chapel, the Queen entertained a plan of introducing crucifixes or some other images into the churches of this country. It appears, then, that the Queen had power to introduce crucifixes and lighted candles into churches, and that at one time she was inclined to exercise that power. Under these circumstances, it would have been

madness on the part of the bishops or anybody else to insist that, according to the strict letter of the existing law, the crucifix and lighted candles in the Queen's Chapel were unlawful, as the only result would have been to provoke Queen Elizabeth into making an order for the general introduction of crucifixes and lighted candles. And that, my Lord, is the reason why we do not find, at least as far as my humble sphere of research extends, any trace of any person in authority making a complaint to Queen Elizabeth that the lights in her chapel were *unlawful*, because she had the power to make them lawful. But what we do find is this, that the bishops of the Church remonstrated upon *religious grounds* against their being lighted.

It appears from two letters of Parkhurst, Bishop of Norwich in 1562, that the crucifix and candles were removed from the Queen's Chapel; and that, although they were afterwards restored, the candles were not afterwards lighted in the day time.

The first was a letter dated the 20th of August 1562, and is to be found in the 1st volume of the Zurich letters, page 122, describing the taking away of candles and crucifixes. I shall only, however, trespass upon the time of the Court with the second letter, dated the 26th of April 1563, which states that the cross and candles had been restored, but that the candles were now never lighted. The first volume of Zurich letters, page 129, contains a letter from Bishop Parkhurst to Henry Bullinger: "I wrote "you word that the cross, wax candles, and candle- "sticks had been removed from the Queen's Chapel, "but they were shortly after brought back again, to "the great grief of the godly. The candles heretofore were lighted every day, but now not at all."

If the candles were burnt before and in honor of the crucifix, as I submit they were, and not before the reserved Sacrament, no doubt there was a great point gained in the removal of the lighted candles.

I will now come, my Lord, to what I consider to be a very important part of my argument, in order to show the greatest improbability of lighted candles being used during daylight in the parish churches of this country, and I think I shall be able to establish such improbability from the Homilies. In 1563 the second Book of Homilies was published. The Homilies had been approved of by the Convocation which sat in 1563 (according to the Old Style 1562—63), and they were published with a preface in the Queen's name, to which I shall call your Lordship's attention in a few minutes. I am proposing to read that copy of the Homilies which was published by the Society for promoting Christian Knowledge in 1846.

In one of the Homilies of the second book, the third part of the Homily against "the peril of idolatry," there is a long denunciation of candle worship. This denunciation is principally directed against the burning of lighted candles before images, but a great part is equally applicable to the burning of candles during daylight. For instance, the homily says, at page 242, "For in the day it needeth not, but was ever a proverb "of foolishness to light a candle at noon time." And again, lower down in the same page, "And by and "by he (Lactantius) saith: 'Seemeth he therefore to "'be in his right mind, which offereth up to the "'Giver of all light, the light of a wax candle for a "'gift? He requireth another light of us, which is "'not smoky, but bright and clear, even the light of "'the mind and understanding.'"

In the preface prefixed to the Homilies in 1563, the following directions for their reading were prescribed; and your Lordship will find them at page 4 of the preface: "All which Homilies her Majesty com- "mandeth and straightly chargeth all Parsons, "Vicars, Curates, and all others having spiritual "cure, every Sunday and Holy-day in the year, at "the ministering Holy Communion, or if there be no "Communion ministered that day, yet after the "Gospel and Creed, in such order and place as is "appointed in the Book of Common Prayer, to read "and declare to their parishioners plainly and dis- "tinctly one of the said Homilies, in such order as "they stand in the Book, except there be a Sermon, "according as it is enjoined in the book of Her "Highnesses Injunctions; and then for that cause "only, and for none other, the reading of the said "Homily to be deferred unto the next Sunday or "Holy-day following. And when the aforesaid Book "of Homilies is read over, her Majesty's pleasure is, "that the same be repeated and read again in such "like sort as was before prescribed." This shows, that all the homilies were to be read through consecutively, and that no clergyman was at liberty to choose which of the Homilies he would read, and which he would omit. There could consequently be no doubt that these homilies became very familiar to the people, as it was at that time by no means the rule that all clergymen were licensed to preach.

If this be so—if the denunciations against lighted candles in the daytime in the Homily "On the Peril "of Idolatry" were familiar to the people, we should expect to find that any use of lighted candles in the daytime would be at once denounced as contrary to the Homilies, and would be spoken of in such terms as would clearly show, that it was contrary to the law of the Church to have lighted candles in the daytime.

Though the Puritans in Charles I.'s reign complained a great deal about candlesticks and candles, yet, except in two or three exceptional cases, such as the use of candles upon Candlemas-day, they never complained of lighted candles on the holy table during daylight. The Visitation Articles of the different bishops and archbishops show that the directions for reading the Homilies were not allowed to remain a dead letter. We find Archbishops Parker, Grindal, Bancroft and Laud, and Bishop Andrewes, all inquiring whether each church is provided with the Homilies; and similarly we find Archbishops Whitgift and Laud, and Bishop Andrewes, inquiring whether the Homilies are duly read.

In 1622, Laud, in his Visitation Articles as Bishop of St. David's, inquires, "Doth your minister (being "licensed) preach usually according to the canons, "either in his own cure, or in some other church or "chapel near adjoining, where no preacher is, and "how often he hath been negligent in that behalf, "and doth he preach standing, and with his hat off? "Or whether doth he or his curate upon every "Sunday, when there is no sermon, read an Homily, "or some part thereof, according as he ought to do: "or in case he be not licensed to preach, doth he take "upon him to preach or expound the Scripture in his "own cure, or elsewhere. If so, then you are to "present the same, the time and place, when, and "where he did it." (5 Laud's Works, pt. 2, p. 384, No. 8.) This shows the anxiety of Laud that the Homilies should be read, and the words "As he "ought to do," probably refer to the directions in Queen Elizabeth's preface as to reading the Homilies one after the other.

The terms of the inquiry also show, that clergymen who were "not licensed to preach," or, as it is termed, "no preachers," and who would have been obliged always to read the Homilies instead of preaching, were not uncommon.

Archbishop Laud, in 1637, in his Visitation Articles for the peculiars of Canterbury inquired, "Whether "you have in your church or chapel . . . . "the Book of Homilies lately by authority printed."

Is it credible, that at this time Archbishop Laud and other prelates who were directing the Homilies to be read, were using themselves, or authorizing the use of lighted candles in their churches or chapels? 5 Laud's Works, p. 439.

There were a number of like inquiries made by the archbishops and bishops. And the following are references to Visitation Articles, where the Book of Homilies has been required to be in churches. In 1563, Archbishop Parker (1 Cardwell, Doc. Ann., p. 355.) In 1576, Archbishop Grindal (Ibid., p. 397.) In 1605, Archbishop Bancroft (2 Ibid., p. 110.) In 1619, Bishop Andrewes (Minor Works, p. 113, art 3.)

In 1628, Bishop Laud (5 Laud's Works, p. 405, No. 3.) Where enquiries have been made whether the Homilies have been read in churches. In 1588, Archbishop Whitgift (2 Cardwell, Doc. Ann. p. 33.) In 1625, Bishop Andrewes (Minor Works, p. 130, No. 4.) In 1635, Bishop Laud (5 Laud's Works, p. 425, No. 7.)

The second charge against Mr. Simpson is, that at the public administration of the Holy Communion he mixed water with the sacramental wine intended to be consecrated immediately before the Prayer of Consecration, or at some other time during the celebration of the Holy Communion, and afterwards delivered to the communicants the cup containing the wine so mixed with water.

The mixed chalice had been in use in England down to the time of the Reformation, being expressly prescribed in the Sarum Missal. In the First Prayer Book of Edward VI., a Rubric directs: "Putting "the wine into the chalice, or else into some fair and "convenient cup prepared for that purpose, if the "chalice will not serve, putting thereto a little pure "and clean water, and setting both the bread and wine "upon the altar." This Rubric, as your Lordship is aware, was omitted in Edward's second Book, and only the word "wine" is used in that and in subsequent Prayer Books—there not being in any of them the slightest allusion to "water."

In 1662 the following Rubric, corresponding to that in Edward's first book, was inserted. "And when "there is a communion the priest shall then place "upon the table so much bread and wine as he shall "think sufficient," leaving out the latter part of the Rubric of the first Prayer Book. Rubrics were likewise inserted in the margin of the Prayer of Consecration, as well as before a Rubric provided for the consecration of additional bread and wine; all these speak of *wine* as the substance to be consecrated.

The 20th and 21st of the canons of 1603 mention "wine" only, and the minister is directed to deliver both the bread and the "wine" to every communicant; and bread and "wine" to be provided against every communion. "The churchwardens of every parish "against the time of every communion shall at the "charge of the parish, with the advice and direction "of the minister, provide a sufficient quantity of "fine white bread, and of good and wholesome *wine*, "for the number of communicants that shall from time "to time receive these; which *wine* we require to be "brought to the communion table in a clean and sweet "standing pot, or stoop of pewter, if not of purer "metal." Then, in the 21st canon, it says, "Furthermore no bread or *wine* newly brought shall be used; "but first the words of institution shall be rehearsed, "when the said bread and *wine* be present upon the "communion table. Likewise the minister shall de-"liver both the bread and *wine* to every communicant "severally."

It may perhaps be argued, that the word "wine" does not necessarily mean wine alone, but may include "wine and water." But it will be found very difficult to prove, that the word "wine" had in Edward VI. or Charles II.'s reign, or has now a different meaning in liturgies or other ecclesiastical writings from what it unquestionably had and has in the language of common life. On the contrary, the Sarum Missal and the present Roman Missal both use the word "wine" in the strict sense of pure wine.

In the Directorium Anglicanum, pages 83 to 92, which professes to contain the cautels and directions of the Mass, a translation of the cautels of the Sarum Missal will be found; and in these cautels the follow-"ing directions: "Also the water must be poured "in the smallest possible quantity so that it may "be absorbed by the wine and receive the savour of "the wine. For there is no danger, however small be "the modicum of water that is mixed, but there is risk "if it be much." Page 85.

Here two substances are treated of "wine" and "water." Again, at page 92. "Also care must be "taken that only a modicum of water be put (into the "wine), because, if so much is put in as to take away "the *species* of wine, it must not be used." These directions establish that before the Reformation the relative proportions of "wine and water" were considered a matter of great importance, and that it was unlawful to consecrate the mixture, if it contained too much water.

The reason for these directions appears from a Rubric in the present Roman Missal, which declares, that, if so much water be mixed with the wine, that the wine is corrupted, the mixture cannot be effectually consecrated.

In a book on the Romish Rites by Foy, page 188 (the "title is "Of defects occurring in the celebration of "the Mass), the fourth defect is, 'If the wine has "'become quite sour or putrid, or has been pressed "'from unripe grapes, or so much water is mixed with "it that the wine is corrupt, the Sacrament is null;" which means that the Sacrament is not made. How meaningless and absurd these directions and declarations would be if "wine," when used in liturgies, included "wine mixed with water."

The third charge against Mr. Simpson is, that after the Prayer of Consecration he raised the paten with both hands over his head and the cup in like manner. Mr. Simpson in his answer denies having done the acts charged *after* the Prayer of Consecration, but says, that he has in the reading of the Prayer of Consecration so raised the paten on pronouncing the words "Do this in remembrance of me," and has so raised the cup on pronouncing the words "This is my blood "which is shed for you and for many for the remission "of sins," and he submits himself to the judgment of the Court, if such elevation of the paten and cup are unlawful additions to and alterations of the form and order prescribed by the Book of Common Prayer.

The substance of this charge is, that there was an elevation—after the bread and wine had been consecrated. The Sarum Missal prescribes two elevations of each element, the one before, and the other after, pronouncing the words of consecration "For this is "my body" or "For this is the chalice of my blood." Your Lordship will find that in Walker, Sarum Missal, pages 66 and 67, "These words of consecration are "to be said in a single breath and without any pause between them." And after these words the priest inclines himself towards the Host and elevates it above his head that the people may see and adore it, replacing the chalice after the manner of a cross. Then again, at the words "For this is the chalice of "my blood of the New Testament, the mystery of "the faith which was shed for you and for many for "the remission of sins?" Here he elevates the chalice to his breast or above his head, saying, "This do as oft as ye shall do it, for a memorial of me." It will be observed that Mr. Simpson's elevation, according to his own admission, corresponded with the second kind of elevation mentioned in Walker, both in the amount of the elevation and in being after and not before the consecrating words.

The Rubric directs in the Consecration Prayer the priest to take the bread at the words "took bread." Mr. Simpson however admits, that he elevated the paten at the words "Do this in remembrance of me," which occur much later in the prayer, and after, instead of before, the words of consecration. Similarly the Rubric directs the cup to be taken at the words "This "is my blood of the New Testament which is shed for "you and for many for the "remission of sins," words occurring much later in the prayer, and having another Rubric annexed to them with which Mr. Simpson could not have complied, namely, "And here to lay his "hand upon every vessel be it chalice, or flagon, in "which there is any wine to be consecrated." This Rubric which I have just read means that every vessel containing wine to be consecrated, is to be upon the table, and the priest is to lay his hand upon it there, not that he is to be holding it up over his head. This appears from Mr. Simpsons' responsive allegation, paragraph 4, where he says, that he raised the paten

on pronouncing the words "Do this in remembrance "of me." And that he raised the cup in pronouncing the words "This is my blood which is shed for you "and for many for the remission of sins."

It has been argued, and I have no doubt it will be argued again, that the elevation of the elements is authorized by the Rubrics in the margin of the Consecration Prayer in our present Prayer Book, which direct the priest to take the paten and the cup into his hand. But even if it were arguable, that elevating the paten or cup above the head was a proper mode of complying with a direction simply to take it into the hand, Mr. Simpson's statement asto the times of the elevations would exclude him from the benefit of this argument. I believe there never was in any case in this Court a more wilful departure from the language of the Rubric, than there has been in the present case, upon the admission of Mr. Simpson.

In the First Prayer Book (Liturgies of Edward VI., page 89,) your Lordship will find this Rubric :— "*Here the priest shall take the cup into his hands.* "*These words before rehearsed are to be said, bowing* "*still to the altar without any elevation or shewing* "*the Sacrament to the people.*" As the Acts of Uniformity forbid every ceremony not expressly prescribed by the Prayer Book,—this prohibition was strictly unnecessary, but the abolition of transubstantiation and its attendant abuses was such a vital part of the Reformation, that we have no reason to be surprised at finding in the first book an express prohibition against having recourse to such a practice.

In the second Prayer Book this prohibition was omitted, the reason possibly being, that as the true meaning of the Act of Uniformity was better understood, and as the clergy had been made aware that every ceremony not expressly prescribed was prohibited, it was unnecessary to preserve in our second Prayer Book a memorial of this Popish and objectionable practice.

In the same year that the second Prayer Book was passed, the 42 Articles of 1552 were agreed to, one of which, the XXIX, corresponded with our present XXVIII Article, namely :—"The Sacrament of "the Lord's Supper was not by Christ's Ordnance "reserved, carried about, lifted up, or worshipped." And it was observed in Liddell and Westerton (Moore, 180) that in the XXXIX Articles, "the "distinction between the Supper of the Lord and the "Sacrifice of the Mass is set forth with the utmost "precision."

The fourth charge against Mr. Simpson is, that on receiving the alms collected at the Offertory, he has placed such alms, and the bason containing them, on a stool, instead of on the communion table. Mr. Simpson admits the charge, but he denies that he has so placed the said alms, otherwise than to obtain more room on the communion table, and he submits, that such an unintentional and inadvertent placing of the alms on a stool, if it has occurred, is not an unlawful alteration of and deviation from the form and order prescribed in the Prayer Book. The Rubric alleged to be violated was inserted in 1662, and is as follows: —"Whilst these sentences are in reading, the deacons, "churchwardens, or other fit person appointed for "that purpose, shall receive the alms for the poor, "and other devotions of the people in a decent bason, "to be provided of the parish for that purpose, and "reverently bring it to the priest, who shall humbly "present and place it on the holy table."

The excuse alleged by Mr. Simpson, namely, that it was to obtain more room on the communion table, is not very easy to understand. The only articles which in the performance of the services of the Church it could possibly be necessary to place on the communion table are (1), the paten; (2), the chalice; (3), the flagon; and (4) the Service Book, and the communion table must be particularly small if there is no room for the alms bason besides. That excuse is also inconsistent with the subsequent allegation, that the act charged was unintentional and inadvertent. There seems to be a superstitious scrupulousness among some clergymen, as to what is to be placed on the communion table; or, in other words, a disinclination to obey the directions of the Book of Common Prayer; the object being to endeavour to deal with the communion table as if it were a Popish altar.

In the "Directorium Anglicanum," (p. 78,) we find (and this work your Lordship will recollect is by Dr. Lee, a beneficed clergyman of our Church) in a note: "The chasuble is the only ornament of a priest "which it is permitted to lay upon the altar. Caps, "gloves, and the like, ought never to be tolerated on "the altar, and if unconsciously placed there, ought "instantly to be removed by one of the assistant "ministers, sacristans, or other officer." And we get the same in the "Ritual Reason Why," p. 11: "There "are other ornaments of the altar besides the hang- "ings and cross. Will you explain them? There "are two lights which burn at the time of the cele- "bration to signify that Christ is the true light of the "world; and to represent His two natures, the "Human and the Divine, both which he bears at "the right hand of the Father in heaven. Other "lights are lit round and about the altar in festal "seasons, as a sign of spiritual joy, as St. Jerome "testifies. The altar is also decked with flowers for "the same reason, and in honour of Him who is the "Rose of Sharon and the Lily of the Valley. All "these are not placed on the altar proper (which is "reserved for the sacred vessels directly employed in "the offering of the Eucharistic sacrifice), but on one "or more shelves or steps, called the *Re-table*, and "sometimes but improperly called the *super altar*." And then we find at question 25, "What is the "Credence? It is a table at which the elements are "prepared." Question 26, "Why is this done at the "Credence? Partly for convenience, partly out of "reverence, so that the altar may be entirely reserved "for the actual offering of the holy sacrifice; and in "order that the elements may not be placed upon the "altar before the oblation." It is, my Lord, deeply to be deplored to find beneficed clergymen endeavouring, *per fas aut nefas*, to introduce the Popish altar and its accessories into our Protestant churches.

However, as I shall have an opportunity of replying upon the Defendant's case, it is not my intention at the present time to trespass further upon the attention of the Court.

(Adjourned for a short time.)

(*Dr. Swabey.*) I appear with my friend, Mr. Stephens, on behalf of the Promoter; and I hope I am not insensible either to the importance of the subject or the dignity of this Court, but at the same time I cannot forget—and I think I ought not to forget—that these very topics have been argued before the Court recently at very great length, and that the Court during many days has had poured into its ear a vast mass of information and very able arguments on the subject. I cannot help thinking that your Lordship will apply such part of that information and so much of those arguments as you may think applicable to the questions at issue in the present case, and that being so, the observations which I shall now proceed to make will be rather by way of allusion to what has been said, and possibly in some degree of anticipation of what may be said. Of course if any really new points are produced by my learned friends on the other side, it will be for my learned leader to deal with them in his reply. My remarks will not run to the same extent, as would have been necessary, having regard to the dignity of this Court, if the case had now come fresh before your Lordship for the first time.

It is possible that a sort of preliminary objection may be taken in this case which may form itself somewhat in this way: that this being a proceeding under a penal statute the decree by letters of request and the Articles are in such a shape as would be bad if it was an indictment at common law under a penal statute. The answer to that I think is that the juris-

diction of the Court in these matters depends certainly not upon that statute. It is a court of ancient jurisdiction, in existence before that statute. The statute may prescribe certain penalties for certain offences, but I think it in no way prescribes the form of procedure in this Court; at the same time, any questions that can be raised upon that point are answered by the remark that it is a question of the procedure of this Court, and that as a question of the procedure of this Court the proper course has been taken in the decree by letters of request and the form of the Articles; and further in this very case, unless it can be shown that there is something which absolutely deprives the Court of its jurisdiction, the decree and letters of request and the articles have undergone the ordeal of being carried up on the question of form to the Judicial Committee of the Privy Council; and they have the sanction both of this Court and of the Judicial Committee of the Privy Council as being proper in point of form; so that I trust your Lordship will not find any difficulty, if that preliminary question should arise, in dealing with it.

My Lord, after listening, as I had the advantage of doing for many of those days during which the Court has sat to hear the case which was recently before it, to the mass of information which was laid before your Lordship—and I am not in the least complaining or suggesting any complaint of that mass of information having been so laid before your Lordship; because if I did I should properly lay myself open to the proverb of sour grapes in the first place, and in the next place, because I apprehend it was necessary that such information should be laid before your Lordship—the question may well be asked whether there is any clue or guide through that mass of information; and I cannot help thinking something of that nature will be found expressed in this proposition, that your Lordship, after an impartial perusal of the Acts of Uniformity and of the present Prayer Book and Rubrics, must come to the conclusion that the object of those Acts and of that book was to substitute the form of prayer in them contained for those that had preceded them. For instance, the first Act of Uniformity of Edward substituted the book incorporated therewith, for the Use of Sarum, or any of the other forms of ritual which may have been in use in the Church of England before that period; and so on till we come down to the present book—the present book being now substituted for all others, not merely supplementary to them. I think that is the fair conclusion which your Lordship must arrive at from all those documents which you have been referred to at great length.

That view is also strongly supported by the 14th canon, which has been read this morning; and it is also fortified by what is laid down in effect by the Judicial Committee of the Privy Council in Liddell *v.* Westerton. One is almost ashamed to refer your Lordship to passages which have been read so often, but I must do so very shortly. At page 134 of Bayford's edition of that judgment is this, "Their "Lordships entirely agree with the opinions ex- "pressed by the learned judges in these cases, and "in Faulkner *v.* Lichfield, that in the performance "of the services, rites, and ceremonies" (I do not "know that wider words could be used) ordered by "the Prayer Book, the directions contained in it "must be strictly observed that no omission and no "addition can be permitted."

Then, of course, there is the well-known exception mentioned, and various instances were given by their Lordships; there is another, an extremely good one, and which I think has been already referred to, namely, that if the Rubric of the first Prayer Book of Edward, with reference to the water and wine, was an existing Rubric, it would follow from that that some vessel to hold the water would be a proper accessory to the ornaments of that Rubric, although not specifically mentioned. Then again, at the bottom of the following page, your Lordship will find this— "Although their Lordships are not disposed in any "case to restrict within narrower limits than the law "has imposed, the discretion which within those limits "is justly allowed to congregations by the rules both "of the Ecclesiastical and the Common Law Courts, "the directions of the Rubric must be complied with."

Then we go back to the authoritative interpretation placed upon the Rubric as to ornaments, p. 114, which I really will not read to your Lordship again, but I will ask you to bear in mind the meaning given to the word "ornament" there, the distinction between ornament and decoration, and the very clear explanation of that distinction in the case of the cross, by which their Lordships illustrated their meaning of the distinction beyond all doubt saying that if a cross were used in the service, as, for instance, by being carried up and down the church, it would be an ornament; but if it is merely placed against a wall, and not used in any part of service, then it is a decoration. My Lord, it seems to me that their interpretation of the Rubric refers one in terms to the first Prayer Book of Edward VI., and that as regards ornaments, nothing that is not found in that Prayer Book (of course with the exception I have referred to) can be used in the services of the Church. It seems to me that this is a very strong part of our case, and in pressing it upon your Lordship's attention, I am not intending to press, and I do not think I am pressing, a view at all inconsistent with, or contradictory to, that of my learned leader, who laid very great stress on the words rites and ceremonies. It seems to me that at the very worst it is only like the two sides of the gold and silver shield; for the Privy Council has said, as soon as the thing is used it is an ornament, and we of course say the using it must be a rite or ceremony, so that wherever an ornament is used there is a ceremony. Of course there may be a ceremony without the use of an ornament, as in the case of elevation; that is, I do not think the term "ornament" would apply to the sacred elements; they stand upon their own special Rubrics; but still a ceremony may be introduced no doubt without any new ornament being used. On the other hand, wherever a new ornament is introduced, there, *ex vi termini*, there must be a new ceremony. Therefore I say, comparing my argument with that of my learned leader, it is only like the two sides of a shield, if there is any difference in the view I am submitting to your Lordship. Taking that ruling of the Privy Council as a principle, I will pass for a moment to consider what has been suggested as to the discretionary Rubric at the beginning of the Prayer Book, that is to say, whether a matter of this sort ought not to go to the bishop personally and be settled by him, for that is the way in which I understand the suggestion. In the first place it may be well worth noting what that Rubric followed, in the first Prayer Book of 1549. It ran, and does run now to some extent, in this way: "Whereas heretofore there hath been great diversity "in saying and singing in churches within this realm "some following Salisbury Use, some Hereford Use, "and some the Use of Bangor, some of York, some of "Lincoln; now from henceforth all the whole realm "shall have but one use. And if any would judge this "way more painful," (that must refer to the clergy) "because that all things must be read upon the book, "where as before, by the reason of so often repeti- "tion they could say many things by heart; if those "men" (namely clergy) "will weigh their labour with "the profit in knowledge, which daily they shall ob- "tain by reading upon the book, they will not refuse "the pain, in consideration of the great profit that "shall ensue thereof." (That last clause is omitted in the preface of the present Prayer Book, and then follows) "And forasmuch as nothing can be so plainly "set forth, but doubts may arise in the use and "practice of the same; to appease all such diversity "(if any arise), and for the resolution of all doubts "concerning the manner how to understand, do, and "execute the things contained in this book, the par- "ties that so doubt or diversely take anything, shall "always resort to the bishop of the diocese, who by "his discretion shall take order for the quieting and

" appeasing of the same ; so that the same order be " not contrary to anything contained in this book."

My Lord, I suggest that all those words point to the clergy. If a clergyman is in doubt, or confers with a neighbour clergyman and finds that himself and his neighbour take diverse views, then he is to go to the bishop ; but I say it does not point at all to the case of a dispute between a parishioner and the clergyman of the church which he attends. But supposing that is not so, and supposing the parties who are disputing about points of law may go to the bishop for certain purposes ——

(*The Dean of the Arches.*) What are you citing ; the first book ?

(*Dr. Swabey.*) I am citing Mr. Keeling's "Liturgicæ Britannicæ."

(*The Dean of the Arches.*) But I do not understand that those words which you are citing are not in the present book ?

(*Dr. Swabey.*) The words which are not in the present book are these, my Lord, "And if any would " judge this way more painful, because that all the " things must be read upon the book, where, as before, " by reason of so often repetition they could say many " things by heart, if those men will weigh their labour, " etc." I say clearly that should be restricted to the clergy, those who have to do and execute the matters contained in the book.

(*The Dean of the Arches.*) I have got the passage now.

(*Dr. Swabey.*) So that I submit that on the fair interpretation of the words as they now stand, they apply to the case of a clergyman being in doubt as to how he should execute and carry out matters contained in this book and do not refer to the case of a question of law raised between a parishioner and a clergyman. But supposing that to any extent they do so apply, or that the bishop has a discretion in such matters, then I say that Rubric does not at all go on to point out how he shall exercise this discretion. Your Lordship will remember in this case the matter was brought before the Bishop of Exeter; and if he had a discretion I submit he has exercised that discretion by issuing a Commission and by sending up the case to this Court by Letters of Request; and to illustrate the fact that there would be nothing inconsistent with the terms of this Rubric in this case I will refer to Stone's case, a proceeding under the 13th Elizabeth, cap 12, which required the person to be " convented before the bishop of the diocese, or the " ordinary" (1 Haggard's Consistory Reports p. 426). "The protest objected that the citation was irregular " and insufficient in calling on Mr. Stone to appear " before the Judge instead of the Bishop in person ; " and secondly that the nature of the cause and the " quality of the Promoter were not sufficiently ex- " plained." The Court overruled these objections, " holding that the citation was in the usual form, " that it might have issued independently of the " statute, and that the words of the statute 'before " 'the Bishop of the Diocese or the ordinary' were " to be interpreted according to the usual style and " form of judicial proceeding in this Court." So that even if the Rubric does apply to the case of a dispute between a parishioner and clergyman, I submit there is nothing to prevent the bishop from exercising his discretion by issuing a commission of inquiry and by sending the case to this Court by letters of request.

I now come to the first matter charged in this case. It is as to lighted candles ; and according to the view which I have ventured to submit to your Lordship, it seems to me to turn very much upon whether they can be said to be decorations. It is remarkable they are not said in the answer or responsive allegations to be decorations, and my friends who advised the Defendant in this case must have well known the importance of the distinction. In point of fact you cannot read the allegations without seeing that the candles are used in that part of the service which we say they are; namely, the Communion Service. It would be almost an insult to suppose that Mr. Simpson, in broad daylight, lights the candles by way of decoration ; as such it would be most mean and pitiful, and we can only suppose that he has some meaning (I do not inquire what) when he uses the lighted candles in that particular part of the service, namely, the celebration of the Holy Communion. It has been said, on no mean authority, that these lighted candles were authorized or permitted by an authorized ritual in the second year of Edward VI., and that that authorized ritual has never been revoked.

Now as far as I understand that, I understand it to refer to certain Injunctions. I am not going now to inquire into the question of the legality or illegality of those Injunctions ; that has been so fully dealt with by my learned leader ; but I say, assuming for the sake of argument that before the first Act of Uniformity passed it could be properly said that lighted candles were in use in this Church of England by authority of Parliament, then we must consider what effect the Statute of Uniformity has upon that previous state of the law. It seems to me beyond all question. If you turn to the Act of Uniformity you find——

(*The Dean of the Arches.*) What Act ?

(*Dr. Swabey.*) Edward's first Act, 2 & 3 Edward VI., cap. 1. Your Lorsdship recollects the section, " All ministers," and so on, "Are bounden to say and " use Mattens, Evensong, celebration of the Lord's " Supper, commonly called the Mass, and administra- " tion of each of the sacraments, and all and every " common and open prayer, in such order and form as " is mentioned in the same book, and none other or " otherwise." Now, if you couple that with the present Act of Uniformity, and the interpretation which the Privy Council put upon the Ornament Rubric, I venture to say that it must turn upon the question, whether the lighted candles so used in a particular part of the service are prescribed by the first book of Edward VI., or whether they are necessary or consistent additions to what is prescribed by the first book of Edward VI., and I venture to put it that, used in the way in which Mr. Simpson says in his answer he does use them, they are unlawful additions and not necessary adjuncts in any sense of the word.

I will only refer to one text book with regard to this matter, and I do it with that great respect which I feel for the author of that text book. It is Mr. Prideaux's " Guide to Churchwardens," the edition of 1860, page 56: The Churchwardens "may also if " they think fit furnish the Communion table with two " candlesticks and candles, not indeed as ornaments " but as necessaries, provided they be of a reasonable " size, and that the candles are lighted only when " necessary in consequence of darkness."

(*The Dean of the Arches.*) That was in accordance with Dr. Lushington's view ?

(*Dr. Swabey.*) Yes; my learned friend seems to have been rather led away by the Recorder of Sarum since that time ; but that was what I venture to call his more wholesome frame of mind in 1860.

Now, my Lord, as to the mixed chalice I do not think I ought to trouble your Lordship at any length. I will only point out that the mixed chalice was distinctly directed by the Use of Sarum. I need not refer you to the page. We know how the rubric, with respect to it varied in the later Prayer Books, and I cannot help thinking, when we consider that the undoubted object of the Church of England was to make a distinction between the administration of the Communion or the Lord's Supper and the Romish Mass, that it is impossible a matter of that sort could have been varied in the Prayer Book without an intention that the Rubrics should be exactly adhered to. And I am borne out in that by the opinion of another of my friends (Mr. James), who says: " I think it is " not lawful to vary the prescribed form at all. " Adding to is varying. I do not find any evidence " that at the time when the present Prayer Book " was compiled the word 'wine' was understood to " mean wine mixed with water." The Court is well aware also that the 20th of our canons of 1603 directs bread and wine to be provided.

(*The Dean of the Arches.*) That has been cited already this morning.

(*Dr. Swabey.*) Then, my Lord, the question of elevation stands very much in the same position. It is prescribed in the most formal and precise manner by the Use of Sarum.

(*The Dean of the Arches.*) It is not quite in the same position. It is rather against your argument, is it not? because it is distinctly prohibited in one Prayer Book, and the prohibition is removed in the other.

(*Dr. Swabey.*) The prohibition is no doubt removed in the other Prayer Book.

(*The Dean of the Arches.*) It is rather against your argument, is it not?

(*Dr. Swabey.*) Well, I should think there is a considerable difference in the removal of a prohibition, which, as my learned friend said this morning, for obvious reasons might have been necessary at the time it was made, and unnecessary afterwards, and the position that you are at liberty to use anything that is not forbidden. My contention is that you are only at liberty to use what is prescribed.

Then as regards the alms not being placed on the communion table, it is a point peculiar to this case; but I do not think it admits of an argument.

(*The Dean of the Arches.*) At present I do not understand how it is defended?

(*Dr. Swabey.*) I do not think it is necessary to go into that subject; I believe your Lordship referred to the use of hymns in church. I do not mean to say it has any direct bearing on this case; but as far as I can see the whole matter is illegal, and has sprung up probably in this way——

(*The Dean of the Arches.*) You think all hymns are illegal?

(*Dr. Swabey.*) I think all hymns are illegal except such as would come under the term of anthems, to be used where the Rubric directs an anthem to be sung. It is a curious consequence to arrive at, even if it should be indirectly arrived at in this case. But of course it is quite clear the strong feeling of congregations with reference to the use of hymns has overridden any directions against it, and I should think it has sprung up in this way, as far as I can make out: The seventh section of Edward's first Act of Uniformity provided as follows, "also it shall be "lawful for all men, as well in churches, chapels, "oratories, or other places, to use openly any psalms "or prayers taken out of the Bible, at any due time, "not letting or omitting thereby any part of the "service commanded by the said book." Then, in a note upon that, my friend Mr. Stephens refers to it in this way: "This metrical version (Sternhold "and Hopkins), first allowed in private devotion, was "gradually introduced into the Church, having been "probably admitted under the sanction of a clause "in the first Act of Uniformity, which makes it "lawful (citing as above). This conjecture is supported by the title of these psalms, 'set forth and "'allowed to be sung in all churches before and after "'morning and evening prayer, and also before and "'after sermons.' The general opinion, however, "is that they were admitted rather by connivance "than by legal authority. When in the next century "the puritanical party gained strength and confidence, "*Te Deum*, *Benedictus*, *Magnificat*, and *Nunc "dimittis* were in most churches excluded, and these "singing psalms introduced in their places."

(*The Dean of the Arches.*) How came Brady and Tate into existence?

(*Dr. Swabey.*) I am going to show your Lordship how Brady and Tate came in. As far as I can make out, the only authority on which they rest is an Order in Council of the 3rd December 1696, "Present the King's most Excellent Majesty in Council, upon the humble petition of Nicholas Brady and Nahum Tate." This is quoted from another of my friend's books—a large folio edition of the Book of Common Prayer. I am afraid I am poaching entirely upon his manors. "This day read at the Board setting forth that the "Petitioners have with the utmost care and industry "completed a new version of the Psalms of David "in English metre fitted for public use, and humbly "praying his Majesty's Royal Highness that the "version may be used in such congregations as think "fit to receive it. His Majesty, taking the same "into his Royal consideration, is pleased to order "in Council that the same new version of the psalms "in English metre be, and the same is hereby allowed "and permitted to be, used in all churches, chapels, "and congregations as think fit to receive the same."

(*The Dean of the Arches.*) That is strongly overriding the Act of Uniformity according to your contention.

(*Dr. Swabey.*) Yes. It is signed W. Bridgeman. But I venture to say, in spite of that, according to my view they are illegal.

(*The Dean of the Arches.*) Oh, of course it is quite open to you to say that.

(*Dr. Swabey.*) In the case of Hutchins *v.* Denziloe there is an allusion made by Lord Stowell in this way; he cites from the Reformation Legum, and then he says. "The metrical version of the Psalms was then "not existing—the first publication not taking place "until 1562, and it was not regularly annexed to the "Book of Common Prayer till 1576." I do not understand by "regularly annexed," he means "by "authority." That case your Lordship will find in the first Consistory Reports, p. 179. "It was not "regularly annexed to the Book of Common Prayer "till 1576, after which these Psalms soon became "great favourites with the common people." And your Lordship remembers in Wordsworth's "White Doe," the date of which is about the time of the great Northern rising, he speaks of the new zeal of congregations at that time for the singing of psalms. Lord Stowell goes on to say that the introduction of this version made the old hymns disrelished. I suppose by that he means the Magnificat, and so on.

(*The Dean of the Arches.*) No, I do not think he means the Magnificat.

(*Dr. Swabey.*) "But it cannot be meant that they "were entirely superseded, for under the statutes of "the Reformation and the usage explanatory of them, "it is recommended that the ancient hymns should "be used in the liturgy, or rather that they should "be preferred to others." He refers to the Injunctions of 1559 with reference to the encouragement of the art of singing, and so on, and at the end of the 49th Injunction you will find "That there be a "modest and distinct song so used in all parts of the "common prayers in the church that the same may "be as plainly understanded as if it were read "without singing; and yet nevertheless, for the "comforting of such that delight in music, it may be "permitted that in the beginning or in the end of "common prayers, either at morning or evening, "there may be sung an hymn, or such like song to "the praise of Almighty God, in the best sort of "melody and music that may be conveniently devised, "having respect that the sentence of the hymn may "be understanded and perceived."—1 *Card. Doc. Ann.* p. 229.

Now I do not think I ought to trouble your Lordship with any further details in this case, for the reasons which I have stated in the outset. It may be said that all these matters complained of were very trifling—mere matters of ceremony and ceremonial. On the other hand I suppose there are very few of us who do not feel great pain at all this wrangling over even matters of ceremonial and ceremony connected with the pledge and means of the highest spiritual grace which both churches offer. But still I think we are entitled to urge, and your Lordship is bound to consider that all these matters occur in this particular service, namely, the celebration of the Holy Communion, or whatever title you please to give to that sacred rite, and I think nothing connected with that service can be unimportant considering the position which the Church of England takes upon it. I do not think I am trenching upon your Lordship's rule with regard to this case having nothing to do with

doctrine, when I do state that the Church of England in this matter has spoken with no uncertain voice, and that she has condemned several of the doctrines of the Church of Rome as regards what the Church of England calls "The Sacrifice of the Mass," and that these doctrines so condemned found their exponent in the ancient service books; and if you please to say so as regards England in the ancient Liturgy of the Use of Sarum. All these, as we say, illegal matters, however trifling, or however ceremonial they may be, clearly tend to assimilate our service book to that of the Use of Sarum. So much I think we are entitled to urge, and so much I think your Lordship is entitled to consider without in any way going into the question of doctrine; and I think I may apply the observations of their Lordships in the Privy Council, which you will find at page 133 of Mr. Bayford's edition of Liddell *v.* Westerton, where they supposed a certain like objection to have been raised as to the trifling nature of the matters in question. "But this distinction between a table and an altar is in itself essential," and I venture to put it that the difference between our service and the Use of Sarum "is in itself essential," that the circumstances, therefore, which constitute that distinction however trifling in themselves, are for that reason important. I submit with great confidence your Lordship is entitled to go so far as that into the meaning of these things; and it is not giving any decision as to which doctrine is right and which is wrong. Their Lordships go on to say "And that "when positive rules are established by law, courts "of justice, when called into action by parties "entitled to maintain the suit, are bound to enforce "the law as they find it, leaving it to the Legislature, "if they see fit, in any manner to alter it."

(*Mr. Droop.*) I have to ask your Lordship's permission to address some few additional observations in support of this case. Like my friend Dr. Swabey, I have borne in mind in preparing my argument, and I will also do so in addressing your Lordship, that these subjects have been discussed in a former case. And though I shall have to trouble you at somewhat greater length than my friend has done, still I propose to deal mainly with questions which have not been discussed in the present case by my learned leaders, and which have not been discussed or not much discussed, at any rate from our point of view in the former case.

The whole question which we are discussing is one of very great importance to the Church; and looking to the state of opinion which prevails among a considerable portion of the clergy with reference to these matters it seems to me very desirable that if our contention on these points succeed, we should give your Lordship the fullest opportunity of satisfying them that your decision in our favour—supposing your decision to be so—is not only in strict accordance with the letter of the law, but that it is in accordance with the mind of the Church of England throughout past generations since the Reformation.

The first point I wish to draw your attention to is this. I propose to explain to your Lordship how, as we believe, these Injunctions of 1547 as to lights were authorized. For this purpose I produce a copy of the commission which was issued to the visitors of certain dioceses in 1547. It is one of several commissions which were issued in the first year of Edward VI.'s reign.

(*The Dean of the Arches.*) There is the printed commission in Cardwell; is it different from that?

(*Mr. Droop.*) The printed commission in Cardwell is a commission of Elizabeth's reign. This is remarkably similar to that. This has been extracted from the registers of Bishops Bonner, Thirlby, and Ridley, and it is for the dioceses of Westminster, Norwich, London, and Ely.

(*The Dean of the Arches.*) Where do you get it from?

(*Mr. Droop.*) It is out of the registry of the Bishop of London.

(*The Dean of the Arches.*) No translation was filed, I suppose?

(*Mr. Stephens.*) No, it has not been filed.

(*Mr. Droop.*) This commission details the various duties which the registrars are to have, and among the different duties of the registrars are these: "Necnon Injunctiones præsentibus annexas personis "in eisdem nominatis nomine nostro tradendum; "aliasque Injunctiones congruas et competentes vice "et auctoritate nostris eis indicendum et assignan- "dum pænasque convenientes in earum violatores "infligendum et irrogandum." The visitors are enjoined to deliver to the persons named in them the Injunctions annexed to these presents. And the view I wish to press upon your Lordship is that the Injunctions of 1547 were annexed to the copies of this commission.

(*Dr. Deane.*) Will you give me the date of that?

(*The Dean of the Arches.*) The copy handed up to the Court bears date 10th August 1547, and is "a Royal Commission for the visitation of certain dioceses." What is your next position with regard to that, Mr. Droop, supposing it to be as you contend?

(*Mr. Droop.*) I say this commission is merely under the seal of the King. The termination is "In cujus "rei testimonium sigillum nostrum quo ad causas "ecclesiasticas utimur præsentibus apponi mandavi- "mus. Data decimo die mensis Augusti anno Domini "millesimo quingentesimo, quadragesimo septimo et "regni nostri anno primo." Therefore there is no trace of any formality upon this except the King's seal.

(*The Dean of the Arches.*) Is your argument this, that Injunctions were attached to the commission that the commission was invalid and therefore the Injunctions were invalid?

(*Mr. Droop.*) No; I wish to say the Injunctions were valid but were issued merely under the Royal supremacy, and in support of that I was going to read a passage from the first portion of this Commission to show that it merely refers to the King's supremacy: "Hinc est quod nos clerum et populum hujus regni "nostri Angliæ auctoritate nostrâ in Ecclesiam Angli- "canam post Christum in terris supremâ visitare "intendentes," intending to visit the clergy and people of England by our authority supreme over the Church of England. It is for the purpose of showing that these Injunctions were not issued under the Proclamation Act but by virtue of the King's supremacy.

(*The Dean of the Arches.*) But lawfully issued?

(*Mr. Droop.*) Oh yes, my Lord, lawfully issued I think certainly. The commission which your Lordship referred to in Cardwell's Documentary Annals is to be found at page 249 of the first volume; and this commission also contains the same words which I have already quoted, namely, it refers to the "Injunctions annexed to these presents." At page 252, line 28, there are exactly the same words, referring to the "Injunctiones præsentibus annexas." Elizabeth also issued a set of printed Injunctions and those printed Injunctions were simply annexed to these Articles.

(*The Dean of the Arches.*) What do you say about Elizabeth's Injunctions? Were they lawful?

(*Mr. Droop.*) My opinion is that they were in the main lawful as Injunctions. Whether every particular thing which she ordered in those Injunctions was valid might be another thing, but my view is that in the main her Injunctions were valid as an exercise of the Royal supremacy. There may perhaps be one or two things in Elizabeth's Injunctions as to which one might raise a question whether they were valid or not, but I submit in the main they were valid; and I submit that in the main Edward VI.'s Injunctions at any rate were more for the purpose of enforcing and explaining the existing law than for the purpose of making fresh orders; at least they might make fresh orders in matters of detail, but I submit that the orders which were made were consistent with the existing law at that time.

With reference to the mode in which King Edward's Injunctions were issued I may refer your Lordship to Foxe's Acts and Monuments, vol. 5, page 706, where there is an account of the visitation.

(*The Dean of the Arches.*) You know Foxe is not very accurate?

(*Mr. Droop.*) Well, I believe you will find in this particular he is, my Lord.

(*The Dean of the Arches.*) Very likely, but I mean he is not a safe guide.

(*Mr. Droop.*) I may mention this, that I found this commission through some notes in an appendix to the edition of Foxe by Mr. Cattley. They are not in this copy, but I found them in a copy in the British Museum; they seem not to be printed in the ordinary copies. From these notes it would appear Mr. Cattley verified a great many of Foxe's authorities, and, among others, he gives the reference to that commission.

(*The Dean of the Arches.*) I have got the reference.

(*Mr. Droop.*) At page 706 there is a general account of how the visitation took place, and how visitors were appointed for different dioceses. Then at page 713, after printing at length all these general Injunctions which are printed in Cardwell, Foxe goes on thus:—"Besides these general Injunctions and Laws "Ecclesiastical set out by the godly prince King "Edward with the consent of his uncle, there are also "certain others, particularly appointed for the bishops "only, which being delivered unto the commissioners, "were likewise at their visitations committed unto the "said bishops with charge to be inviolably observed "and kept upon pain of the King's Majesty's displea-"sure the copies whereof have ensur in tenor and effect "following." Then first there are "Injunctions given "by the most excellent prince Edward VI. to the "Reverend Father in God, Thomas Bishop of West-"minster, in his Highness's visitation." It then sets out some Injunctions given "in the King's Majesty's visitation by us, Sir Anthony Cook," and then follow the names of the other visitors, commissioners specially appointed by the King's Majesty to visit the churches "of Westminster, London, Norwich, and Ely, tothe "Right Reverend Father in God, Thomas Bishop of "Westminster."

The first set seem to be Injunctions coming from the King to all the bishops; the second are Injunctions coming only from the King's visitors. The visitors were to deliver "Injunctiones his præsentibus annexas;" also they were to issue "alias injunctiones congruas et competentes vice et auctoritate nostris;" (that is), they were also to issue Injunctions of their own. I think that is the last set. Then at page 742, the same volume of Foxe, there is an account of the visitation of the diocese of London. "This done after their oaths "taken the said commissioners delivered unto the "bishop aforesaid"—that is Bishop Bonner—"certain "Injunctions as well in print as written, and homilies "set forth by the King, all which things the said "bishop received under the words of this protestation." That shows, according to Foxe, that the Injunctions delivered were partly printed and partly written.

(*The Dean of the Arches.*) I understand your argument with reference to these Injunctions to be that they were valid by reason of being issued under the Royal supremacy, but not valid by reason of being issued under the Proclamation Act.

(*Mr. Droop.*) Yes, my Lord. There is a long account of the issuing of the Injunctions in Elizabeth's reign given in 1st Strype's Annals, page 245, and the following pages of the Oxford edition. It describes how there were various commissions issued to different districts, and refers to this commission in Cardwell. My contention on the subject of the authority of Edward's Injunctions is that they had the same authority as other orders in ecclesiastical matters issued by the Crown in Edward VI.'s reign before the Act of Uniformity—such, for instance, as the order for the removal of images. That is contained in 1 Cardwell's Documentary Annals, page 47. Another is the order authorizing the use of the first Communion Service of Edward VI., issued in March 1548.

I wish now to pass from the interpretation of these Injunctions on to the question as to what evidence there is of the use of lights subsequent to the first Act of Uniformity of Edward VI. The only evidence which, so far as I am aware, has been brought forward consists of the two letters which are printed in the English Church Union case. The first is a letter dated April 26, 1549, from Martin Bucer and Paul Fagius to the ministers of Strasburg. It is at page 44. They say, "As soon as the description of the cere-"monies now in use shall have been translated into "Latin, we will send it to you. We hear that some "concessions have been made both to a respect for "antiquity and to the infirmity of the present age; "and, for instance, as the vestments commonly used "in the Sacrament of the Eucharist, and the use "of candles; so also in regard to the commemoration "of the dead and the use of chrism; for we know not "to what extent or in what sort it prevails. They "affirm that there is no superstition in these things, "and that they are only to be retained for a time, lest "the people, not having yet learned Christ, should be "deterred by too extensive innovations from embrac-"ing His religion, and that rather they may be won "over." From this letter it appears that Bucer and Fagius there specify four things as concessions to antiquity and to the infirmity of the present age. One is the vestments commonly used; the second is the use of candles; the third is the commemoration of the dead; and the fourth the use of the chrism. Now of these four things, three of them, the vestments, the commemoration of the dead, and the use of the chrism, were prescribed by the first book of Edward VI. The use of the candles is the only exception. But, my Lord, they do not profess to speak positively; they say, "We know not to what extent or in what sort it "prevails." Also they promise to send a description of the ceremonies, which seems to me to be very strong evidence that the impression they had received at that time from the persons with whom they had communicated was that all the ceremonies would be prescribed in the book, so that when the Book of Ceremonies got out to Strasburg, the ministers at Strasburg would be able to know what they were. This argument, selected from our adversary's case, seems to me to prove our case—that at the time when the first book of Edward VI. was compiled the book was intended to be a complete description of the ceremonies to be used. But it is very curious indeed to see what the value of this evidence is. It appears that in fact these ministers, Bucer and Fagius, had only just arrived in England two or three days before. This appears in a letter from the first volume of the original letter of the Parker Society, page 332, from Paul Fagius to John Ulstetter, and dated April 26, 1549—precisely the same date as the epistle of Bucer and Fagius. It says, "Much "health, my dearest son-in-law. I doubt not but that "you are very anxious to learn how and when we "arrived in England. You must know, therefore, "that on the 18th of April, under God's guidance, "we happily reached Calais, the frontier seaport of "England, where we were obliged to remain till the "23d of the same month owing to the roughness of "the sea. On that day we crossed the Channel, and "reached London on the 25th. We thence proceeded "by water to Lambeth, the palace of the Archbishop "of Canterbury, who received us with the greatest "kindness." Therefore, they reach London on the 25th of April, and this letter I am quoting, as also the letter which is relied upon in the English Church Union case, was dated the very next day, the 26th of April. Surely that is not worth much as evidence of their knowledge?

The next letter to which I shall refer is a letter from John Hooper to Henry Bullinger, which is also set out in the English Church Union case, page 46. It is to be found at page 72 of the original letters, from which I will read it. "The altars are here in many "churches changed into tables. The public cele-"bration of the Lord's Supper is very far from the "order and institution of our Lord. Although it is

" administered in both kinds, yet in some places the " supper is celebrated three times a day." It is important to notice here that the Church Union case leaves out about three lines of that, and asserts " that " the public celebration of the Lord's Supper is cele- " brated three times a day"—leaving out the important fact that this was "in some places only" "where they " used heretofore to celebrate in the morning the " *Mass* of the Apostles, they now have the *Communion* " of the Apostles; where they had the *Mass* of the " blessed Virgin, they now have the Communion, " which they call the *Communion* of the Virgin; " where they had the principal and High Mass, they " now have, as they call it, the High Communion. " They still retain their vestments and the candles " before the altars." I will call your Lordship's attention to this wording. It is "candles before the altars," and not candles upon the altars.

(*The Dean of the Arches.*) I suppose the original is in Latin, is it not?

(*Mr. Droop.*) I have not noticed which it was in the original.

(*The Dean of the Arches.*) It must be—of course the original is in Latin?

(*Mr. Droop.*) My Lord, I have forgotten to notice what it is in Latin. "In the churches they always " chant the *hours* and other hymns relating to the " Lord's Supper." I was going to notice that here the Latin is " alios hymnos," which would be " the other hymns; " because the *hours* are the Matins and Evensong, and "the other hymns" would be those which relate to the Lord's Supper. But that of course is not relative to our present matter of discussion.

(*The Dean of the Arches.*) Have you furnished the counsel on the other side with a copy of this commission, Mr. Droop?

(*Mr. Droop.*) I am informed that my learned friends have been furnished with a copy. Hooper goes on "And that Popery may not be lost the mass- " priests, although they are compelled to discontinue " the use of the Latin language, yet most carefully " observe the same tone and manner of chanting to " which they were heretofore accustomed in the " Papacy. God knows to what perils and anxieties " we are exposed by reason of men of this kind."

(*The Dean of the Arches.*) As far as I have been able to judge from rather a cursory inspection, it would hardly appear that this commission should have had these Injunctions attached to it. It is so very much wider and larger in its scope altogether. It is for the visitation of four dioceses in England giving the visitors full power to correct all bad morals, to remove all clergymen for certain offences, to prove all wills, and to do a great variety of things. Then it says " Injunctiones congruas." As far as I recollect the Injunctions of Edward VI. had nothing to do with that. That would mean congrous to the subject matter of the commission.

(*Mr. Droop.*) The words are " Injunctiones his " præsentibus annexas aliasque injunctiones congruas."

(*The Dean of the Arches.*) I do not know whether you have looked at it, but it is very wide indeed. It is giving them absolute power all over England to deprive ministers and to remove them from their benefices; to correct all sins wherever found; and then there is that provision with regard to the administration of wills.

(*Dr. Deane.*) There is one passage which seemed to me to be sufficient to upset the whole theory, and that was with regard to the administration of wills.

(*The Dean of the Arches.*) It says " Testamenta " insuper quæcumque infra loca prædicta decedentium " probandum approbandum et insinuandum adminis- " trationes que bonorum corundem personis idoneis " conferendum et committendum"; that is, they are to provide for the proving of all wills, of all administrations throughout the whole of our dioceses.

(*Mr. Droop.*) There is the same clause in the other commission in Elizabeth's reign. I submit that these Injunctions of Edward VI. are not only issued with regard to lights on the altar but with regard to all possible questions relating to ecclesiastical jurisdiction. Your Lordship will find among other things an Injunction with regard to wills in a passage in Edward VI.'s Injunction at page 18 of Cardwell's Documentary Annals, vol. 1; " Also the money which riseth of " fraternities, guilds, and other stocks of the church " (except by the King's Majesty's authority be it " otherwise appointed) shall be put into the said chest " and converted to the said use. And also the rents " of lands, the profits of cattle, and money given or " bequeathed to the finding of torches, lights, tapers, " and lamps, shall be converted to the said use, saving " that it shall be lawful for them to bestow part of the " said profits upon the reparation of the church if " great need require." That part of Edward VI.'s Injunctions is an authority to convert to other uses things that had been left by will; and it seems to me that that shows the Injunctions related to a variety of subjects connected to a certain extent with wills. Your Lordship will remember that in Elizabeth's reign this commission was issued six months before any of her bishops were consecrated and during those six months the Queen's Commissioners must have exercised the whole ecclesiastical authority in the kingdom.

My Lord, I beg to call your attention to this letter of Hooper as complaining of several things, one of them being with regard to the three celebrations of the Communion. It is dated in December 1549. It is material to notice that there is a letter which I think has been already cited, from the Council to Bishop Bonner, the Bishop of London, dated June 1549, which is set out in 1 Cardwell's Documentary Annals, page 77, complaining of this very practice of having different communions. It begins " After " hearty commendations having very credible notice " that within your cathedral church there be as yet " the Apostle's Mass, Our Lady's Mass, and other " masses of such peculiar name under the defence and " nomination of Our Lady's Communion and the " Apostle's Communion, used in private chapels, and " other remote places of the same, and not in the " chancel contrary to the King's Majesty's pro- " ceedings." Then they go on to order " That from " henceforth no such masses in this manner be in " your church any longer used."

(*The Dean of the Arches.*) How does this bear upon the question of lights, Mr. Droop?

(*Mr. Droop.*) It shows that this complaint of Hooper's in 1549 applied amongst other things to a practice which the Council had censured as being contrary to the King's Majesty's proceedings, in the previous June. I can show further that Hooper was engaged in the diocese of London at this time, and that Hooper and Latimer were the principal accusers of Bonner; that Bonner was deprived in October 1549 upon accusation made against him by Hooper and Latimer.

(*The Dean of the Arches.*) Yes; well, what follows from that?

(*Mr. Droop.*) What I mean is this, that the whole of this is a description not of what was lawful but of what was unlawful. In 5 Foxe's Acts and Monuments, 762, is an account of the proceedings against Bishop Bonner.

(*The Dean of the Arches.*) Has that any bearnig upon the question of lights?

(*Mr. Droop.*) It is to verify the statement of mine that Hooper and Latimer were Bonner's accusers, and also that this was one of the charges. " Item, that " the rites in the common service of the Church, now " set forth, be in some parts of your diocese diversely " used; and you knowing or hearing of the same " have not called any ministers of the service before " you for a redress of such diversity, nor corrected " the misusers thereof." It is intended to show that all these acts which Hooper complained of, including the lights, were unlawful acts which Bonner had allowed. Bonner was deprived in October 1549. He then appealed to the King's Council, and that appeal was not settled till the following February, and the

new Bishop of London, Ridley, was not appointed till after that.

There is another letter of Bishop Hooper's which has not yet been quoted, and it bears out my contention. It is in the first volume of the original letters, page 79, dated 27th March 1550. He says first, "I have not yet visited my native place, being "prevented partly by the danger of the rebellion and "tumult in those quarters, and partly by the "command of the King that I should advance the "Kingdom of Christ here at London." Then he goes on afterwards, "But there has lately been "appointed a new Bishop of London, a pious and "learned man, if only his new dignity do not change "his conduct. He will, I hope, destroy the altars "of Baal, as he did heretofore in his Church when "he was Bishop of Rochester." This seems to me to show that Hooper was speaking specially with reference to the diocese of London, and also that Bishop Ridley was not appointed till March 1550, which was several months after that letter of Hooper's.

Now, my Lord, in the next place I have to refer to the lights in Queen Elizabeth's chapel. First of all, I notice that these lights were lighted at all the services and not at the Communion only. This appears from the first volume of Strype's Annals, page 298. He is speaking with reference to the 24th of March 1560. "The same day in the afternoon "Bishop Barlow (one of King Edward's bishops), "now Bishop of Chichester, preached in his habit "before the Queen. His sermon ended at 5 o'clock, "and presently after her chapel went to Even song; "the cross, as before, standing on the altar, and two "candlesticks and two tapers burning in them, and, "service concluded, a good anthem was sung." This shows that the lights were burnt at all the services.

The next thing I propose to show is that the Lutherans at this time had lights in their churches, not only in the Communion Service but in all the services.

(*The Dean of the Arches.*) How will you make that apply, supposing it be granted that the Lutherans did?

(*Mr. Droop.*) All I conclude from that is this. We say these lights were lights burnt in honour of the crucifix, and that they were similar lights to the Lutheran lights, and were not lights connected with the Communion nor with Edward VI.'s Injunctions; and as one step in that argument I propose to show that as Elizabeth had lights not only at the Communion but at all the services, so we find the same practice prevailed in the Lutheran Church then, though not at the present time.

(*The Dean of the Arches.*) Do you say they are not used specially for the Holy Communion in the Lutheran Church?

(*Mr. Droop.*) My impression is that they are now used specially for the Communion.

(*The Dean of the Arches.*) In all the Lutheran churches in the north of Germany they are.

(*Mr. Droop.*) Well, my Lord, it is so difficult to lay down any rule, and I know so little about that part of the question—

(*The Dean of the Arches.*) Well, give me your Lutheran reference.

(*Mr. Droop.*) The book I was going to quote from was the second volume of Daniel's Codex Liturgicus. It is a collection of a variety of liturgies, and the passage I shall quote is from page 132. It is an order of service for the Marches of the Elector of Brandenburg, issued in 1540, and there is a note, p. 125, stating that very nearly the same service was issued in 1572. Between those two dates of course occurred the lights in Elizabeth's chapel. The words are in German: "Auch sollen die gewönlichen "Liechter zu den Horis Messen und andern Emptern, "auch sonst des Winters zur nottuftr gebrand "werden." "Also the usual lights shall be burnt "at the hours masses and other services, also other-"wise in winter in case of need."

Reference was made in the other case to a passage of Luther's in which he says, "Nec candelas, nec "thurificationem prohibemus sed nec exigimus, esto "hoc liberum." That passage is taken from an order of Mass which was published by Luther in the year 1523, two years after the Diet of Worms, quite at the beginning of the Reformation; and the words in question are to be found at page 85 of this Codex Liturgicus, with reference to the Gospel, "Sexto "sequitur Evangelii lectio ubi nec candelas neque "thurificationem prohibemus sed nec exigimus, esto "hoc liberum." It is there used with reference to the Gospel and not with reference to any other part of the Communion. And the whole of this, which is called Luther's Formula Missæ, is a letter which was written by him to Nicholas Hausman, Bishop of Zwickau, giving him advice how he should conduct the services,—Luther being at this time not in the position of a sovereign prince to settle how the service was to be, but merely giving a recommendation to this bishop, and also I suppose, if it was published, to other bishops, as to how the service was to be conducted, which they might carry out or not as they pleased. I dwell upon this because these words "Ubi "nec candelas neque thurificationem prohibemus sed "nec exigimus" are supposed to sanction the principle that in the same church there should be a variety of practice according to the discretion of individual ministers. At page 87 of this Codex Liturgicus, it appears that Luther allowed the elevation to take place, "Finita benedictione, chorus cantet sanctus et "sub benedictus elevatur panis et calix ritu hactenus "servato, vel propter infirmos qui hac repentina "hujus insignioris in Missa ritus forte offendentur, "præsertim ubi per conciones vernaculas docti fuerint "quid ea petitur elevatione." He allows this ceremony of elevation on account of the weak who might be offended.

(*The Dean of the Arches.*) I think I was able to follow that without your translating it.

(*Mr. Droop.*) I beg your Lordship's pardon. I am afraid I do not speak plain enough, and that is the reason that I ventured to give your Lordship the English of it.

(*The Dean of the Arches.*) I heard you quite plainly.

(*Mr. Droop.*) Then two or three years afterwards, in 1526, Luther gives, in another book of recommendations in German, called the Deutsche Messen und Ordnung Gottes Diensts,—your Lordship will find it at page 105 of this same Codex Liturgicus,—a description of the mass for the laity, "Des sontags "fur die Leyen." "Da lassen wyr die Messegewand, "altar, liechter noch bleyben bis sie alle werden, "oeder uns gefellet zu endern, wer aber hie anders "wil faren, lassen wyr geschehen, Aber ynn der "rechten Messe unter eyttel Christen, muste der "altar nicht so bleyben, und der priester sich ymer "zum volck keren, wie on Zwayffel Christus my "abendmal gethan hat. Nu das erharree seyner "zeyt." "We allow the Mass dresses, altar, and "lights to remain until they all become or it pleases "us to alter them, but whoever will do otherwise "herein we let him. But in the true Mass among "real Christians the altar must not remain so, and "the priest must always turn to the people as no "doubt Christ did in his supper. Now let that wait "its time." A certain amount of stress has been laid on the Lutheran practice as to lights, and I wish to show that Luther only contemplated the practice being continued for a time. As far as I know there is no reference to the lights as connected with the Communion.

(*The Dean of the Arches.*) I quite see your point.

(*Mr. Droop.*) It (this book I have been citing from) is a Roman Catholic book I believe. It is a collection of all the different liturgies of different nations. I believe the author is a Roman Catholic, although I am not quite sure.

Then the next work to which I will call your Lordship's attention is a Discourse of Ceremonies,

written by Bishop Andrewes. It is in the volume of Andrewes' works entitled "A pattern of Catechistical Doctrine." It is not numbered. The title is "A Discourse of Ceremonies retained and used in "Christian Churches, written by the Right Reverend "Father in God, Lancelot Andrewes, late Bishop of "Winchester, a little before his death, printed by the "original copy written with his own hand." I am going to quote from page 365. It says that this book is "printed from an edition bearing date 1653, with "a preface by Edward Leigh, informing us concerning "the treatise that upon speech between Bishop "Andrewes and a gentleman his near neighbour, "about the ceremonies, the bishop awhile after, and "a quarter of a year before his death, delivered this "to him as a collection of his own upon that subject, "which he had not time, he said, to polish and lick "over." It is entitled "A discourse showing that "many pagan ceremonies were retained in England "after christianity was received;" and at page 366 there is a sort of plan of the work, "Because I "remember Tully's cognizance, namely, that it is a "badge of a negligent and dissolute person not to "regard what the most sort of the people may conceive of him, and that conceit is worthily the most "heinous which may note any to plant by writing, or "water by speaking the cursed roots or seeds of "selfspringing paganism. I will first prove that this "kind of birth of our ceremonies can be no disgrace "to our ecclesiastical ceremonies. Secondly, I will "insinuate three observations to be remembered out "of the particular proposition proved. Thirdly, I "will point at some of the superfluous and wicked "popish ceremonies drawn from the heathens. "Fourthly, and lastly, I will instance in many ecclesiastical ceremonies of the heathens which are or "may be used in ours or in any other christian state." Well, now I come to page 370, and I find this, "The "superfluous and wicked ceremonies of the Papists." He begins "But I am bound to point at some "of the superfluous and wicked ceremonies of the "Papists borrowed from the heathen." Then he instances several, for instance, the popish purgatory. Then he says, "The Papistical manner of consecrating churches and church-yards fully imitated "the ceremonies of the pagans, when they consecrated "their temples and temples, courts, or yards . . . . "at the beginning of the consecration of a church, "they must make three crosses at the last part "thereof." Then he mentions "the sprinkling of "holy water." Then he goes on to say that the "placing lights in churches at some times is not "altogether a heathenish ceremony." Then he goes on "But their burning of tapers in their churches "at noon day is altogether a pagan custom, as "Rhenanus well observes in his comment upon "Tertullian." I wish to point out that this burning of tapers at noon day is classed by Bishop Andrewes as among the superfluous and wicked ceremonies of the Papists borrowed from the heathen.

I do not think there is any doubt with regard to this book, but as all that is known of it is that it was published in 1653 as Bishop Andrewes'. I was going to notice one or two of the other ceremonies which he says are taken from the heathen, but may be lawfully used. For instance, at page 381 he enumerates these:—"To judge of marriages, of sanctuaries, to consecrate "churches and places of burial." He distinguishes between the Papistical mode of consecrating churches and the mode which he approves.

(*The Dean of the Arches.*) Surely that is a little wide of the mark, is it not?

(*Mr. Droop.*) The only reason I wished to make this observation was to show that I had looked and considered whether it was Bishop Andrewes's work or not, and also of course in order that your Lordship might, if there was any question made about it, judge of its authenticity.

(*The Dean of the Arches.*) You cite it as Bishop Andrewes's authority, against burning candles at noon day.

(*Mr. Droop.*) Yes, and to show that he says it is a superstitious and Papistical thing. Amongst other things which are to be allowed, he mentions (p. 386) processions on the Rogation Day, and praying looking towards the east, and so on; and I cite this as showing that this book corresponds with Bishop Andrewes's known views.

(*The Dean of the Arches.*) Nobody says that it is not Bishop Andrewes.

(*Mr. Droop.*) Of course if it is Bishop Andrewes and published by him, it seems to me to prove that he and his friends did not use these lighted candles.

(*The Dean of the Arches.*) Yes, it is for that purpose you cite it, as I understand.

(*Mr. Droop.*) Yes, my Lord. The next passage I was going to refer to is a passage in 5 Cosin's works, page 440, upon the subject of lights. It is part of a third series of notes of which the date is not very certain. The manuscript is not extant but they seem to be contemporary with the second series "Among other ornaments of the Church also then in "use in the second year of Edward VI., there were "two lights appointed by his Injunctions (which the "Parliament had authorized him to make and whereof "otherwhiles they made mention as acknowledging "them to be binding,) to be set upon the high altar, "as a significant ceremony of the light which Christ's "Gospel brought into the world; and this at the same "time, when all other lights and tapers, superstitiously "set before images, were by the same Injunctions, with "many other absurd ceremonies and superfluities, "taken away. These lights were (by virtue of this "present Rubric, referring to what was in use in the "second of Edward VI.,) afterwards continued in all "the Queen's chapels during her whole reign." Your Lordship will remember my learned friend Mr. Stephens has proved that in Queen Elizabeth's chapel the candles were not lighted after 1563. "And so "they are in the King's chapel and in many cathedral "churches besides the chapels of divers noblemen, "bishops, and colleges to this day. It was well "known that the Lord Treasurer Burleigh (who was "no friend to superstition or Popery) used them constantly in his chapel with other ornaments of fronts, "palls, and books upon his altar. The like did Bishop "Andrewes, who was a man who knew well what he "did, and as free from Popish superstition as any in "the Kingdom besides." This is written a few years before or a few years after this treatise of Bishop Andrewes which I have cited about lighted candles; and it appears to me that this isolated passage in favour of there being lighted candles generally used——

(*The Dean of the Arches.*) I think I have been referred to it. I have got a note of it and I have taken down your note, but I think I had a note of it before.

(*Mr. Droop.*) I think my friend cited it before. What I was going to say was this, that the lights were not lighted candles, but candles. The lights are here spoken of as ornaments. It is said "The Lord "Treasurer Burleigh used them with other ornaments of fronts, palls, and books upon his altar. "At page 440, which I am now quoting, it says "'when all other lights and tapers superstitiously "set before images.'" At page 231 there is another passage very similar where it is said "whereby all "other wax lights and tapers, which in former terms "of superstition men were wont to place before their "shrines and images of saints"—which seems to show that the term "lights" was used for wax lights in both these cases. The phrase "lights" seems to come out of King Edward's Injunctions. There seems to have been a theory about this time amongst some high churchmen, amongst some of those who were bound to defend the introduction of candles into cathedrals (which of course were introduced by Laud) that the Injunctions of Edward VI. authorized not lighted candles but candles. I wish to call your Lordship's attention to a passage which seems to be directed against this theory in Fuller's Church History, page 308.

(*The Dean of the Arches.*) I think I know the passage.

(*Mr. Droop.*) "On this account in the third "Injunction they, the Reformers, reduced candles "formerly sans number to two upon the high altar "before the Sacrament, these being termed lights "shows that they were not lumina cæca but burning." It seems from this passage that there was a theory that those words in the Injunction of Edward VI. could be used for unlighted candles.

(*The Dean of the Arches.*) No doubt there was that theory.

(*Mr. Droop.*) And it appears that Cosin in speaking of these Injunctions is speaking all the time of unlighted candles. There is another passage in 5 Cosin's works, page 441, after the passage I have read. It goes on "In the latter end of King Edward's time "they used them in Scotland itself as appears by "Calvin's epistle to Knox and his fellow reformers "there, anno 1554, epistle 206, where he takes "exception against them for following the custom of "England." With reference to that I propose to cite from Gorham's Reformation Gleanings, the translation of the letter which he refers to. It is printed in the early editions of Calvin.

(*The Dean of the Arches.*) What letter?

(*Mr. Droop.*) Cosins says that "in the latter end "of Edward's time they used them in Scotland itself "as appears from Calvin's epistle to Knox." I was only going to call your Lordship's attention to this, that the letter was in fact not written to Knox but to Dr. Richard Coxe and his associate at Frankfort, and for that purpose I was about to refer you to Gorham's Reformation Gleanings, page 345. I have not got the book here but your Lordship will remember this same letter from Calvin to Coxe has been cited by my learned friend Mr. Stephens from "The Troubles of Frankfort."

(*The Dean of the Arches.*) I think he also cited rom Gorham's Reformation Gleanings.

(*Mr. Droop.*) He did cite one passage from Gorham's Reformation Gleanings, but not this passage. What I mean, my Lord, is this: if Cosin had been familiar with the early history of the Reformation, and with the Puritan writings of Elizabeth's reign, he would not have fallen into this mistake.

(*The Dean of the Arches.*) You think too much reliance has been placed upon Bishop Cosin, as I understand.

(*Mr. Droop.*) Yes, my Lord. The letter which my learned friend cited before from Gorham's Reformation Gleanings was a letter from Bishop Parkhurst in 1568, describing how the crucifix was destroyed in Elizabeth's chapel. Of course there were the candles and the crucifix there; there were the two candles which had been lighted in honour of the crucifix; then when the crucifix was destroyed the two candles alone remained; and it seems to me most probable that this is the origin of the candles in our other churches. They were retained also in James I.'s chapel, and your Lordship remembers also that they were unlighted tapers in Bishop Andrewes' chapel, and then Laud thought fit to introduce them into all cathedral churches.

My next reference to Bishop Cosin, to show that there can be no doubt of his views on this subject, will be to his Visitation Articles, 1662, 4 Cosin's Works, page 508, in which among other things he inquires, "Have you likewise a book of sermons or "homilies that were set forth in the time of King "Edward VI., and in the reign of Queen Elizabeth, "together with the works of Bishop Jewel in "defence of the Church of England, which King "James commanded to be had in all churches." Before calling attention to what Bishop Jewel says upon this subject, or to what his works contain rather, I will refer your Lordship to the second volume of Cardwell's Documentary Annals, page 160. It is a letter from Archbishop Bancroft, dated 1610, in which he says, "Twelfthly, I have been content "that all Bishop Jewel's works should be printed "together in one volume, to the end that every parish "in England might have one of them."

(*The Dean of the Arches.*) Does Bishop Jewel say anything about lights?

(*Mr. Droop.*) Yes, my Lord.

(*The Dean of the Arches.*) Because you need not trouble yourself to show that he was much considered in the Church of England. Of course he was; we all know that.

(*Mr. Droop.*) I mean his works seem to have been considered as next thing to the Homilies. His works were the only books that were publicly kept in churches excepting the Homilies.

(*The Dean of the Arches.*) Erasmus's Dialogues were also, were they not?

(*Mr. Droop.*) Yes, Erasmus's Paraphrases were no doubt, but I imagine there are things in that which are not in accordance with our own present doctrines.

(*The Dean of the Arches.*) They were ordered in the Injunctions?

(*Mr. Droop.*) They were ordered in the Injunctions of Edward VI. before the Reformation.

(*The Dean of the Arches.*) They were ordered in the later Injunctions, were not they?

(*Mr. Droop.*) Yes, also I think in Elizabeth's Injunctions; but what I am going to quote from is Jewel's Apology and Defence. First, Harding says this concerning ceremonies, at page 176:—"If ye "shew us not the use of chrism in your churches, if "the sign of the cross be not borne before you in "processions and other wheres used, if holy water be "abolished, if lights at the Gospel and Communion be "not had, if peculiar vestments for deacons, priests, "bishops, be taken away, and many such other the "like, judge ye whether ye have duly kept the old "ceremonies of the Church."

(*The Dean of the Arches.*) That is what Harding says to Jewel?

(*Mr. Droop.*) That is what Harding says to Jewel.

(*The Dean of the Arches.*) What does Jewel answer?

(*Mr. Droop.*) I have only got an extract from Jewel's answer, where he replies, "Verily, Mr. Hard- "ing, we hate not any of all these things. For we "know they are the creatures of God. But you have "so misused them, or rather so defiled and bewrayed "them with your superstitions, and so have with the "same mocked and deceived God's people, that we "can no longer continue them without great con- "science." Then there is another passage, which I have not got here, in the next page of Jewel, a long passage about lighted candles.

(*The Dean of the Arches.*) Can you show me any authority of Jewel or anybody else who says that they are illegal?

(*Mr. Droop.*) No, but that they are disused.

(*The Dean of the Arches.*) Yes, I believe that is the result of the investigation.

(*Mr. Droop.*) And this, my Lord, was written by Jewel in 1567, four years after the Queen discontinued the use of them. I quoted this passage from the 1st volume of Keble's edition of Hooker, page 432.

(*The Dean of the Arches.*) You have given me the reference to Jewel's Apology, pages 176 and 178.

(*Mr. Droop.*) Yes, I wish to quote Keble's observation upon it. "This passage refers to the ceremonies "omitted, and not to those retained in the English "Church." I quote that as the opinion of Keble in 1841, at a time when he had been carefully editing Hooker, and must have studied all these Elizabethan writers, showing that the impression at that time on his mind was that these lights at the Gospel and Communion, and the other things enumerated, were not in use in our Church.

I have something to say, my Lord, with reference to the interpretation of the Injunctions of 1547, and those canons in Lyndwood, I mean with regard to the theory which has been put forward that the Injunctions referred to the lights authorized by the canon. But if your Lordship would allow me, it would be much

more convenient to me to go on to the mixed chalice and return to this subject afterwards.

(*The Dean of the Arches.*) I do not want to interrupt you, but you must remember all these points have been argued at great length.

(*Mr. Droop.*) I hope I have not wasted your Lordship's time much as yet?

(*The Dean of the Arches.*) It is not my time, Mr. Droop.

(*Mr. Droop.*) Well, my Lord, the first thing I was going to refer your Lordship to, is a passage which has been cited to some extent. It is from Fulke's Defence of the Translation of the Bible. As your Lordship knows he was master of Pembroke, and it is the answer to a book by Gregory Martin. At page 522 Gregory Martin complains that certain words had been altered in the Bible and that certain words from Proverbs had been altered in our English translations; and he says, "But the Protestants accounting it an "idle superstitious ceremony, here also frame their "translation accordingly, suppressing altogether this "mixture or mingling and instead thereof saying 'She "hath drawn her wine' and 'drink the wine that I "have drawn.'" He asserts that this passage in Proverbs was a prophecy of the mixture of the water with the wine. This is a comment upon the different translations of the Bible. He accuses the English Protestants of having left out this mention of the mixture; with reference to that Fulke says:—"It had been to "be wished that St. Cyprian when he goeth about to "prove the necessity of wine in the celebration of the "Lord's Supper against the heretics called aquarii that "contended for only water, had retained the precise "institution of Christ, in wine only, which the Scrip-"ture mentioneth, and not allowed them a mixture of "water." Then he goes on afterwards to refer to the passage in Scripture and says, "In the Scripture we "find 'the fruit of the vine,' water we find not." There is a passage of the same kind in Becon's works, a book written at the beginning of Elizabeth's reign, "a comparison between the Lord's Supper and the "Pope's Mass," in Becon's Prayers, page 359, where he quotes this passage about the fruit of the vine, "I "will not drink hereafter, saith he, of this fruit of the "vine, until that day when I shall drink it with you, "new, in the kingdom of my Father." Then he says, "The Mass monger useth not pure wine in his sacri-"fice, but wine mingled with water, contrary to the "institution of Christ."

(*The Dean of the Arches.*) I think that was cited to me by Mr. Stephens?

(*Mr. Droop.*) I cite it partly for the purpose of pointing out that this text, which both Fulke and Becon rely upon, had been constantly referred to in the argument against transubstantiation. For instance, in this same work of Becon's, at page 369, he says:—"Now as concerning the wine, the matter is more "manifest, clear, evident, and open than any man need "to doubt of it. For after the words of consecration "(as I may speak after the manner of the Papists) "Christ called the sanctified wine the fruit of the "vine. He would not surely so have termed it if there "had been such a transubstantiation as the monstrous "Papists feign. 'I will not drink after this,' saith "he, 'of this fruit of the vine,'" &c. This same text about the "fruit of the vine" occurs wherever our Reformers have to argue the question of transubstantiation. What I mean, your Lordship, is, I can give your Lordship a reference, for instance, to Cranmer's Lord's Supper, page 243, in his answer to Gardiner:—"By these words it is clear that it was very wine that "the apostles drank at that godly supper. For the "blood of Christ is not the fruit of the vine, nor the "accidents of wine, nor none other thing is the fruit of "the vine, but the very wine only." Then in Ridley's works, page 204, he has laid down that the wine is not transubstantiated into blood, and to prove that proposition he says this "is proved out of the authority of "God's Word, in Matthew and Mark: 'I will not "drink of the fruit of the vine,' &c. Now the fruit "of the vine was wine, which Christ drank and gave "to his disciples to drink." Then there is a similar passage in Jewel's controversy with Harding, 2 Jewel, page 795. And there is a similar passage again in Rogers on the 39 Articles, page 285. Then, on the same subject of the mixture of water with the wine, I will refer your Lordship to Rogers on the 39 Articles, page 294. It is a comment upon the 30th Article:—"The cup of the Lord is not to be denied to the lay "people; for both the parts of the Lord's Sacrament, "by Christ's ordinance and commandment, ought to be "ministered to all Christian men." Rogers says, "What "impudency, then, yea, what impiety do they show, "which alter this ordinance of God." Then he specifies various ways of altering it:—"Some by adding "thereunto; so added was . . . . unto the wine warm "water by the Muscovites." And again, "The "Papists, though they use both kinds, yet they "always deny the cup unto the people." And also, "The Papists make a mixture of wine and water." I also wish to refer your Lordship to the 19th Article:—"The visible Church of Christ is a congregation of "faithful men, in which the pure Word of God is "preached and the Sacraments be duly ministered, "according to Christ's ordinance in all those things "that of necessity are requisite to the same." The passages I have cited from Fulke and Becon and Rogers show that there was a considerable party in the Church of England at this time who considered that the mixing of the water with the wine was contrary to the institution of Christ.

(*The Dean of the Arches.*) No doubt there was a considerable party.

(*Mr. Droop.*) My contention is this; that supposing they were to hold that these words, "The visible "Church of Christ is a congregation of faithful men ". . . . in which the Sacraments be duly ministered "according to Christ's ordinance in all those things "that of necessity are requisite to the same"—supposing they were to hold that it was essential to Christ's ordinance that there should be no mixture of water with the wine, they would consider that the Church of England was not a pure church if that practice were carried on within it, and would refuse to communicate with it. It seems to me that that explains to a certain extent the reason why there was this alteration in the second book, namely, the omission of the direction to mix a little water with the wine. Because, supposing they had insisted upon the use of wine with the water either in the Church of England generally or in any particular parish, then a certain number of the people would have refused to communicate, because they would say that this mixture of water with the wine was contrary to Christ's institution. Therefore, in order to have a service which all Protestants in the Church of England might acquiesce in, it was essential that the order should be for pure wine, and not wine and water. Besides, this also shows that it was considered at that time a matter of great importance whether there should be wine or wine and water; and that makes it highly improbable that it should ever have been left ambiguous or left at the option of each minister, as has been contended, whether he should use wine or wine and water. Then again, these works of Fulke and Rogers and Becon were all circulated in the Church of England, and well known. I believe, as regards Rogers' work, that till Burnet's book on the Articles, his was the only work on that subject. I am not aware of any other previous work. This work of Rogers's, which is dedicated to Archbishop Bancroft, must have had a very wide circulation; and supposing any clergyman in the Church of England had at that time practised the mixture of water with the wine openly, so as to have been discovered by his congregation, there would have been a great outcry. And yet we do not hear a word about this practice. There has been a great deal of pains taken to search up any irregularities that have been committed by clergymen of the Church of England, and to bring forward all the Puritan complaints about those irregularities; but I have not seen yet any complaint about this mixing of water with the wine.

It is material for this purpose to notice what no doubt your Lordship is well aware of, that at this time the attendance of each parishioner at his own parish church was practically enforced. For instance, in the visitations of Laud for the diocese of London——

(*The Dean of the Arches.*) You need not trouble yourself about that. There is no doubt it was enforced, and that every one who did not attend his own parish church was required to be presented.

(*Mr. Droop.*) Then, my Lord, in the next place I was going to call your attention to Bishop Andrews' answer to Cardinal Perron, contained in Andrews' minor works, for the purpose of showing that in his public writings Bishop Andrews treated the mixed chalice, the use of incense, and also the practice of washing hands at the time of Communion, as contrary to the use of the Church of England. It is clear—we have admitted it—that Andrews used the mixed chalice and incense in his private chapel; it does appear, also, that he used the washing of his hands before the Communion. But, at page 7 of this book, the chapter of Cardinal Perron is given, which Andrews answered. We find he gives a long list of doctrines and practices, which he alleges were held by the Church in the time of Augustine, and of the four councils. Bishop Andrews goes through all these points seriatim.

(*The Dean of the Arches.*) If you will give me a reference (and it won't interfere with your argument) I will look at it, unless you want to cite the passage?

(*Mr. Droop.*) I want to cite some passages. He specifies these practices, and also those in which the Church of England differs, and at page 9 you will find "Cardinal Perron says, "Une Eglise qui tenoit le "meslange de l'eau avec le vin au sacrifice de l'Eucha- "ristie pour chose necessaire et de tradition divine et "apostolique." The Church of the first four Councils holds that. Then Andrewes, at page 25, pooh poohs it as a matter of no importance. Pages 35 and 36 are those to which I wish to call your Lordship's attention, chiefly where he sums up. "Of the ten left wherein we vary," he classes among them "the mixture of water with the wine." As for "the washing of hands and the use of incense," those are included by Cardinal Perron among a long list of other ceremonies, which he says were used by the Church of the first four Councils. That will be found at page 11 of this book, marginal number 25. Then, at page 30, Bishop Andrews deals with all these ceremonies,—13 or 14 of them,—all classed under this No. 25; and of three of them he says: "1. Distinction of holidays, we hold it; 2. "Distinction of habit between clergy and laymen, we "hold it; 3. Distinction of vessels, our Church holds "it." He then goes on to the others, and says: "(6.) "Washing of the priest's hands before his going to the "Eucharist. A very high point, which in civility "might be used, but not made a tenet written in the "forehead of the Church;" and, "(13.) For burning "of incense. The place of Chrysostom is cited amiss. "&c." In each case he rather pooh-poohs the matter —both the washing of hands and incense. Then, at pages 35 and 36, where the list of ceremonies is given, he begins with this No. 25, and he says: "In some points of the other we agree," and specifies the three first points of No. 25; and then he goes on to "the ten left wherein we vary." No. 25 is "matters of ceremony at large;" so that this is a statement by Andrewes that the Church of England varies from the Church of Rome upon these points: first, the mixture of water with the wine; secondly, the washing of hands; thirdly, the use of incense. I need not quote Andrews' Visitation Articles to show that he held the same views on uniformity that Laud and others did. I believe they have been cited already.

If the mixed chalice, the washing of hands, and the use of incense had been exceptional usages which were allowed by the Acts of Uniformity, Andrewes would have said so. This cannot, as it seems to me, be explained away by saying that Bishop Andrews was speaking of the common use of the Church; for we find that wherever he was not fettered by the Act of Uniformity, he does not scruple to attribute to the Church the High Church views which he said some of his friends held and practised. He says (p. 35) "Of "which eight we differ not in five of them. We hold "it after a lawful vow unlawful to marry . . . . "We hold succession not to be interrupted."

Then he says, "Of the 16 left, which are matters "of outward practice, in six we differ not. . . . . "(5.) We grant the Eucharist a sacrifice. (6.) We "are not against altars, we have them. . . . . "(11.) We fast Fridays and Saturdays, yet not "Christmas Day if it fall on them."

Some of these doctrines which he adopts as "doctrines which we hold" are doctrines peculiar to himself and the extreme High Church party.

(*The Dean of the Arches.*) You see you can hardly blow hot and cold at the same time, Mr. Droop; you can hardly cite Bishop Andrews as your authority, and then cite him as not your authority for another purpose. You must make up your mind whether you will rely upon him or not.

(*Mr. Droop.*) All I wish to contend for is this, that in matters where he was bound by the Acts of Uniformity he says, "These practices forbidden by the "Acts of Uniformity are not matters in use in the "Church of England." On the other hand, on matters of doctrine where he considers himself at liberty to hold and express his own views, there he indulges in the utmost liberty, and the views that he expresses are High Church views.

(*The Dean of the Arches.*) Where you agree with him you cite him, where you disagree with him you do not cite him.

(*Mr. Droop.*) I beg your Lordship's pardon. I cite this book for the purpose of showing that it was not a publicly recognized practice to mix water with the wine in the Church of England, and that in a book which was openly written for publication by Bishop Andrews he treats it as not in use in the Church of England, and entirely ignores his own private practice, but where he was not bound by the Articles or the Acts of Uniformity he adopts doctrines allowed by the Church of England though they be not doctrines of the Church of England; I mean they are not doctrines which everybody must hold, but they are doctrines which are allowable; there I say Bishop Andrews uses his liberty of stating the doctrines according to his own views. But where he is bound by the Act of Uniformity he abstains from hinting even that there is any diversity of practice whatever.

(*The Dean of the Arches.*) This answer to Cardinal Perron was not published in Bishop Andrews' lifetime, but about three years after his death by Bishop Laud and another bishop.

(*Mr. Droop.*) I was going on to say that there is no evidence that Bishop Andrews's use of the mixed chalice was publicly known. His notes of the Prayer Book which describe what he did were not published then, they were published by Nichols in 1710. The list of the ornaments in his chapel was produced by Prynne, at Laud's trial, long after his death. Then there is the so-called Form of Consecration of a Church in Andrews' pattern of Catechistical doctrine. It is not drawn out for his own guidance, or for the guidance of other bishops, but it is merely an account of the way in which a particular church was consecrated. There is a relation in it about the founder, and a long account of the church, and this Form of Consecration was not published till 1659, Andrews having died in 1626.

Of course, I presume, Bishop Andrews himself had a form for consecrating churches; we know that he had, Archbishop Laud mentions it. But there is no evidence that we have that there was any mention of the mixing of water with the wine in the form which Bishop Andrews himself used. The information comes to us entirely from this other account.

I am now, my Lord, going to pass to another subject, the subject of elevation. It was denied, to my considerable surprise, in the other case that the elevation according to the Roman Service, or the Sarum Missal, during the Prayer of Consecration was for the

purpose of adoration. I may say in the Roman Missal in the Ritus Celebrandi Missam, c. 8, sec. 5, there is a distinct direction after the saying of the words "Hoc "est enim corpus meum." "Quibus prolatis, celebrans "tenens Hostiam inter pollices et indices prædictos "super altare, reliquis manuum digitis extensis et "simul junctis (et Hostiis, si plures sint consecratæ "in loco, in quo a principio Missæ positæ sunt, super "corporale vel in alio vase aut calice demissis) genu- "flexus eam adorat: tunc se erigens, quantum com- "mode potest, elevat in altum Hostiam, et intentis in "eam oculis (quod et in elevatione calicis facit) populo "reverenter ostendit adorandum." So that according to the Roman Missal there is a distinct direction for adoration.

(*Dr. Deane.*) What Rubric are you reading?

(*Mr. Droop.*) It is the Ritus Celebrandi Missam, 8th cap., "De Canone Missæ usque ad Consecrationem," and it is the 5th section. With reference to the old Sarum Missal that was the same, and I will just cite two passages from the notes to Maskell's Ancient Liturgies. One at page 95 is "Sacerdos vero quilibet "frequenter doceat plebem suam ut cum in celebra- "tione missarum elevatur hostia salutaris se reverenter "inclinet. Stat. Synod Norvic. Episc. A.D. 1257." Then at page 93 there is another passage which is an extract from 2 Wilkins' Concilia, "The Synod of "Exeter, A.D. 1287, has a canon upon this point: "Quia vero per hæc verba, *Hoc est enim corpus* "*meum*, et non per alia, panis transubstantiatur in "corpus Christi, prius hostiam non levet sacerdos, "donec ista plene protulerit verba, ne pro creatore "creatura a populo veneretur." This is a canon providing that the consecrated wafer is not to be elevated till the consecration words have been pronounced, in order that the people may not worship by mistake. It seems to me to show not only that the elevation was for the purpose of adoration, but also that there was no other purpose in this elevation. On the same point, your Lordship will allow me to cite an extract, which I have made from the Manual of the Church of Sarum. It is a note upon these words, "Qui pridie quod pateretur." "Hic erigit sacerdos "manus et conjungit et postea tergit digitos et elevat "hostiam parumper ita quod non videatur a populo, "et sic debet tenere quousque diceret verba consecra- "tionis; quia si ante consecrationem elevatus et "populo ostendatur sacerdotes sicut fatui facunt "populum idolatrice adorandum panem purum tan- "quam corpus Christi et in hoc peccat." The elevation is not to be above the head until after the words of consecration, because if it is, the people will at once begin to adore.

(*The Dean of the Arches.*) All this subject was really gone into at very great length?

(*Mr. Droop.*) Yes, but there are two or three passages quoted in the other case, on the other side, as to which I wish to show that my friends were wrong. The first passage was quoted from Ridley's works, 237, as is contained in Mr. Perry's "Declaration on Kneeling," page 58. The passage was, "We adore and "worship Christ in the Eucharist, and if you mean "the external Sacrament, I say that also is to be "worshipped as a Sacrament." It was urged that the meaning of that was, that the Sacrament was to be worshipped. The previous context is this: Ridley says, "We do handle the signs reverently, but we worship "the Sacrament as a Sacrament, not as a thing signi- "fied by the Sacrament. Glyn—What is the symbol "of the Sacrament? Ridley—Bread. Glyn—Ergo, "we worship bread? Ridley—There is a deceit in "this word 'adoramus.' We worship the symbols "when reverently we handle them. We worship "Christ wheresoever we perceive his benefits, but we "understand his benefits to be greatest in the Sacra- "ment." Therefore worship to the Sacrament means reverently handling.

(*The Dean of the Arches.*) There is no charge of adoration in this case, and I am not going into that question.

(*Mr. Droop.*) No, there is no charge of adoration, but at the same time if we can show, not adoration, but, as your Lordship said before, that practically the elevation above the head is an elevation for the purpose of adoration, that in the old Roman Catholic Church, and also in the present Roman Catholic Church, we have adoration associated with it, if we can prove that among those persons who recommend it, now a great many do it for the purpose of adoration, then, I think, it has a material bearing.

There is another passage which was cited on the other side, namely, the well-known letter of Bishop Guest to Cecil, and that letter is given in Perry's Declaration on Kneeling, page 193. He refers in a note to that letter to Guest's Treatise against Private Masses, published in 1548, and quotes a passage which contains rather ambiguous language. With reference to that, your Lordship is aware that Bishop Guest has been quoted as the person who holds certain views which it is contended are lawful in the Church of England. This Treatise on Private Masses, published by Bishop Guest in 1548, contains several passages very strong indeed in our favour. For instance, this passage at page 121 of Dugdale's Life of Guest: "But Augustyn meaneth by the worshipping of "Christe's flesh no soch worshippe as honouring, "praying, crowchinge, or knelinge thereunto, but only "the worthy, reverent, and holsome receypte and "eating of the said fleshe. For the honour due and "requisite to the said fleshe or Sacrament therof, is "to receyve them as Christ instituted them to bee "receaved, that is to wete with pure fyeth clensed "conscience, wyth unfayned repentaunce, charitie and "thankesgeving, with full desyre and purpose to be "fedde with Christe's flesh, to be therebye mortefyed "too syn and sanctified to be embodied to Christe, "and not to crouch before the bred, to his fleshe, or "to worshipp, invocate, and sollicite him as present "in or under the bred." Then there is this passage (page 119): "To this I answer albeit Christ was "worshypful and prayeable as beyng emonge us "whyle he was sensiblye conversaunt with us; by "reason he as God and men was then seable emong "us and unassended to heaven; Hovbeit for so moch "as he is now become both invisible emong us and "resydent in heaven on hys father's ryght hand, he is "both honourable and prayable but in heven alone "and not in ye erth and consecrate bred and wine; "for whi to worship him in, under, or before ye "sayd bred and wyne is to worshyp the same bred "and wyne. As to worship God in, under, or before, "an ymage is to reverence the ymage selve, which is "an unsufferable ydolatree and also disalowed by ye "Kynge's Majestie's proceding."

The next subject I will deal with relates to certain exceptional cases which were alleged to be exceptions to our Acts of Uniformity. The first one is the case of the Manual Acts. Your Lordship will remember that in the first book of Edward VI., there were Rubrics directing certain manual acts to be done to the bread and wine which were omitted in the second book. In the first Book of Edward VI., there are two crosses at the words "bless" and "sanctify these thy "gifts," two great crosses which seem to denote that the crosses were to be made, and then the words, "here the Priest is to take the bread into his hands," and "here to take the cup into his hands," but there is nothing about breaking the bread or pouring the wine out, or laying his hand upon the bread. It has been asked whether we could show anywhere that there was any prohibition of this practice. Now in Archbishop Grindal's Injunctions (1 Cardwell's Documentary Annals, p. 369), crossing is mentioned among the ceremonies to be discontinued: "Nor should use "at the administration of the Communion any gestures, "rites, or ceremonies, not appointed by the Book of "Common Prayer, as crossing, or breathing over the "sacramental bread or wine, nor any showing or lifting "up of the same to the people to be by them wor- "shipped or adored, nor any such like." Then there is the same at page 399 in Grindal's Visitation Articles for Canterbury.

(*The Dean of the Arches.*) I think Mr. Stephens cited both those passages to me?

(*Mr. Droop.*) Not with reference to this particular matter, my Lord. He cited this passage originally, but he did not cite it as a prohibition of the manual acts.

(*The Dean of the Arches.*) No, he did not, of course.

(*Mr. Droop.*) I cite it as a prohibition of crossing.

(*The Dean of the Arches.*) Your argument, as I understand it, with regard to these manual acts, is that they were absolutely unlawful till the Act of Charles II.

(*Mr. Droop.*) Yes, and that they were recognized as unlawful in Queen Elizabeth's reign. I do not say that they were recognized as unlawful at the time of Charles I.

(*The Dean of the Arches.*) "The acts which are "now commanded to be done by the Rubric to the "Holy Communion were, by reason of their omission "in the second Prayer Book of Edward VI., illegal "throughout the whole of that period." That is what I understand you to contend for?

(*Mr. Droop.*) Yes, my Lord. The next passage I have to cite is from Perry's Lawful Church Ornaments, page 225. It is a quotation of some injunctions of Bishop Parkhurst in 1561. "Item, that they "neither suffer the Lord's table to be hanged and "decked like an altar, neither use any gestures of the "Popish Mass in the time of ministration of the Com-"munion, as shifting of the book, washing, breathing, "crossing, or such like."

(*The Dean of the Arches.*) What do you cite that for?

(*Mr. Droop.*) Also to prove that crossing was unlawful.

(*The Dean of the Arches.*) There is no charge of crossing here?

(*Mr. Droop.*) What I wish to prove is that the manual acts are unlawful.

(*The Dean of the Arches.*) But do you prove it by that passage you have just cited?

(*Mr. Droop.*) I believe I shall be able to show it in time. I have got one or two other passages to quote which will illustrate it. In the first book of Edward VI. there are two great crosses, which are directions to cross, and then besides that there is the Rubric directing the priest to take into his hands the bread, and another Rubric with regard to the wine, and one essential point of my argument is this, that these directions in Edward's book are completely different from those in the present book. Crossing is contained in the first book and is left out now, and on the other hand the breaking of the bread was left out in Edward's first book, and was unlawful as I shall contend under that book, but that is lawful now. I cite this passage of Grindal's, and also this other passage to show that crossing was specified as a thing that was illegal to be done in the Communion. It is, "To "use the gestures of the Popish Mass in the adminis-"tration of the Communion, as shifting the book, "washing, breathing, crossing, and such like." It seems to me that that is pointed against a continuance of this very practice of crossing which had been enjoined by Edward's first book and left out afterwards.

(*The Dean of the Arches.*) This is rather remote, is it not? What you are trying to prove is that there is some prohibition of the manual acts which are now rightly done under the Rubric of present Prayer Book. What you are trying to prove is that there is some prohibition of the manual acts in the interim, not of crossing, but of those particular manual acts which are now lawful. You are citing this, as I understand you, to prove to me that manual acts which are now ordered were prohibited as illegal between the first book and the book of Charles II.

(*Mr. Droop.*) Yes, crossing was one of those manual acts, and taking into the hands was another; breaking of bread was not at that time.

(*The Dean of the Arches.*) But do you prove that taking the bread into the hand was unlawful, by citing a passage which says that crossing was unlawful?

(*Mr. Droop.*) Well, I prove the unlawfulness of crossing by citing this passage. Whether the other was unlawful——

(*The Dean of the Arches.*) But that is the point, is not it?

(*Mr. Droop.*) It is the point, but if I find there are two things in Edward's first book with regard to the consecration of the bread, one crossing, and the other taking the bread——

(*The Dean of the Arches.*) And if you show one of them is forbidden, and the other not forbidden, would not the inference be that the other was allowed?

(*Mr. Droop.*) These are Injunctions referring to the principal things, and I think I shall be able to satisfy your Lordship that crossing was the principal thing.

(*The Dean of the Arches.*) Really I have no doubt crossing was a very important thing, but there is no question before me about crossing.

(*Mr. Droop.*) The suggestion is that these manual acts were lawful because they were practised by Bishop Cosin, and others of his time, and I wish to show that——

(*The Dean of the Arches.*) The suggestion was not quite that. As I understood it it was this,—that it was pushing the doctrine to the utmost extent to say that everything that was not permitted expressly was prohibited; and as an illustration of that it was said, according to that doctrine, the actual breaking of the bread, and pouring out of the wine, ordered in the Communion, was illegal during that 100 years between Edward's first book and the date of the present book. I do not see how your citation bears upon it?

(*Mr. Droop.*) These particular things of the breaking of the bread, and pouring out of the wine——

(*The Dean of the Arches.*) If you could show me that during that interval there were Visitation Articles which forbade these things to be done, which are now ordered by the Rubric, then you would be helping your argument; but showing me that something else was forbidden which is not permitted at the present time does not, as it appears to me, assist you.

(*Mr. Droop.*) My position is this, that crossing was used as a general term.

(*The Dean of the Arches.*) The Injunctions do not specify the things in the present Rubric?

(*Mr. Droop.*) They do not specify the things used at the present moment, certainly.

(*The Dean of the Arches.*) Well, but that is the whole question.

(*Mr. Droop.*) I was going to quote from Bishop Pilkington's works an answer to a Roman Catholic pamphlet, page 634 of Pilkington. The Roman Catholic says, "The Catholic Church, which we "professed at our baptism to believe and obey, teacheth "us to receive Christ's body consecrate at Mass, with "prayers, invocations, and benediction, with the sign "of the holy cross, and not bare bread and wine "without consecration and benediction, as is used in "this Communion, being against the decrees and "ordinance of Christ's Catholic Church." To this Pilkington answers, "Ye lie in saying that the Catholic "Church teaches to receive Christ's body consecrate "at Mass with the sign of the holy cross, or that we "give nothing but bare bread and wine now. Prove "where the Church teaches so. I proved afore, how "many diverse sorts of administering there was of "old time, and all good, therefore this your one only "Popish way is not decreed by the universal Church, "nor never was generally received throughout all the "world. With what face can they say we have no "consecration, and give nothing but bare bread and "wine? If they have any in their Mass, if the "Evangelists have any consecration, or Paul, or if "the Apostles, we have it also. For if consecration "stand in words, we have all the words that their "Mass, the Gospel, St. Paul, or the Apostles had." Then he goes on, "Where is one so mad, except priests, "to say that consecration stands in crossing, or that

" *benedicite* is to make a cross? Prove it, if ye can, " or else hold your tongue for shame." The next passage is a passage from a book of Fulke's, another volume of the Parker Society's books, called Fulke's Answer to Martiall. The passage I am going to quote is from page 167. Fulke is speaking of Martiall's attempt to prove that the sign of the cross was used to consecrate the body and blood of Christ. He says, " The long discourse that followeth of blessing and " giving of thanks is needless, for we know and confess " that as they sometimes signify all one thing, so they " differ sometimes; and we confess that the bread and " wine in the Lord's Supper were blessed, that is to " say, sanctified and consecrated, but not with any " sign of hand, which is the matter in question, but " with the Word of God and with prayer; not only " as bodily meats, but as heavenly and spiritual mys- " teries to feed the soul."

(*The Dean of the Arches.*) I think it may well be conceded that, during this time, there were many prohibitions as to crossing. I should not think you need labour that.

(*Mr. Droop.*) What I wish to show is that the crossing and any other ceremonial acts during the Prayer of Consecration were forbidden.

(*The Dean of the Arches.*) You have shown that crossing and some other ceremonial acts were forbidden, but you have not shown that the things permitted by the present Rubric were forbidden. They may have been under the general title of crossing, but to show that other things were forbidden does not advance your argument. You must show that these things were forbidden, not other things.

(*Mr. Droop.*) I have another passage here from Mr. Perry's Declaration on Kneeling, page 203. There is another long letter besides that of Bishop Guest.

(*The Dean of the Arches.*) What does it prove?

(*Mr. Droop.*) It says this, " The Papist thinketh " that we have no consecration because we speake " not the wordes of consecration over ye bread by " takynge it in our handes or by appoyntynge unto " it." Your Lordship will remember the letter to Lord Burleigh.

(*The Dean of the Arches.*) An anonymous letter?

(*Mr. Droop.*) An anonymous letter. It may be the draft of a letter, but still it shows an intimate knowledge of the occurrences of that time, and I think there is no reason to suppose that it is a subsequent invention.

(*The Dean of the Arches.*) It is not a very strong foundation?

(*Mr. Droop.*) I was going on to say that it would not seem to be extraordinary that gestures which explain the narrative of the institution of the Lord's Supper should have been introduced subsequently. It seems to me that when the first book of Edward VI. was written, for some reason or other, which I can hardly explain, there was no direction inserted for breaking the bread or for taking the cup into the hands, or for laying the hand upon all the wine; and I do not think that at that time, under the first book of Edward VI., it was intended that there should be any breaking of the bread. But it seems to me not very strange that it should have been introduced subsequently.

The next thing I wish to refer your Lordship to is an account drawn up by Bishop Cosin, of the mode of administering the Sacrament, which is to be found in 4 Cosin, 359. It will appear that he differs from the mode prescribed by our present Prayer Book. The title of the paper is " Regni Angliæ Religio Catholica." It was written in 1652, at Paris, as you will find at page 339, by the request of Hyde. " Deinde sese " erigens, per preces sollennes institutionem sacramenti " et ipsa Christi instituentis verba continentes, panem " in manus acceptum frangit vinumque in calicem " effundens utrumque symbolum benedicit." There the direction is " vinumque in calicem effundens." Our present direction is that the whole of this is done before the Consecration Prayer begins, and that the priest merely takes the cup into his hands, and then lays his hand upon all the different vessels. It seems to me that this discrepancy between the directions in 1662 and Cosin's own practice, as described in 1652, shows that there was no one traditional practice which had been used ever since the Reformation.

Well, my Lord, I need not quote again (it has been already quoted) the reason Bishop Cosin gave for the insertion of the manual acts. Your Lordship will remember the words, " Therefore, for his better warrant " therein, such a direction ought to be inserted,"— implying that he had a doubt at that time whether it was lawful to use those manual acts without a direction in the Act of Uniformity.

(*The Dean of the Arches.*) All that was argued?

(*Mr. Droop.*) Yes, my Lord. Then there are a series of other passages in which Bishop Cosin also shows a great desire that every usage which was at that time in use should be comprehended in the new Prayer Book of 1662. I am quoting again from the 5th volume of his works, page 513. In some suggestions for the correction of the Prayer Book, he says: " Nor is there any order, after the naming of the " Gospel, for the people to say 'Glory be to thee, " O Lord,' as hath been likewise accustomed, and " was specially ordered in King Edward's time, " together with 'Thanks be given to God,' at the " end of the Gospel. For uniformity and advance- " ment of our devotions herein, that order would be " fitly here renewed." Accordingly, it appears in a note that Bishop Cosin had proposed to insert an alteration to this effect. But, on the other hand, it was determined not to make the alteration, and the Prayer Book was sanctioned without it; and therefore the practice continued illegal. Then at page 517 Bishop Cosin refers to the direction for consecrating a second time. " If there be any consecrated bread or " wine wanting for the communicating of the people, " here is no order (as there ought to be) for the con- " secrating of more, nor for the words which the priest " shall use for that purpose, as in the first form of the " Communion set out in King Edward's time, and in " the canons of the Church, is enjoined. This there- " fore should be here added:" and it was added. Then, on the same page, there is a reference to the directions to the priest for kneeling when he takes the Sacrament. Bishop Cosin proposed a long Rubric upon that subject, but instead of that only a few alterations were made. In all these things Bishop Cosin seems to have shown an anxious desire that the Prayer Book should contain a full account of what the ceremonies of the Church should be. But there is a great contrast between this and what Bishop Cosin himself does with reference to the mixed chalice. In his first series of notes which were written in a Prayer Book of 1619, at any rate they were written early in his life, he says of the mixed chalice, p. 154, " Our " Church forbids it not for aught I know, and they " that think fit may use it, as some of the most eminent " amongst us use it at this day," referring no doubt to Bishop Andrews' use of it. In the second and third series of notes there is no reference whatever to the mixed chalice, and instead of finding a similar recommendation for a direction authorizing it being inserted, we find from page 515 of the same volume that Cosin was the original author of that very Rubric, which certainly has placed a very great additional difficulty in the way of my friends' argument—I mean the contention that the mixing of the wine and water should be lawful; because he proposed a Rubric directing how the bread and wine should be placed on the table. This Rubric was afterwards a good deal altered, but he proposed that bread and wine should be specifically mentioned there, and then a similar Rubric was finally inserted.

I now wish to refer your Lordship for a moment to the second volume of Daniel's Codex Liturgicus, page 88, where you will find that in this Formula Missæ of Luther's, issued in 1523, Luther declared against all signs over and with the wafer, and against breaking the wafer and dropping part into the chalice. I have looked through several of the different Liturgies that

are given there and I have not found anywhere any directions for any of the manual acts in the Lutheran service books, and I think that may to a certain extent explain why the manual acts were first curtailed in Edward's first book, and then left out in Edward's second book. There is no direction for breaking the bread in Edward's first book; the direction is simply for crossing and taking into the hand; then in Edward's second book these are altogether omitted; it was intended there should be nothing done at that time. Then in James I.'s time, probably when the ancient Liturgies came to be better known and the subject to be more discussed, they began to look upon the thing with different eyes. They had settled first that they would abolish the breaking, and then abolish all manual acts. Then it was suggested that this breaking was only symbolical, and that it was a proper thing to do. Next it appears it was restored, being gradually introduced, until at length in 1662 it was introduced with universal consent; and if it was restored at all it was restored from the Sarum Missal and not from Edward's first book.

The next subject to which I shall refer is a subject referred to before, namely, the canon of 1640 as to bowing. This, it was suggested, is an exception to the principle for which we contend, namely, that nothing is lawful that is not contained in the Acts of Uniformity. On the contrary it appears to me to be a very strong argument in our favour. In 1640 this practice of bowing had grown up, and it was desirable to make it not obligatory but allowable. In order to do that they had to make a canon. It is contained in 5 Laud's Works, p. 626.

(*The Dean of the Arches.*) I know the canon.

(*Mr. Droop.*) The conclusion is this, that in the practice or omission of this rite we desire that the rule of charity given by the apostle may be observed, namely, "that they who use it despise not them who "use it not, and that they who use it not condemn "not those that use it." And it appears to me an attempt to sanction, what would otherwise be unlawful, by means of a canon, because your Lordship knows in 1640 that they were not very particular about Acts of Parliament. That, therefore, I rather pray in aid of my argument.

The next thing to which I wish to refer your Lordship is the 18th canon, which contains directions as to persons kneeling at certain times, and then it goes on "and likewise when in time of divine service "the Lord Jesus shall be mentioned, due and lowly "reverence shall be done by all persons present, as "it hath been accustomed." It has been argued that this "as it has been accustomed" shows that previously to that time there was a general usage, not sanctioned by any law, but a usage which had survived from the period before the Reformation. Now, as an answer to this, I will call your Lordship's attention to this, that the same practice of bowing is enjoined in the 52nd of Queen Elizabeth's Injunctions (1 Cardwell's Documentary Annals, 231), in the same words: —"And that whensoever the name of Jesus shall be "in any lesson, sermon, or otherwise in the church "pronounced, that due reverence be made of all "persons, young and old, with lowness of courtesy, "and uncovering of heads of the menkind, as there- "unto doth necessarily belong, and heretofore hath "been accustomed." Those words "heretofore hath "been accustomed," in Elizabeth's Injunctions, must refer to the custom in Queen Mary's reign, and therefore this particular custom was continued and revived by this Injunction of Queen Elizabeth. Whether these Injunctions were lawfully issued is of course a question. Your Lordship will remember Queen Elizabeth had, under her Act of Uniformity, power, with the consent of the Ecclesiastical Commissioners, or of the Archbishops, to order other rites and ceremonies. Therefore, she could have made these Injunctions valid. Whether she did so or not is a question which I am not bound to go into now.

The next matter I have to call your Lordship's attention to is a passage from 4 Wilkins Concilia, page 530.

(*The Dean of the Arches.*) What is it to prove?

(*Mr. Droop.*) It is for the purpose of showing how this bowing at the name of Jesus was dealt with in 1662, or rather was attempted to be dealt with.

(*The Dean of the Arches.*) It is such a very outlying topic.

(*Mr. Droop.*) All I wish to say is there was a canon made and an Act of Parliament proposed, but not passed, requiring the people to bow at the Creed and Gospel; of course the present use of the Church of England is to bow at the Creed.

I suppose you will think the next subject I am going to deal with, namely the use of the churching veil, is another outlying topic.

(*The Dean of the Arches.*) Yes; they are simply used as illustrations. You cannot get rid of the fact that the bowing at the name of our Lord is not ordered in the Rubric, and yet that these things are done. I do not say how far that argument will go; but no amount of citation showing how these things arose will do away with the fact that they are not ordered in the Rubric, and yet that they are continually done.

(*Mr. Droop.*) If I show that these orders were sanctioned by Queen Elizabeth's Injunctions, your Lordship will remember there is a question whether these Injunctions of Elizabeth were not authorized by her Act of Uniformity; there is only a limited number of these instances, and we can explain away every one of them.

(*The Dean of the Arches.*) That is, in other words, you can show how they all grow up, and give a rational account of them. But by that means you do not get rid of the weight of the argument (whatever that weight may be I do not say) that, not being mentioned in the Rubric, still they are universally practised. That is the whole argument. I do not say what weight is to be attached to it, but that is the argument. I do not see how your showing the way in which these things grew up affects that argument. That is the argument *valeat quantum*. You say the matters charged in this case are unlawful, because they are not mentioned. "Well, now," say the other side, "we will reduce that *ad absurdum*, and "we will show you a great quantity of things in the "same position which are used." Then, by showing how those things originated you do not get rid of the argument that they have been and are commonly used, and yet are not ordered. I do not say what the value of that argument is — that is quite another thing.

(*Mr. Droop.*) I use it in this way, my Lord. It is an answer to the contention that every clergyman may of his own free will introduce a ceremony. It is no answer to the contention that a thing done under royal and episcopal sanction, publicly given, may be introduced. If we were to come forward and ask your Lordship to declare such things illegal, then to cite these instances would be to some purpose.

(*The Dean of the Arches.*) The question is whether everything not ordered by the Rubric is unlawful. These things are alterations of a general use of things not specifically ordered in the Rubric?

(*Mr. Droop.*) I think it will be found—I do not know what illustrations of that kind my friends may produce in this case, but I think they are very few.

(*The Dean of the Arches.*) Well, those things you have been referring to?

(*Mr. Droop.*) Well, I say with regard to the manual acts it was a gradual encroachment.

(*The Dean of the Arches.*) You say it was illegal?

(*Mr. Droop.*) I say it was an encroachment gradually. It was generally recognized as illegal in Elizabeth's reign. I try to answer that particular case in that way. Then there is the question of bowing at the name of Jesus. I say, with regard to that, it was authorized by Elizabeth's Injunctions, and she seems to have considered that she had power to make these Injunctions under her Act of Uniformity. Your Lordship knows that letter of Parker's.

(*The Dean of the Arches.*) Yes, I have your argument.

(*Mr. Droop.*) Then with reference to this churching veil case, I have also a separate answer upon that.

(*The Dean of the Arches.*) You may run off for ever; the controversy will never have an end if you are to go off into the history of all these things.

(*Mr. Droop.*) This is the last that has been cited by the other side, and it is the last I intend to deal with. This case of the churching veil—Shipton's case—was cited from Palmer, showing that it was an ancient custom, and that upon that ground the prohibition was refused. That was in the 20th James I. I refer your Lordship to 2 Whitgift's works, 563–4, written in 1574, about 50 years before that period.

(*The Dean of the Arches.*) What does that citation show?

(*Mr. Droop.*) That citation shows how Whitgift, who was soon afterwards made Archbishop of Canterbury treats this subject.

(*The Dean of the Arches.*) But it does not show that it was lawful, does it?

(*Mr. Droop.*) No, but he says this: "This is rather "a civil manner and custom of our country than a "ceremony of the Church, and the wearing of new "gloves, as many at that time and especially at the "time of marriages do, is as much a ceremony as "this." Whitgift, who was supreme over the Church of England for 20 years, treats this not as a ceremony of the Church but merely as a usage of the people.

(*The Dean of the Arches.*) It is something done in the Church not ordered by the Rubric?

(*Mr. Droop.*) Yes, but he distinguishes between those things which are ceremonies and which the Prayer Book relates to, and those things which are merely civil customs.

(*The Dean of the Arches.*) And you say that displaces the argument from Palmer?

(*Mr. Droop.*) Yes, my Lord, I say it is merely a civil custom.

(*The Dean of the Arches.*) In Palmer's case, which was a case enforcing this churching veil, a prohibition was asked for, the judges consulted the bishops, and the bishops gave a certificate that this was an ancient custom upon which the prohibition was refused, and the wearing of the churching veil enforced.

(*Mr. Droop.*) Then, my Lord, Cartwright complains that it was left to everybody's option. He says, "A little true knowledge of divinity would have "taught him that the bringing in or usurping without "authority any ceremony in the congregation is both "an earnester matter than may be jested at, and a "weightier than should be permitted unto the discretion of every woman considering that the same hath "been so horribly abused in the time of Popery."

(*The Dean of the Arches.*) Cartwright says it is illegal, and the judges said it was legal.

(*Mr. Droop.*) Cartwright complains that it was left to everybody's option, and takes up the position that it is a ceremony of the Church, and he says it is left to the discretion of every woman, so that it was not obligatory at that time. On the other hand Palmer's case is a case about enforcing it. What I wish to show is that this custom had been merely a civil usage which Archbishop Whitgift would not enforce at all.

(*The Dean of the Arches.*) You say it was not a religious ceremony but a civil usage?

(*Mr. Droop.*) It was nothing more than a civil usage, and in 40 years it grows up to be a thing insisted upon.

(*The Dean of the Arches.*) That does not get rid of the fact that it was enforced by a court of law?

(*Mr. Droop.*) I say it was a question with regard to the dress of a lay person. It seems to me to be the same sort of thing as the cloth on the communion table. I do not mean the fair linen cloth, but the other cloths which are not for religious symbolism but for decency, and in some such way the churching veil was originated, a thing allowed as a matter indifferent, and then——

(*The Dean of the Arches.*) You seem to me to lose sight of the argument of the other side. The argument is this: "You say it is absolutely illegal to "do anything not mentioned in the Rubric or in the "Act of Uniformity," let it be what you like, a civil usage or a religious ceremony, it is a matter which the bishop insisted upon being done, and which a temporal court said he had a right to insist. Yet still it is not mentioned in the Rubric.

(*Mr. Droop.*) Yes, but it is not a religious ceremony, but simply a civil usage. Our view of the word "ceremony" is that it must have a religious significance. Cartwright took the view which our opponents take; he treats it as a ceremony. On the other hand, Whitgift held it to be merely a civil usage. Then there is a decision in another court on the same subject, which your Lordship will find in Hale's Precedents of Criminal Causes, page 169. The date is the 11th December 1577—about the same time as Whitgift's. There was a proceeding against Mary Madison and Dorothy Marshall. Fassi sunt, "that "these came to the church to be churched or give "thanckes for theire safe delivery, having kerchifes "over theire hedes, according to the use; and for "that they had the same kerchifes on theire hedes "the curate would not suffer them to give thanckes, "and thereby went home without thanckes givinge, "and theie being further examined wether theie did "were them for any superstition [say they did not] "but for warmth. Et tunc dominus monuit eos that "upon Sondaie nexte theie shall come to the church "to give thanckes, and then and there the curate "shall cause and se[e] them give thanckes. And "lykwise the same Mr. Dente, the curate, was "monished that hereafter he shall not refuse any "honest woman to give thanckes coming to the church "as aforesaid, theie being examined that theie doe "not were the same for any superstition."

(*The Dean of the Arches.*) It was a very sensible decision, but I cannot conceive what it has to do with this case?

(*Mr. Droop.*) It also tends to show that in 1577 this wearing of churching veils was not a religious ceremony. It might be applicable to my learned friend's argument that the candles are mere embellishments—it would support their case in that respect. But if we satisfy your Lordship that the lighted candles and the mixed chalice are done with a religious significance, it gets rid of the churching veil case by showing that in 1577 it was not considered a matter of religious significance.

I am now going back to the question of the Injunctions with reference to the two lights upon the high altar before the Sacrament, "which, for the significa- "tion that Christ is the very true light of the world, "ye shall suffer to remain still." I shall not repeat my friend's argument to prove that the Sacrament there means the reserved Sacrament. The first point I wish to refer to is the signification. It was put to us in the other case that we could not explain that signification; that supposing our theory was correct, that those lights were on the high altar before the reserved Sacrament, we could not explain the signification. For this purpose I wish to refer your Lordship to the third book of Gregory's Decretals, 41st title, 10th chapter. It is a passage on carrying the Sacrament to the sick: "Sacerdos vero quilibet "frequenter doceat plebem suam ut quum in cele- "bratione Missarum elevatur hostia salutaris se re- "verenter inclinet, idem faciens quum eam defert "presbyter ad infirmum. Quam in decenti habitu "superposito mundo velamine ferat et referat mani- "festè ac honorificè ante pectus cum omni reverentiâ "et timore, semper lumine præcedente, quum sit "candor lucis æternæ." The light was always to be carried because the Sacrament is the brightness of eternal light. This same passage of Gregory's Decretals is referred to by Lynwood at page 249 on the same subject. The text merely orders that the

Sacraments should be carried with a light, but then Lynwood's note to this is "*Lumin prævio.* Ratio "est, quia est candor lucis æternæ, et non præcedit "lumen ad fugandum tenebras sed ratione prædicta." Then there is a reference to this passage of Gregory's Decretals: "*Extra. De celebratione Missarum c. "sane.*, ubi etiam statuitur quod Sacerdos Eucharis- "tiam reverenter gerat ante pectus suum, et quod "tabernaculum, in quo portatur operiatur mundo "velamine." The word "Extra" is the proper phrase, as it appears, for referring to Gregory's Decretals——

(*The Dean of the Arches.*) Of course it is. It is the Extravagantes.

(*Mr. Droop.*) Well, my Lord, I mentioned it because it was a discovery as far as I am concerned.

(*The Dean of the Arches.*) That is about the taking the Eucharist to the sick; it cannot be supposed that the Injunction is founded upon that, because it is clearly founded upon the other *reservation.*

(*Mr. Droop.*) What I wish to show is that Gregory attaches a meaning, "Quum sit candor lucis æternæ," to the Sacrament carried to the sick; and of course it is the same Sacrament which was reserved in the Church. Then, at page 236, comes the passage your Lordship refers to, and this is Lynwode's gloss upon it: "Et nota quod candelas in celebratione Missæ "arsuras convenit esse de cera potius quam de alia "materia. Candela namque sic ardens significat "ipsum Christum, qui est splendor Lucis æternæ."

(*The Dean of the Arches.*) The Injunction, I think, is founded upon that.

(*Mr. Droop.*) Yes, my lord. The next words "Extra eo caput sane," show that it is a reference to the same passage in Gregory's Decretals.

(*The Dean of the Arches.*) Possibly.

(*Mr. Droop.*) In the other passage it was "Extra "celebratione Missarum," and this passage in Lynwood is in the title, "De celebratione Missarum," Therefore, "Eo" is "de celebratione Missarum."

(*The Dean of the Arches.*) Yes, that is the way in which they chose to have their canon law cited.

(*Mr. Droop.*) I say these passages refer to the same passage in Gregory's Decretals, and therefore, that the "Sacrament" means what is stated there. The next passage to which I have to refer to is the passage containing Reynolds' canon, requiring that there should be two lights, "Tempore quo solennia "Missarum peraguntur accendantur duæ candelæ vel "ad minus una." But there is nothing said as to where those lights are to be—whether on the altar or not. It is merely said there are to be two lights.

The directions of the Sarum Missal contains full directions as to there being two taper bearers at Mass.

(*The Dean of the Arches.*) My attention was drawn to that.

(*Mr. Droop.*) Our contention is that that is sufficient to satisfy Reynolds' canon. It is not improbable that where Mass was celebrated in a simple manner, for instance at low Mass, the candle or candles required by the canon were often placed on the altar, but still the regular direction was that there should be two candles, held by taper bearers. The next thing with which I shall trouble your Lordship is a book which gives an account both of the candles upon the altar and of the candles at Mass,—St. Osmund's Consuetudinary of the Church of Sarum. I am citing from Rock's Church of our Fathers, vol. 3, part 3. It is a treatise on the Use of the Church at Sarum, and at page 3 there is an account of what lights there should be. It is an account of the duties of the Treasurer. "Thesaurarii officium est ornamenta et "thesauros ecclesiæ conservare, lumina subministrare "scilicet: Dominica prima in Adventu quatuor cereso "ad utrasque vesperas et ad matutinas et ad missam, "scilicet, duos insuper altari et alios duos in gradum "coram altari." There are four lights at each service, two on the altar and two before the altar; alike at Vespers, at Matins, and at Mass, no distinction at all; and in the same way there are several other descriptions of how many lights there should be; and in most cases there are the same number at Mass and Evensong; but mostly there are more at Matins. At the same time on ordinary Sundays there are to be two lights at Matins and Evensong, and four at Mass, for it proceeds:—"In aliis autem Dominicis "omnibus per annum et quandocunque chorus regitur "et invitatorium a duobus dicitur tantum duos debit "administrare. In Dominicis tamen omnibus ad Mis- "sam quatuor." Then on ordinary days the regulation is that there should be two lights at Mass, and one at Matins. Those are the regulations with respect to the lights about and upon the altar.

At page 59 there is an account of the lights at Mass. There is an account of the ceroferarii and their candelabra as in the Sarum Missal. It appears then, that the lights at Mass were the lights of the taper bearers. I have also to refer your Lordship to the Consuetudinary of the Church at Lichfield, 1 Wilkins, page 496, which bears out my former position, that the lights were the same in all the services, I mean the lights upon the altar, the fixed lights in the Church. I need not repeat what your Lordship is aware Lyndwood says at page 248, about the custom in England being that the Sacrament should be hung in a canopy over the altar.

(*The Dean of the Arches.*) Yes, that was referred to at great length.

(*Mr. Droop.*) It was referred to in the argument by the other side?

(*The Dean of the Arches.*) I think not, I introduced it myself.

(*Mr. Droop.*) I mean it was referred to during my friend's argument. We have not had an opportunity of dealing with it.

(*The Dean of the Arches.*) Not in the former case. But you are now, in opening a new case, replying upon an old one.

(*Mr. Droop.*) Well, my Lord, I suppose we are.

(*The Dean of the Arches.*) That is rather trying the Court hardly, is it not?

(*Mr Droop.*) What I mean to say is, my friend intended to have dealt with this.

(*The Dean of the Arches.*) I am not saying you are not "dans ont droit."

(*Mr. Droop.*) Then again, it is said there are no express directions for lights before the Sacrament. The only thing that I can find in Lyndwood that at all suggests there being lights before the reserved Sacrament is the following constitution of Reynolds in the appendix, p. 39. "Sint rectores ecclesiarum et pres- "byteri diligentes ut summa reverentia et honor maxi- "mus sacris altaribus exhibeatur, et maxime ubi sacro- "sanctum corpus reservatur et Missa celebratur." This would certainly sanction the burning of lights on the altar, especially as it goes on afterwards, "Eu- "charistia quoque tam luce quam lucernâ præcedente "ad ægrotos per sacerdotem . . . . . deferatur."

It was laid down distinctly in the other case by my friend Mr. Prideaux that the blessed Sacrament is never upon the altar, nor suspended above the altar when the divine mysteries are celebrated. But in point of fact the Roman Missal contemplates the celebration of Mass at an altar where the Sacramentis reserved: "Ritus celebrandi Missam II., 2. Cum "pervenerit ad altare, stans ante illius infimum gradum "caput detegit, Biretum ministro porrigit et altari seu "imagini crucifixi desuper positæ profunde inclinat; "si autem in eo sit tabernaculum sanctissimi sacra "menti genuflectens debitam facit reverentiam." It has been said that there is only one light before the reserved Sacrament, and that a hanging light; but I have not been able to find any authority in favour of that position. Of course I shall leave that in your Lordship's hands. There is a direction that there should be a light sometimes in 1 Wilkin's Concilia, page 667, the Constitutions of William of Cantilupe. "In Ecclesiis "autem saltem quarum amplæ sunt facultates continuo "lampas ardeat, die videlicet et nocte, coram redemp- "tionis nostræ pignore supradicto." There is nothing here to show that this should be the only light. No such passage was cited in the other case, and I feel

pretty certain no passage can be cited to show that it was the law of the Church that only one light should be burnt before the Sacrament.

Notwithstanding all the discussion upon that point, I do not yet understand how the words "before the Sacrament," can be turned into "during the celebration of the Mass." I do not go into that further, but I have to ask several other questions connected with the same subject. First, if the words "the Sacrament" refer to the celebration of a service, why should they be used with reference to the Mass rather than to any other of the Sacraments of the Church. At that time there were several other Sacraments, and according to my friend's construction of the meaning of the words "before the Sacrament," there is no reason to suppose that the lights were intended to be used before the Sacrament of the altar rather than before any of the other six Sacraments. Another question I have to ask is, how were the lights before the reserved Sacrament dealt with by those Injunctions of 1547? We have seen there were occasionally lights before the reserved Sacrament before that time, and the words, "two lights before the Sacrament" would naturally apply quite as much to the reserved Sacrament as to "during the celebration "of the Mass;" and according to my friend's theory I think it must be said that these words were intended to have a double signification, they were first to include the lights before the reserved Sacrament, and secondly, the lights at the celebration of the Mass. A third question I would ask is, how were the two lights upon the ——

(*The Dean of the Arches.*) It is not right to reply in this way upon a cause that has been argued, and in which there has been a reply. It is not according to the ordinary usage of courts to do this, particularly when there have been two replies allowed in the case. Now you are replying on the case which has been argued and replied upon by your leader.

(*Mr. Droop.*) My Lord, if we had had to go into the subject in that case we should have taken a much longer time.

(*The Dean of the Arches.*) I am quite ready to hear you if you wish to press it.

(*Mr. Droop.*) I have finished all my observations upon that point; and really this argument which I am answering now is an argument——

(*The Dean of the Arches.*) It is an argument which has not been addressed to this Court in this case?

(*Mr. Droop.*) No.

(*The Dean of the Arches.*) Then it is contrary to usage to answer it.

(*Mr. Droop.*) But it is an argument which was put forth in the Church Union case.

(*The Dean of the Arches.*) Go on, I will hear you.

(*Mr. Droop.*) I will conclude with a few words by way of summary upon these "lights before the Sacrament." Our argument is that this direction in Reynolds's canon as to lights is satisfied by the taper bearers, and that those lights held by the taper bearers were not interfered with either by Cromwell's Injunctions, which forbid all lights except those before the Sacrament of the altar, or by the Injunctions of 1547; that besides those there were other lights on or about the altar. Those lights were sometimes before the Sacrament, and sometimes before images; but the Injunctions of Cromwell prohibited the lights before images, but left the light before the Sacrament, that is, the light before the reserved Sacrament, and that "light" included any number of lights throughout the Church. The Injunctions of 1547 went further still; instead of allowing the light before the Sacrament, which would have meant any number of lights anywhere in the Church, they only allowed two lights before the Sacrament upon the high altar. They did not enjoin that there should be perpetually two lights burning, or two lights burning during the Mass, but what they enjoined was, that under no circumstances should there be more than two lights. They would not interfere with one light or two lights burnt at the Mass, or they would not interfere with one light or two lights burnt at any other service; but in any case they allowed only two lights altogether in the Church, and those were to be upon the high altar and before the reserved Sacrament.

I have only a few words in conclusion, and these will be rather in anticipation, perhaps, of the argument of the other side. It has been said, and may be said, that these prosecutions of Mr. Simpson and Mr. Mackonochie are attempts to narrow the comprehensiveness of the Church of England; that there are two parties which have subsisted in the Church of England since the time of Charles I., and that one of those parties is attempting to drive the other out; in short, that they are prosecutions dictated by religious bigotry. But in fact Mr. Simpson, and those of whom he is the representative, are doing two things. In the first place, they are teaching doctrines which are generally considered contrary to the law of the Church of England——

(*The Dean of the Arches.*) I have many times said that I have nothing to do with the question of doctrine in these cases.

(*Mr. Droop.*) In the second place they are taking possession of parish churches and carrying on services in them in which many faithful members of the Church of England cannot conscientiously join. According to the law of the Church of England the church of each parish is intended to be the place of worship for the inhabitants of that parish. The old laws requiring every parishioner to attend his parish church have become no doubt obsolete, but this does not deprive the parishioner of the right to resort there, and to have such a service as all members of the Church of England can conscientiously join in. Everything, therefore, that is done in the service is done on behalf of the whole congregation; all prayers which the minister offers are offered in their name; the minister is in every case their representative. In order that a person may be able to join in a service it is essential that he should agree in all the doctrines expressed in such service, whether expressed in words in the prayers, or symbolised by the ceremonies. For instance, if a minister holds up the Sacrament over his head for the purpose of others adoring it, this is an offence against the opinions of those members of the Church who consider that such adoration is idolatry. If this were a case with reference to doctrine, this talk about the comprehensiveness of the Church of England would not be altogether out of place; but the question in the present case is whether Mr. Simpson may carry on a service in which faithful members of the Church of England cannot conscientiously join. As long as the Prayer Book is strictly conformed to, no member of the Church of England is forced to join in any prayer or ceremony to which he can reasonably object. The Prayer Book is one of the standards of doctrine. To quote the recent Subscription Act, one of the declarations of assent is, "I assent to the 39 Articles of Religion, and to the Book of Common Prayer, and "of ordering Bishops, Priests, and Deacons. I believe "the doctrine of the United Church of England and "Ireland, as therein set forth, to be agreeable to the "Word of God." This is an assent to the Book of Common Prayer which every clergyman is obliged to make; and if he preaches any doctrine contrary to the Book of Common Prayer, contrary to that which can be reasonably considered to be expressed in the Book of Common Prayer, he can be punished for it. But supposing a clergyman uses any of the ceremonies complained of in this suit, or any other ceremonies which may be introduced into the service of the Church of England, he may import into the service expressions of doctrines which are not universally held in the Church. It seems to me impossible that the law of the Church of England can have been left in such a state that the clergyman of any parish should be at liberty to make the services in a parish church such that faithful members of the Church of England

cannot conscientiously join in them. Yet this appears to me to be the inevitable result of any other construction of the Acts of Uniformity than that which we have contended for. If a minister is to be at liberty to add to or to alter the services at all, he must be at liberty to alter them according to his own discretion; the only possible limitation that can be suggested is that he is not allowed to use any words or ceremony which are themselves contrary to the doctrine of the Church of England. But there are of course an infinite number of doctrines as to which the Church gives liberty, which she does not enforce and does not forbid, and which a clergyman may preach himself, but which he has no right to enforce in any way upon his congregation.

I will not detain your Lordship any longer, and I am sorry to have been obliged to occupy so much of your time.

Adjourned till to-morrow at a quarter past 10.

SECOND DAY.

Thursday, February 6th, 1868.

(*Dr. Deane.*) May it please your Lordship.—In addressing myself to this case, I feel I have a somewhat divided duty. I am aware that your Lordship has listened to this case and to that immediately preceding it now for some 12 days. Of course your Lordship's time is of value to yourself, and also to others in this Court and elsewhere; and therefore I shall be most anxious and it shall be my great endeavour to spare your Lordship's time and the time of the public, so far as it may be consistent with my other duty, namely, that of doing the very best I can for Mr. Simpson, the defendant.

My Lord, I have one favour to beg at your hands. It must be in your experience that in almost any case, and particularly in cases like the present, it is almost impossible, in following those who have led you on the same side, as I may say Mr. James and Mr. Prideaux have led me, it is almost I say impossible, unintentionally, but still frequently, to avoid falling into the same line of argument which they have used. I can assure your Lordship that if I should err—and I have no doubt I shall err—in that way, I shall take it as the greatest kindness if your Lordship will intimate to me that you have heard sufficient upon that subject.

My Lord, having said so much, and without the usual introductory remarks, I think I shall at once proceed to grapple with this case as I best may. And the line of argument which I intend to adopt generally will be this: first as to the question of the Lights, secondly the Mixed Chalice, and thirdly the Elevation.

My Lord, the first of these questions is the one which will occupy most time. I think there is more to be said, not more to be read, upon that point, than there is upon the others. Besides which, taking them in that order is the natural order from the Articles, and it is an order which enables one to deal with a question which must more or less run through the whole of the argument, namely, that of usage or antiquity, or whatever word one may employ to signify that which existed down to a certain time. And, my Lord, it also enables me to refer to a matter to which I most respectfully ask your attention. I observe that my friend Mr. James stated that the charge against Mr. Mackonochie was criminal, or *quasi* criminal. I cannot admit any qualifications of that kind. The charge against Mr. Simpson is a direct and not a *quasi* criminal charge. If that which Mr. Simpson has done be proved or admitted, and if so proved or admitted it be a crime, then Mr. Simpson must be punished for that crime; but if on the other hand the proof fail, and if the proof or the admission do not come up to the charge (and my learned friends are content to accept the admission), then of course the charge itself must fail, because it involves a crime; and, my Lord, I am not aware that as there is no constructive felony and no constructive treason, there can be such a thing as constructive heresy or constructive schism. Further, my Lord, my friends (I suppose having plenty of time at their command) have endeavoured to attach to the defendant in this case a kind of slur, as they think it, in consequence of other matters with which he has no connection whatever. For instance, they say, Observe what an odious book "The Ritual Reason why" is! My Lord, for aught I care it may be the most odious book that ever was published; but I am ignorant enough, and I am bold enough, to say that "The Ritual Reason why" I have never seen. My friend again referred to a book—I have no doubt it is a very pretty one, at all events it is extremely well bound in vellum—called the *Directorium Anglicanum*. But, my Lord, I am not here to defend the *Directorium Anglicanum;* I care no more for the *Directorium Anglicanum* than I do (as I reminded my friend Mr. Stephens yesterday when he handed me a book) for the memory of Queen Elizabeth. I am simply here to defend against three charges, or four or five, as the case may be, the Reverend Mr. Simpson.

What, then, is the line of argument, and what the defence, which, in my judgment, I think should be adopted? It is this: I stand upon the rubric of 1662; and on that rubric, so far as lights are concerned, I claim to be acquitted. Your Lordship knows from other sources how hard this rubric presses upon people who take a different view of some of these matters from Mr. Simpson. Your Lordship knows that an ingenious attempt was made to get rid of that rubric of 1662, and to say outright that it was an interpolation—I won't use a harder term. My Lord that bubble has exploded, and we now know that that rubric exists in the sealed copy of the Book of Common Prayer, and that that rubric forms part of the Act of Uniformity of Charles II.

Again, it is a singular thing, but one cannot shut one's eyes to the fact, that a certain party in the Church (and, my Lord, in this case I wish to speak with the greatest respect of all parties within the Church, imputing no bad motives, and being willing to believe that every one is actuated by what they believe to be their duty) have taken great offence at certain vestments used by another party. Those vestments, as your Lordship knows, depend entirely upon that rubric; and it is a remarkable thing that in this part of the nineteenth century, when there is certainly no want of the spirit of trying these cases, nobody yet has been found bold enough to attack the vestments. Therefore I say, at all events, that rubric of 1662 (independent of course of the case of *Westerton* v. *Liddell*) remains in its entirety. Iam not going to read the rubric, because I am sure your Lordship knows it entirely by heart.

(*Mr. Stephens.*) My learned friend seems to be

under some misconception. Mr. Simpson never used vestments, and therefore we could not make them part of the charge.

(*Dr. Deane.*) I think it is in evidence that Mr. Mackonochie did.

(*Mr. Stephens.*) We are not trying Mr. Mackonochie now.

(*The Dean of the Arches.*) I wish that had been remembered yesterday.

(*Mr. Stephens.*) My Lord I think I guarded myself against trenching upon that forbidden ground.

(*The Dean of the Arches.*) I did not allude to you, Mr. Stephens.

(*Dr. Deane.*) My Lord, what is the consequence of having that rubric before you? That rubric throws you back at once to the year 1549. To the year 1549 then we go; and it is of course essential, it lies at the root of the whole case, to consider what was the state of things in 1549, when that, which was, ceased, if it ever did cease. It is a matter of great importance as an argument, because in the whole 12 or 13 days that this case has, down to the present moment, been before your Lordship, not one of my learned friends, with all their ability, with all their industry, with all their learning, with all their library brought into court and read book after book, has been able to put his finger upon a given time, and say, "This or that thing now charged against Mr. " Simpson ceased then."

The argument which I shall put shortly upon the Rubric will of course be this: Certain ornaments are to be retained and be in use which were in this Church of England in the second year of the reign of King Edward VI. And here, my Lord, out of the great respect which I feel for the person who gave the reasons contained in this opinion, which appears in the blue book with which your Lordship is familiar (the Ritual Commissioners' report), I would for one moment pause and make some observations upon these words, "retained and be in use." The argument of Sir Roundell Palmer, or rather the reason for his opinion (and I know the danger of grappling with him), was this, that "retained and be in use" means no more than this, that such ornaments as have been retained shall be in use. Now, first of all, that argument seems extremely forced. Referring to Cardwell's Conferences, at page 32, and to a note at page 36, your Lordship will find an account of the different books, and also a reference to this Rubric as to the use of vestments only. At page 36 the note refers to an authority which I need not give your Lordship, because you will find it on referring to Cardwell, and then it says: "The last Book of " Services (that is the last Service Book) is gone " through, with a proviso to retain the ornaments " which were used in the first and second year of " King Edward, until it pleased the Queen to take " other order for them. Our gloss upon this text is " that we shall not be forced to use them; but that " others in the mean time shall not convey them " away, but that they may remain for the Queen."

(*The Dean of the Arches.*) That is Bishop Sandys.

(*Dr. Deane.*) That is Bishop Sandys, my Lord. Then if I take Mr. Moore's report of the judgment of the Privy Council in *Westerton* v. *Liddell*, the thing comes out, of course, with all the authority of that tribunal, and sets the matter at rest, because at pages 158 and 159 of that judgment this question is exhausted. At page 158 your Lordship will find this: " If reference be now made to the alterations in these " matters introduced by the Second Prayer Book of " Edward VI., and the subsequent Rubric to the " Prayer Book of Elizabeth, the meaning will be " sufficiently clear." My Lord Kingsdown then goes through the several statutes, and at the bottom of page 159 he sums up in this way: "The Rubric to the " Prayer Book of January 1st, 1604, adopts the " language of the rubric of Elizabeth." Your Lordship knows perfectly well—and I am really ashamed to mention these things—that the Rubric and the Act of Uniformity differ; one says, "retained and be in " use," the other says, "shall use." The judgment proceeds: "The Rubric to the present Prayer Book " adopts the language of the statute of Elizabeth, but " they all obviously mean the same thing, that the " same dresses and the same utensils or articles which " were used under the First Prayer Book of Edward " VI. may still be used." Well, there is but one other remark which I have to make upon this argument, namely, that it has not the merit of novelty, because in that same book of Cardwell's Conferences, page 314, we find (and it will be curious for another purpose to refer to the same passage), that it was one of the objections made when certain exceptions were taken to the Book of Common Prayer. This particular Rubric is put up in the left-hand column, and then the exception taken to it is this: "Forasmuch as this " Rubric seemeth to bring back the cope, albe, &c., " and other vestments forbidden by the Common " Prayer Book, 5 & 6 Edw. VI., and so our reasons " alleged against ceremonies under our eighteenth " general exception, we desire it may be wholly left " out."

Therefore the very Rubric now objected to upon this ground was objected to before, or at the time when the Prayer Book came into use. The objection was before the revisers, and it was overruled, because we find the Rubric still standing. Your Lordship will find the answer to it further on.

The next question is with regard to ornaments. I contend that lights are ornaments. Why? First of all, upon the judgment in *Westerton* v. *Liddell*, where your Lordship knows "ornaments" are defined. But we must bear in mind that the word ornaments is a term of art. You cannot go, for instance, and ask a painter or a sculptor, unless he have some ecclesiastical learning, what an ornament is when used in a Church book. They who drew up these Rubrics were not unlearned men—nay, more, they were men deeply skilled in all the knowledge, and all the technical learning consistent with that knowledge, requisite for so important a work. My Lords of the Privy Council in the case of *Westerton* v. *Liddell* were pleased to refer to *Facioliati*, or rather to Forcellini's edition of the work.

(*The Dean of the Arches.*) I think I quoted it.

(*Dr. Deane.*) I believe your Lordship quoted it. But if my Lords had referred to a book which I hope won't shock my learned friend when I refer to it—the Missal of the Church of Rome——

(*The Dean of the Arches.*) Mr. Stephens himself has referred to it.

(*Mr. Stephens.*) Very often.

(*Dr. Deane.*) Yes, my Lord, but he has gradually faded away to such an extent that I fear he may disappear altogether.

(*Mr. Stephens.*) No fear of that.

(*Dr. Deane.*) The 20th Rubric of the Missal is, "*De præparatione altaris et ornamentorum ejus.*" Your Lordship observes the use of the word "*orna-* " *mentorum*" there. The word "*præparatione*," I was going to observe, is a word of great force, because it tells against the argument that these lights were burnt before the Reserved Sacrament. It is, "*De præparatione altaris et ornamentorum ejus*," meaning the preparation of these ornaments before and not after (one is obliged to use these common words) the thing is in existence.

Now that brings me to the third point, which in reality is the whole matter in dispute, "as were in use " in the Church of England by the authority of Par- " liament in the second year of the reign of King " Edward the Sixth." In order to get at the meaning of these words, it is of course necessary to see what the Act of Parliament of Edward the Sixth provided, and what the Rubric of the Book of Common Prayer of Edward the Sixth provided. First of all, looking to the Act of Edward the Sixth, one must see what the existing mischief to be remedied was—whether the mischief was directly expressed, or whether it was directly implied; and I cannot help thinking that my learned friends in a great part of their argument have

begged the question here. They have assumed that certain things which are not expressed, that certain things which are not directly implied, are nevertheless within the statute.

Now I believe that the proper way of construing statutes is to look and see what the preamble is, and then to look and see what is enacted; and for that purpose, referring to the statute of Edward the Sixth, I think we shall have very little doubt.

(*The Dean of the Arches.*) You are now upon the First Prayer Book?

(*Dr. Deane.*) Yes, my Lord. First, if I take the title of the Act, it is one "for uniformity of service "and administration of the Sacraments throughout the "realm;" and this is the preamble: "Where of long "time there hath been had in this realm of England "and in Wales divers forms of Common Prayer, com- "monly called the Service of the Church; that is to "say, the Use of Sarum, of York, of Bangor, and of "Lincoln; and besides the same now of late much more "divers and sundry forms and fashions have been used "in the cathedral and parish churches of England and "Wales, as well concerning the mattens or morning "prayer and the evensong, as also concerning the Holy "Communion, commonly called the Mass, with divers "and sundry rites and ceremonies concerning the "same, and in the administration of other sacraments "of the church, and as the doers and executors of the "said rites and ceremonies, in other form than of late "years they have been used, were pleased therewith, "so other not using the same rites and ceremonies "were thereby greatly offended; and albeit the King's "Majesty, with the advice of his most entirely beloved "uncle, the Lord Protector, and other of his Highness' "council, hath heretofore divers times assayed to stay "innovations or new rites concerning the premises, "yet the same hath not had such good success as his "Highness required in that behalf; whereupon his "Highness, by the most prudent advice aforesaid, "being pleased to bear with the frailty," and so on. Then it goes on to order that there shall be but one form, founded entirely upon the existence of many forms previously in use.

Had it been my good fortune to address your Lordship at an earlier time, I would have ventured to read more of this preamble, and I would have read the enacting clause which follows in the same section; but by this time your Lordship must be well aware of it.

(*The Dean of the Arches.*) You will observe, Dr. Deane, the word is not "form," it is "uniform, quiet, and godly order."

(*Dr. Deane.*) It is, my Lord; and I think I have said sufficient to put your Lordship in possession of my argument upon the statute itself. That being the statute, now perhaps is the proper time for me to direct myself very shortly to that which was in exis- tence—which we know as matter of history was in existence previous to that statute. There are an infinite number of authors who are all full of infor- mation upon this subject—Durand, Martene, Bona, Zacharias, Gavantus, and I know not who else—a whole bead-roll of them; and all, without one excep- tion, state that as to the ornaments of the altar at that time the Rubric is correct—that there shall be "*saltem duo candelabra.*" That then was the state of things in foreign countries, at all events I may say before the Reformation; it was the state of things throughout the Western Church. Was it the state of things in England? It would require pretty strong evidence to satisfy anybody that previous to the Reformation, without reason, the Church of England should have departed from the universal practice of the Western Church. But it is not so, one would not expect that variation to exist, and it did not exist. It is quite true that in the Sarum Use, which was chiefly in use throughout the southern part of England, there is no direction whatever, I believe, for these two candles, and it is a remarkable thing that there is no Rubric directing that in the Sarum Use. Well, my Lord, it might occur to some person to say that in this particular the English Church, according to the Sarum Use, has departed from the practice of the Western Church. But that is not so; for you have the constitution of Archbishop Reynolds, which con- stitution governed the whole southern part of this country, and in that constitution the two candles are ordered. So that the argument is thus,—finding throughout the whole of the Western Church an order for candles, finding the omission to which I have referred in the prevailing Use in the south of England, no order for candles, you do yet find the candles expressly provided for and ordered by the person who had the governing hand and direction in these matters over that part of the kingdom. Therefore there can be no doubt whatever that previous to the time when the Sarum Use was abolished—that is, previous to the Statute of Uniformity of Edward the Sixth—the candles were in use according to the Sarum Missal.

(*The Dean of the Arches.*) I do not know that I quite follow your argument. There are two propo- sitions of fact or of law; one is, that there was no Rubric enjoining these candles in the Sarum Use; another is, that nevertheless the constitution of Archbishop Reynolds, which we have referred to in Lyndwood, rendered it necessary that those two candles should be used. Those are your two premises, what is your exact conclusion from those premises?

(*Dr. Deane.*) The exact conclusion is this—that candles were in use, though not mentioned in the Rubric of the Sarum Missal.

(*The Dean of the Arches.*) Yes. And from that you infer?——

(*Dr. Deane.*) From that I would say that you can derive nothing from the absence of an order to use candles in the present Prayer Book; that is to say, for the present purpose, in the Prayer Book of Edward VI.

(*The Dean of the Arches.*) "No inference from the "silence of the present Rubric." That is to say, no more inference than could have been deduced from the silence of the Sarum Use.

(*Dr. Deane.*) Quite so, my Lord. Now if it be true (and I believe there is strong reason for saying that it is true), that the Sarum Use is derived from a learned Bishop of that diocese, St. Osmond, there is a book, the *Consuetudo of St. Osmond*, in which these candles are expressly ordered. That of course is an additional proof of the fact.

(*The Dean of the Arches.*) Where is that book, have you got it here, do you know what it is called?

(*Dr. Deane.*) Yes, my Lord, it is here. I did not know it was here when I cited it, I will give your Lordship the reference to it before I conclude.

We know this also as a fact, that irrespective of the lights, more or less in odd or uneven number (which is very material for a future part of the argument), upon the high altar—that is to say, upon that one dominant altar which was known as the high altar, there were candles and trendals of wax for a variety of things, and burnt for other purposes and for super- stitious uses, burnt before the images of the saints, burnt upon the side altars, burnt in chantries, to men, and for a variety of uses. And this brings me to the argument upon these injunctions. In a book called "The Church of our Fathers," by Dr. Rock, vol. 3——

(*The Dean of the Arches.*) Mr. Droop cited it yesterday.

(*Dr. Deane.*) It is after the index at page 3, and the heading is, *De officiis ecclesiasticis tractatus*, title 5. I will not cite the passage, but I will hand the book to your Lordship.

I now come to these injunctions, and taking them from where they have been so frequently cited (1 Cardwell's Documentary Annals), your Lordship knows that a variety of things are enumerated in these injunctions as forbidden, but out of the things for- bidden, and especially out of the lights forbidden, are excepted these two lights upon the altar before the Sacrament. Those things so excepted I find from a very common book were objected to, and taken out,

in consequence of a variety of complaints which were made from the beginning of the reign of Edward VI., certainly down to the time of the injunctions, and even later. My Lord, I have here I should say 14 or 15 different passages marked out, in *Burnet's History of the Reformation*, Oxford edition, 1829; which, if your Lordship wishes, I will read to you; and which refer, some to one thing mentioned and objected to as unforbidden in the injunctions, some to another.

(*The Dean of the Arches.*) They all refer to these injunctions.

(*Dr. Deane.*) No, they refer to a variety of complaints; and the remarkable thing is this, that having as I hope established as a matter of historical fact the existence of these lights down to the time of the injunctions, and subsequent to the injunctions down to the year 1549, there is not to be found in the whole of these complaints made in the early part of Edward the Sixth's reign one single complaint against these lights. It is a most remarkable omission. All manner of things are objected to, but not one single complaint from any one quarter as to these lights.

Now with regard to these injunctions I do not know that I am concerned with the question whether they are good or bad. If the injunctions are good, then I avail myself of them; if the injunctions are bad, I care not; then I rely upon the usage and upon the custom proved to have existed, and the injunctions may pass away for aught I care. Let me say, however, by the way, that I think my friend Mr. Droop was somewhat hasty in supposing that these injunctions, or any which have to deal with this particular matter, were annexed to that document which he produced out of the Registry Court of London. But I am not going to deal with that matter here. I say that these injunctions are good.

(*The Dean of the Arches.*) I shall be glad to hear you upon that point, Dr. Deane, if convenient.

(*Dr. Deane.*) It would not have been very safe, considering the supremacy of the Crown, and the way in which the supremacy of the Crown was enforced, for any person to have disputed those injunctions. My Lord, I have read somewhere—I won't trouble your Lordship with the reference, I am pretty sure I am right—that no less a person than Bishop Gardiner was imprisoned for disputing these injunctions. No doubt Bishop Gardiner had the best of advice to suggest to him the best defence; and what was the miserable subterfuge to which, under that advice, he had recourse, in order to evade the injunctions? Did he say, as he might have said, (according to my friend's theory,) "The injunctions are invalid, I am "not bound to obey them?" No, his defence was this: "Because the sheriff did not read the injunc- "tions in the market-place I am not bound by them."

(*The Dean of the Arches.*) That is to say, he considered the injunctions to derive their validity from the Proclamation Act, and the Proclamation Act required that proclamation to be made.

(*Dr. Deane.*) That is to say, my Lord, good lawyers were not wanting in those days, and they never would have had recourse to such a subterfuge as that if they could have said at once, "Those injunctions "are worth nothing."

(*The Dean of the Arches.*) If his objections were valid would not that go to the whole of the injunctions? Could it be said that they were lawfully issued, supposing he were right?

(*Dr. Deane.*) But I do not think his objection was a good one; I do not think it availed him. It is obvious if he could have said, "The injunctions are "not valid," that would have been the answer, he would never have said as he did say, "They are "wanting in form for lack of publication or pro- "clamation."

(*The Dean of the Arches.*) His argument appears to have been something of this kind, "If they are "valid at all they are valid under the Proclamation "Act, and then they must comply with the requi- "sitions of the Proclamation Act. They have not "done so, and therefore they are not valid."

(*Dr. Deane.*) That was his argument, but it was an argument to which he was driven, and which he would not have adopted if the injunctions had been invalid.

(*The Dean of the Arches.*) Do you mean if the injunctions had followed the Act?

(*Dr. Deane.*) Yes; if the injunctions had been invalid he would at once have grappled with them, and not have resorted to this subterfuge.

(*The Dean of the Arches.*) You see this argument may arise, that there was a power to issue injunctions under that Act, but still if that power was wrongfully exercised what do you say as to the lawfulness of the injunctions?

(*Dr. Deane.*) It was only in his particular case that he objected to the informality. The argument is this: the injunctions were good. A was proceeded against for not obeying the injunctions. Instead of saying, "The injunctions are bad," A said, "A particular form "has not been observed, and therefore I am relieved "from obeying them."

(*The Dean of the Arches.*) I do not think that was it. Gardiner said, "The injunctions are bad "because they only could be good if they complied "with the requirements of the statute; and they have "not complied with the requirements of the statute." I think that was his argument. I do not know.

(*Dr. Deane.*) Again, my Lord, with regard to these injunctions, they have certainly always been considered to be good, because that was the observation made in answer to my friend's argument in the Privy Council in the case of *Westerton* v. *Liddell*, where Lord Kingsdown said that the contention that the injunctions were bad was against what everybody thought down to the present time.

Now there was another argument which my friend Mr. Stephens used in the recent case, which I will deal with very shortly, connected with the injunctions; and that was the effect of that statute of Edward VI., which according to my friend's contention started one entirely free from all the Acts of Henry VIII. I confess, my Lord, that was an argument which when I read it from the printed notes of my friend's speech somewhat surprised me. Because I am utterly at a loss to know, if the argument were sound, what became of the position of the Crown with respect to religious matters. But is there not another means of arriving at the true way of construing that Act than that which was pointed out by my learned friend? I refer your Lordship to the 12th chapter of 1 Edward VI. The Act is intituled, "An Act for "the repeal of certain statutes concerning treasons "and felonies."

(*The Dean of the Arches.*) Just let me understand what you are combating at this moment. I do not quite follow I am afraid. What argument of Mr. Stephens' are you combating now?

(*Dr. Deane.*) Mr. Stephens said that after 1 Edward VI. cap. 12, no statutes concerning religion passed at the time of Henry VIII. were in existence.

(*The Dean of the Arches.*) Yes; that Act was said by Mr. Stephens to abolish all statutes relating to religion.

(*Dr. Deane.*) Precisely, my Lord; and that argument of his was founded upon the end of the 3rd section, which after repealing *nominatim* certain statutes of Henry VIII., goes on to say: "And all "and every branch, article, sentence, and matter "and forfeiture contained, mentioned, or in anywise "declared in any of the same Acts of Parliament or "statutes, shall from henceforth be repealed and utterly void and of none effect." My Lord, I contend that the repealed Acts must be those *in pari materia* with those to which certain pains and penalties were annexed; in fact that it meant as in the preamble of the Act is stated, "Statutes concerning "Treasons and Felony;" statutes imposing the same penalties as the statutes concerning Treasons and

Felonies. Well, that being so, I have endeavoured to establish, and I hope I have succeeded in establishing this proposition, that the injunctions were good by the power of the Crown in matters ecclesiastical; that the injunctions were good by the power reposed in the Crown, or (as in the case of Edward VI.) in the Crown with certain members of the Council, and therefore were good by Act of Parliament. But as I said before (I am afraid not with much success), whether the injunctions were good or bad does not materially affect my argument, though I confess I should prefer it if they were held to be good.

(*The Dean of the Arches.*) You say they were good *quacunque via*, either by the general supremacy of the Crown or by the statutes?

(*Dr. Deane.*) Either by the general supremacy of the Crown or by the statutes.

(*The Dean of the Arches.*) And as I understand him, Mr. Droop agrees with you that they were good by the general supremacy of the Crown?

(*Dr. Deane.*) Yes, my Lord.

I have now got thus far that lights were in existence and were enjoined in 1547; and I have to pass over the period from 1547 to 1549. Again, during that time I refer to Burnet.

(*The Dean of the Arches.*) In the former instance you did not give me the references to Burnet?

(*Dr. Deane.*) They are in vol. 2. The first will be page 52, which refers to the general reformation of abuses. Again, at pp. 56, 82, 120, 121, 122, 123, 124, 125, 130, 131, 148, and 151, there are other passages, but I think that will be sufficient for your Lordship's purpose. Page 151 contains a matter which I must refer to again presently; then, from 1547 to 1549, those same passages cover the period and prove that no objections were taken to the presence of these lights.

(*The Dean of the Arches.*) I may take it you are now in 1549.

(*Dr. Deane.*) I have now got to 1549. And perhaps this is the proper place for me to introduce what I have to submit to your Lordship upon the question of rites and ceremonies. I do not know whether this argument has been brought before your Lordship, but it certainly seems to me to present itself in a very curious and in a very forcible manner. I am bound to say that here, as throughout the whole of this case, I have had the greatest possible assistance from the ablest quarters, without which, certainly, I am not ashamed to say, it would have been impossible for me to have argued this case with any satisfaction to myself; and even now I feel that I may break down in putting this matter before your Lordship in the way in which I believe it ought to be put. However I must do my best.

My Lord, the argument which I have to offer to your Lordship upon this part of the case is one upon the book itself, apart from the statute. We have now come to this very Prayer Book of 1549. And I may perhaps tell your Lordship at once, in order to save repetition, that in every case where I shall have occasion to refer to the Prayer Books, I shall cite from Keeling, because the four books are all put together in that work.

(*The Dean of the Arches.*) I can follow you quite well—I have all the books here.

(*Dr. Deane.*) At page 356 is the end of the Commination Service, which was the last service in that book, and then followed the rubric, "Of Ceremonies, " why some be abolished and some retained;" and the commencement of that is, "Of such Ceremonies as be " used in the Church."

(*The Dean of the Arches.*) No, I think not.

(*Dr. Deane.*) Yes, my Lord. In the Prayer Book of 1549 the Rubric of ceremonies was at the end of the book.

(*The Dean of the Arches.*) Wait one moment, I have got the book of 1549 before me. Yes, I beg your pardon, you are quite right; I was looking at the other one.

(*Dr. Deane.*) At the end of the service; at the end of the rites and ceremonies, I would rather say of the book of 1849, followed the preface, "Of Cere- " monies." Now that preface was in precisely the same words as that we now have at the beginning of the Prayer Book. It has been transposed from one place to another; and, my Lord, there is not a word in it which is not most material to the consideration of the present case. Therefore your Lordship will bear with me if I go through some parts of it. The title is: "Of Ceremonies, why some be abolished and " some retained." "Of such ceremonies as be used " in the Church, and have had their beginning by the " institution of man. Some at the first were of godly " intent and purpose devised, and yet at length turned " to vanity and superstition. Some entered into the " Church by indiscretion, devotion, and such a zeal " as was without knowledge; and for because they " were winked at in the beginning, they grew daily " to more and more abuses, which not only for their " unprofitableness, but also because they have much " blinded the people, and obscured the glory of God, " are worthy to be cut away and clean rejected. " Other there be, which although they have been " devised by man, yet it is thought good to reserve " them still, as well for a decent order in the Church " (for the which they were first devised) as because " they pertain to edification, whereunto all things " done in the Church (as the Apostle teacheth) ought " to be referred." [That is one principle.] "And " although the keeping or omitting of a ceremony (in " itself considered) is but a small thing; yet the " wilful and contemptuous transgression, and breaking " of a common order and discipline, is no small offence " before God. Let all things be done among you " (saith St. Paul) in a seemly and due order. The " appointment of the which order pertaineth not to " private men: Therefore no man ought to take in " hand, nor presume to appoint or alter any public " or common order in Christ's Church, except he be " lawfully called and authorized thereunto. And " whereas, in this our time, the minds of men be " so diverse, that some think it a great matter of con- " science to depart from a piece of the least of their " ceremonies (they be so addicted to their old customs), " and again, on the other side, some be so new-fangle " that they would innovate all things," [your Lordship remembers the words of the preamble of the Statute of Uniformity of Edward VI. concerning innovations,] "and so do despise the old that nothing " can like them but that is new. It was thought ex- " pedient not so much to have respect how to please " and satisfy either of these parties, as how to please " God, and profit them both. And yet lest any " man should be offended (whom good reason might, " satisfy), here be certain causes rendered why some " of the accustomed ceremonies be put away and " some retained and kept still. Some are put away " because the great excess and multitude of them " hath so increased that the burden of them was in- " tolerable; whereof St. Augustine in his time com- " plained that they were grown to such a number " that the state of Christian people was in worse case " (concerning that matter) than the Jews. And he " counselled that such yoke and burden should be " taken away, as time would serve quietly to do it. " But what would St. Augustine have said, if he had " seen the ceremonies of late days used among us, " whereunto the multitude used in his time was not " to be compared?"

(*The Dean of the Arches.*) Do you happen to know what part of St. Augustine that is taken from?

(*Dr. Deane.*) No, my Lord, I do not. "This our " excessive multitude of ceremonies was so great, and " many of them so dark, that they did more confound " and darken, than declare and set forth Christ's " benefits unto us. And besides this, Christ's gospel " is not a ceremonial law (as much of Moses' law " was), but it is a religion to serve God not in bondage " of the figure or shadow, but in the freedom of " spirit, being content only with those ceremonies " which do serve to a decent order and godly

" discipline, and such as be apt to stir up the dull " mind of man to the remembrance of his duty to " God, by some notable and special signification, " whereby he might be edified. Furthermore the " most weighty cause of the abolishment of certain " ceremonies was that they were so far abused, partly " by the superstitious blindness of the rude and " unlearned, and partly by the insatiable avarice of " such as sought more their own lucre than the " glory of God, that the abuses could not well be " taken away, the thing remaining still. But now as " concerning those persons, which peradventure will " be offended for that some of the old ceremonies are " retained still, if they consider that without some " ceremonies it is not possible to keep any order or " quiet discipline in the church, they shall easily " perceive just cause to reform their judgments. And " if they think much that any of the old do remain, " and would rather have all devised anew, then such " men (granting some ceremonies convenient to be " had) surely where the old may be well used, there " they cannot reasonably reprove the old (only for " their age), without bewraying of their own folly. " For in such a case they ought rather to have " reverence unto them for their antiquity, if they " will declare themselves to be more studious of unity " and concord than of innovations and new-fangleness, " which (as much as may be with the true setting " forth of Christ's religion) is always to be eschewed." Then it goes on to deal with those ceremonies which are reserved. Therefore, your Lordship sees, taking the whole of this comment upon ceremonies, it is directed exactly as the preamble of the Act of Parliament was—as much to restrain or repress innovations or new-fangleness, as much to observe old ceremonies, as to do away with certain ceremonies which had attached to them peculiar mischiefs.

(*The Dean of the Arches.*) I may just mention in passing that the question I asked you with reference to St. Augustine, I find solved by looking at the Annotated Book of Common Prayer.*

(*Dr. Deane.*) Then my shame is the greater, for I had the book and I did not see it.

(*The Dean of the Arches.*) What made me ask the question was, that thereby I thought possibly some light might be thrown upon the construction of the word " ceremony." I do not know how that will be.

(*Dr. Deane.*) This argument I think may be carried out in the following manner:—They who drew up that Prayer Book, and who acted upon the principles stated in what I have just troubled your Lordship by reading, had, of course, before them the old offices. Whatever we may know now, there is no doubt they did know what they meant by the word " ceremonies." And the history of this matter is curious; previous to the Reformation, I may say since the Reformation, for we have them all in this book (the Roman Breviary), there were a vast number of offices or ceremonies; but when we look to the title-page of the Prayer Book we find that it is, " The Book of Common Prayer," answering in the Breviary exactly to the corresponding services, that is to say, the daily services.

(*The Dean of the Arches.*) What were the daily services?

(*Dr. Deane.*) This Book of Common Prayer—that is, the morning and evening service in our Prayer Book. Next, we come in our title-page to " Administration of the Sacraments," following the order in the old service books, then taking the title-page of our Prayer Book we have " other rites and ceremonies of the Church," corresponding with what is found in the old service books in that which is called the *Manuale* and the *Pontificale.*

(*The Dean of the Arches.*) What do you say corresponds to the *Manuale* and the *Pontificale?*

(*Dr. Deane.*) The " other rites and ceremonies of the Church." Therefore, morning and evening prayer remain, administration of the Sacrament of the Lord's Supper remains (of course with our alterations), and certain other rites and ceremonies remain. Some of the rites and ceremonies were abolished, and the reason is given in that passage which I have read to your Lordship, and which, singularly enough, was introduced in the First Prayer Book, exactly where the break is. I am not going to take your Lordship through all these, if you have any curiosity you will find it in a book of extreme learning, *Maskell's Monumenta Rituali*, vol. 1, and page (in Roman numerals) lxxvii. You will find that the table of contents of the *Manuale* alone contains no less than fifty ceremonies. Out of those fifty ceremonies, I believe the First Prayer Book retained but eight, the present Prayer Book retains but six; the retention of those being probably the reason why the same order as to ceremonies is repeated in our present Prayer Book as was in the First Prayer Book.

(*The Dean of the Arches.*) Wait one moment. You say the present Prayer Book retains six out of fifty, and that the First Prayer Book retained eight?

(*Dr. Deane.*) Yes, my Lord. I will give your Lordship those which are retained: *De Baptismo, De Purificatione, Ordo Sponsalium, Ordo ad Visitandum, Infirmorum, Inhumatio Defuncti, Confirmatio Puerorum.*

(*The Dean of the Arches.*) Where do you say those fifty ceremonies are to be found?

(*Dr. Deane.*) They are to be found in the Manuale. But besides the Manuale there was also an old Service Book which was called the Processionale, and that also contained others. Then there was the Pontificale containing the Sacrament and other rites, of which some could only be performed, as the title shows, by the bishop, and in that *Pontificale* there were other rites and ceremonies which we have not got now.

The reasons for putting away those ceremonies which I have read to your Lordship are very curious. You will remember that some were said to be put away " because the great excess and multitude of " them hath so increased in these latter days that " the burden of them was intolerable." What were they? My Lord, they were such services as these—various benedictions for food, for fruits, and for a variety of things of that sort; all of which your Lordship will find in the catalogue given in Maskell, corresponding—and therefore I say this argument is irresistible—exactly with Jewish ceremonies of the same kind, Jewish ceremonies being referred to in that passage of the Preface on Ceremonies annexed to the Prayer Book.

(*The Dean of the Arches.*) You say those were the " dark and dumb ceremonies," then?

(*Dr. Deane.*) No; that is not what I am saying now.

(*The Dean of the Arches.*) Then you say they were these: " The excessive multitude of them hath " so increased in these latter days that the burden of " them was intolerable; whereof Saint Augustine in " his time complained, that they were grown to such " a number that the estate of Christian people was in " worse case concerning that matter than were the " Jews. And he counselled that such yoke and " burden should be taken away as time would serve " quietly to do it. But what would Saint Augustine " have said if he had seen the ceremonies of late " days used among us, whereunto the multitude used " in his time was not to be compared?" " This our " excessive multitude of ceremonies was so great, and " many of them so dark, that they did more confound " and darken than declare and set forth Christ's " benefits unto us. And besides this, Christ's gospel " is not a ceremonial law (as much of Moses' law)."

(*Dr. Deane.*) Yes, my Lord. But your Lordship alluded to their being the " dark ceremonies." I quite admit that; I can hardly conceive any term more appropriate than that to some of these ceremonies, because I would ask what possible benefit could they confer—what would such benedictions teach? The thing occurs to me at this moment that one of the complaints of the Devonshire rebels was that they

* " Aug. Ep. 55 ad Januarium, c. xix. § 35 (al. Ep. 119)."

had no blessing of bread left; and throughout, if I remember right, the complaints of those Devonshire rebels were the omission of many of these ceremonies. Your Lordship will also bear in mind that the same passage in the Prayer Book alludes to the "intolerable burden" of these ceremonies. The truth is, they were introduced into daily life, by the intervention of the celebrant, the priest, and so became an intolerable burden upon men's daily life. It is impossible to say that it was the manual acts which that part of the Prayer Book was complaining of. The manual acts might be burdensome to the priest, but they could not be burdensome to the laity. The burden to the laity was the daily inconvenience and interruption of their daily life by the use of these ceremonies to which I have referred. But there is another strong argument to be drawn from the very words which follow: "The "insatiable avarice of such as sought more their own "lucre than the glory of God." That must have referred to persons who were paid for these things. It was they (to use the words of my learned friend Mr. Coleridge) who were greedy; it was not the people who had to pay who were greedy. These were the ceremonies for which payment was exacted, and that was the cause of the greed, and the reason why the thing was abolished.

(*The Dean of the Arches.*) Your argument would have a double aspect rather, as it appears to me. It would be good for showing what ceremonies were abolished, and also it might bear upon that question which was discussed in Mr. Mackonochie's case very much, whether the word "ceremony" did or did not mean an office complete in itself; whether it meant a single act, an element of an office, or whether it was in itself a perfect and complete service of the Church.

(*Dr. Deane.*) Precisely.

(*The Dean of the Arches.*) These which you have cited, the fifty or sixty ceremonies, were all perfect and complete services.

(*Dr. Deane.*) Yes, my Lord; your Lordship knows that there were two kinds of ceremonies; there was the ceremony of the Church and there was also the ceremony of performance. I do not know whether you had given to you a definition of "rites and ceremonies;" if not, perhaps it would be a convenient time for me to give it to you now.

(*The Dean of the Arches.*) I thought the observation I made rather fell in with your argument, and that was the reason why I interrupted you.

(*Dr. Deane.*) I am much obliged to your Lordship for that, and other favours. In Perrone's *Prælectiones Theologicæ*, vol. 6, page 54, there is a note on the difference between a rite and ceremony:—"Ceterum "accurate Domin. Macri observat in opere *Notizia* "*de' vocaboli ecclesiastici*, illud intercedere discrimen "inter Ritum et Ceremonia quod habetur inter aquam "et lotionem; et enim ceremonia juxta mentem conc. "Trid. *est* ipsa actio ritus est modus præscriptus."

(*The Dean of the Arches.*) That is the very point. That passage in the Council of Trent went very strongly to show that the word "ceremony" did not mean that. What does he say it means?

(*Dr. Deane.*) "Ceremonia est ipsa actio; ritus est "modus præscriptus quo fit ipsa actio. Promiscue "(this I am afraid confuses the whole matter after "all) tamen usurpari hæ voces consueverunt."

The words are used constantly in that confused way.

(*The Dean of the Arches.*) I daresay I might have that book which you have quoted to look at.

(*Dr. Deane.*) By all means, my Lord (*handing the same to the court*).

(*The Dean of the Arches.*) I see it says "*promiscue.*"

(*Dr. Deane.*) If your Lordship will look through that part of the Council of Trent, you will find it is used in this way—there is first "*Ceremoniæ Ecclesiæ*," and then we come to the "*Ceremoniæ Missæ*."

(*The Dean of the Arches.*) Yes, it is so. The discussion is of importance in this case, inasmuch as it may or may not throw light on the meaning in which the word "ceremonies" is used in the Prayer Book.

(*Dr. Deane.*) Exactly. My learned friend has a passage on the subject which I would rather leave to him.

That, I think, is all I have to trouble you with upon that particular part of the Prayer Book; but I must not let the matter rest there, because it is carried still further by a book which I have here, and the same order actually follows. This matter I know has not hitherto been brought to your Lordship's notice. I allude to the present Canons, and your Lordship knows they are very important on this point. These Canons all go in the same direction. Canon IV. is this: "Impugners of the public worship of God established "in the Church of England censured—Whosoever "shall hereafter affirm that the form of God's Worship "in the Church of England established by law and "contrived in the Book of Common Prayer and ad- "ministration of the Sacraments, is a corrupt, super- "stitious, or unlawful worship of God, or containeth "anything in it repugnant to the Scriptures; let him "be excommunicated *ipso facto*, and not restored "but by the Bishop of the place or Archbishop, "after his repentance and public revocation of such "his wicked errors." This Canon IV., as your Lordship knows, refers to the Book of Common Prayer and the administration of the Sacraments. Then if you take Canon VI., it is, "Impugners of "rites and ceremonies (drawing the same distinction "throughout), established in the Church of England "censured—Whosoever shall hereafter affirm that the "rites and ceremonies of the Church of England by "law established are wicked, anti-christian, or super- "stitious, or such as being commanded by lawful "authority men may not with any good conscience "approve them or use them, or as occasion requireth "subscribe unto them, let him be excommunicated "*ipso facto*, and not restored until he repent and "publicly revoke such his wicked errors." Now, my Lord, how can a man subscribe to manual acts? How can a man subscribe to crossings or to bowings, or to churching-veils, things to which I listened with great pleasure yesterday in my learned friend's speech? I can understand a man subscribing as he is bound to do to a book and the things in the book. He can subscribe to the rites and ceremonies as they are in the Prayer Book.

(*The Dean of the Arches.*) Does the word "subscribe" mean anything more than "consent," do you think?

(*Dr. Deane.*) I think it does, my Lord, a little. I have not got the Latin by me.

(*The Dean of the Arches.*) We ought to look at the Latin.

(*Dr. Deane.*) I think it must mean more than that, because it says, "In his consicence approve them." One knows the logical precision with which the things were drawn up. In his conscience he is to approve them, in his acts he is to use them, or as occasion requireth he is to subscribe to them.

(*The Dean of the Arches.*) I see that *subscribere* is the word. "*Non possint ejusdem subscribere.*"

(*Dr. Deane.*) It seems to be a very literal translation, whichever is the original.

(*The Dean of the Arches.*) Other things are mentioned. It is "approve," "use," or "subscribe."

(*Dr. Deane.*) I wish to finish this argument by reading from the Canons to show how completely they exhaust the Prayer Book, because the 8th Canon goes on to the other matters, and says, "Impugners of the "form of consecrating and ordaining Archbishops, "Bishops, &c., in the Church of England, censured."

(*The Dean of the Arches.*) The three clauses in the Prayer Book?

(*Dr. Deane.*) The three clauses in the Prayer Book.

(*The Dean of the Arches.*) There is one more, the 14th, which also speaks about this matter: "All "ministers shall observe the order, rites, and cere- "monies prescribed in the Book of Common Prayer."

(*Dr. Deane.*) Yes, my Lord.

(*The Dean of the Arches.*) And then you see it goes on rather in aid of your argument: "As well in "reading the Holy Scripture and saying of prayers as "in administration of the Sacraments."

(*Dr. Deane.*) I am much obliged to your Lordship; so that the thing seems to be, from the passage at the end of the book of 1559, transferred ever since without an alteration to the beginning of the subsequent books, all pointing to the Book of Common Prayer and Administration of the Sacrament, and all other rites and ceremonies of the Church (with the omission of certain ceremonies for the reasons given), being derived from the books which were in use at the time when the First Prayer Book was formed.

Now, my Lord, that Prayer Book we know was, of course, not original, scarcely so, if at all, in any sense of the word; it was drawn up from various other books, well known, and in constant and daily use. You must suppose yourself, if you can, transferred back to the year 1549, having the cure of souls of a parish, having a book put into your hand which you are to use, subject to certain pains and penalties. Put yourself in that position, ask yourself this plain question, How, with that book in my hand, after 20 years' experience in the Church and the use of other books, am I to conduct the new service? Is all gone, all antiquity wiped out? Am I to do nothing save that which is prescribed there, and to be found within the four corners of that service? Is everything forbidden, all become a crime for which I am to be punished which is not prescribed therein? Can it be that these rubrics are exhaustive? My Lord, I return for a moment to glance at an argument which I laid before you some time since, and I say so far from the rubrics being exhaustive, so far from that being forbidden which is not prescribed, the true principle is this: you are at liberty to use and do everything which is not expressly forbidden, or by implication inconsistent with the services of the rubric. I will state this rubric and try it, and see whether one could, to use the expression without offence, "work it" upon the principle that it is exhaustive.

(*The Dean of the Arches.*) Are you now in Edward VI.'s time or Charles II.

(*Dr. Deane.*) I am now in Edward's time. I have done with Charles II., and only use Charles II. as the starting point to throw me back.

(*The Dean of the Arches.*) I wanted to follow you. You are now in 1549.

(*Dr. Deane.*) Yes. What is the first point which I find here as matter of direction, always remembering who these people were and had been who are to use this book? Why, the very title is, "The Supper of "the Lord and the Holy Communion, commonly "called the Mass." Conceive the host of association, of tradition, of daily practice, which this would suggest to the mind of the person who was to do the duty. Let me start with that. That was say the first thing which would catch his eye. I follow this out; I am dealing now with page 167.

(*The Dean of the Arches.*) Is that the First Prayer Book?

(*Dr. Deane.*) The First Prayer Book.

(*The Dean of the Arches.*) Which part of the First Prayer Book?

(*Dr. Deane.*) The title of this service is, "The "Supper of the Lord and the Holy Communion, "commonly called the Mass."

(*The Dean of the Arches.*) Yes, I see—not the "Order of the Communion" which preceded it.

(*Dr. Deane.*) That word "Mass" is the word which also is used in the statute of Edward VI. Passing along through that service we find no directions, save for the dress of him that ministereth for many successive rubrics, and the first rubric which affects the matter is one, I think, at page 185 of Keeling.

(*The Dean of the Arches.*) You must give me a reference to the words themselves.

(*Dr. Deane.*) It is immediately before what was then "The Lord be with you."

(*The Dean of the Arches.*) "The peace of the Lord "be alway with you. A. And with thy spirit."

(*Dr. Deane.*) Exactly. There are four rubrics there, and the fourth rubric is this: "Then shall the "minister take so much bread and wine as shall "suffice for the persons appointed to receive the "Holy Communion."

(*The Dean of the Arches.*) Stop a moment, have you got the right thing? Is it "Then shall the "minister take?"

(*Dr. Deane.*) Yes, my Lord.

(*The Dean of the Arches.*) You are upon the First Prayer Book.

(*Dr. Deane.*) The First Prayer Book entirely.

(*The Dean of the Arches.*) The first is, "Then "shall the priest say, The peace of the Lord be al-"way with you." "Then the priest shall turn him "toward those who come to receive the Holy Com-"munion." Then there is the confession.

(*Dr. Deane.*) It is immediately after the offertory, "Let your light so shine"—immediately after these sentences. I am supposing that a person has this book put into his hands who has been accustomed to celebrate this ceremony for 20 years. He will find this as his first direction in performing that which is "commonly called the Mass." "Then shall the "minister take so much bread and wine as shall suffice "for the persons appointed to receive the Holy Com-"munion." I ask, Where from? Where is it to be put? Why of course that is not changed. There is no direction; it is not exhaustive. There is nothing prescribed and nothing forbidden; the usage remains. He is "to lay the bread upon the corporas, or else "in the paten, or in some other comely thing pre-"pared for that purpose." Has anything been said down to this time, any single word with respect to what are to be the *ornamenta altaris?* My Lord, I am told that this argument was brought before you on a former occasion. I won't carry it any further. In and throughout this rubric of the First Prayer Book of Edward VI. there would be nothing on the table, if the rubric be exhaustive, in the shape of the fair linen cloth. But I do suppose that no moral courage, no ignorance of moral fear, would induce anybody to be so bold as to say that at the time of the First Prayer Book the Sacrament of the Holy Communion or the Mass was administered on a bare board; because we know what the corporas is. It is not the fair linen cloth, but a totally distinct and different thing; then if the fair linen cloth be not mentioned, is it not proof manifest that other things were to remain as they were according to the injunctions, for the injunctions govern the ornaments of the altar, at all events with reference to that which I am upon, with respect to the lights. I cannot conceive a more difficult position, a more dangerous predicament for a man to be in in the year 1549, than for it to be said, "You "shall follow this and do nothing else," and yet not tell him really what he is to do in that which manifestly he had to perform, or, at all events, with regard to that which the table was to be ornamented with. Your Lordship has not this book of Keeling's.

(*The Dean of the Arches.*) If you will give me the rubric I will follow you.

(*Dr. Deane.*) I will take this opportunity, if your Lordship will allow me, of answering an objection which I think your Lordship took to the rubric of 1662, which is in the same words: "And when there "is a communion the priest shall then place on the "table as much bread and wine as he shall think "sufficient." This rubric I shall have to comment upon upon the second branch of the question. I believe I am right so far (if I am wrong I should be glad to dismiss the matter from my mind altogether), that that was the rubric which rather pressed upon your Lordship's mind in the course of my learned friend Mr. Prideaux's argument; at least so he was good enough to tell me, and to point out the way in which he would have answered it if he had had an opportunity.

(*The Dean of the Arches.*) What part of it?

(*Dr. Deane.*) In the part about the mixed chalice.

(*The Dean of the Arches.*) Yes.

(*Dr. Deane.*) If I rightly understood my friend I will direct my attention to it by-and-by.

That I believe is the whole rubric, and your Lordship sees how strong the argument is with reference to the state and condition of the table. Of course there was to be the paten, and of course there was to be the vessel which was to hold the other elements.

(*The Dean of the Arches.*) It is perhaps in aid of your argument that it is unquestionable that water was used under this Prayer Book, and there is no mention whatever of the vessel in which the water was to be holden.

(*Dr. Deane.*) Quite so, my Lord; none whatever. That is part of my second argument upon the chalice. I dislike particularly making very small points, but there is a very curious matter which arises upon the rubric which affects the present Prayer Book. All rubrics down to the rubric of 1662 had this: "Then "shall the priest first receive the Communion in both "kinds himself, and next deliver it to other ministers, "if any be there present (that they may be ready to "help the chief minister), and after to the people." That is altered in the Prayer Book of 1552 and 1559 to this: "Then shall the minister first receive the "Communion in both kinds himself, and next deliver "it to other ministers, if any be there present (that "they may help the chief minister), and after to the "people in their hands, kneeling."

(*The Dean of the Arches.*) You say that is in the Second Prayer Book?

(*Dr. Deane.*) In the Prayer Books of 1552 and 1559. Then there is this omission in the present Prayer Book: it is, "Then shall the minister first "receive the Communion in both kinds himself, and "then proceed to deliver the same to the bishops, "priests, and deacons, in like manner (if any be pre-"sent), and after that to the people, also in order, "into their hands, all meekly kneeling." And so far as I know there is no subsequent rubric which directs that any of those priests, bishops, and deacons shall assist the chief minister. It is an argument *ab omisso*. If it is good in one way it is good in another. Therefore almost every person who administers the Sacrament, if he has anyone else helping him, is breaking the law of the present rubric, if all is to be forbidden which is not prescribed. I say they must follow the usage they are accustomed to, as they would have administered it to other persons that they may be ready to help, so they would administer to other ministers, in order that they should be ready to help, and should help. That, I say, is a strong argument to prove that in dealing with these matters you must have regard to custom; you must not throw aside all previous and antecedent usage.

My Lord, the argument that *expressio unius est exclusio alterius* is very strong upon this point. I have not a word to say upon it. Your Lordship was good enough to notice it in reference to my friend Mr. Droop's argument. It is very curious that the only thing forbidden expressly is the elevation, in the First Prayer Book. Of course, looking at these matters rather with a lawyer's mind than with the mind of an ecclesiastic, one looked for negative words, and the moment one found a thing forbidden one said, "Inas-"much as here is a thing forbidden and other things "are not noticed, things which existed and which are "not forbidden are at least allowable."

(*The Dean of the Arches.*) You say the only direct prohibition in the rubrics of the First Prayer Book is the elevation of the Holy Sacrament?

(*Dr. Deane.*) I think so. I am responsible for that assertion at all events. There are many things there which are directed to be done in consequence of previous orders. For instance, the administration of the Holy Communion in both kinds, the service in English and not in Latin, and a variety of things of that sort; but the only prohibition in negative words is that which I have mentioned to your Lordship.

My learned friend Mr. Coleridge, in his argument, and my learned friend Mr. Stephens, certainly yesterday, and probably in his first argument, said that the lights prescribed by the injunctions were lights before the reserved Sacrament. The arguments against that seem to me, with all deference to my learned friends, conclusive. First of all, whenever the lights are ordered in Latin it is in these words: "*Dum solennia peraguntur.*" Now it is impossible to take those words and apply them to a light set on fire, illuminated and burning after these *solennia* had been performed. It is during the *actio*, or *ceremonia*, according to Perrone. My Lord, the word "Sacrament" is, I think I may venture to say, with one exception only, and that in a hymn, and therefore rhetorically used, never applied except by our own Church now to the reserved Sacrament. There is always another word used. The light before the reserved Sacrament (using that word "Sacrament" not because it is correct, but for convenience sake) is not placed upon the altar, but is always suspended, and the light or lights before the reserved Sacrament are invariably odd and not even. It may be one, or three, or thirteen, or seventeen, but it is never two or four or six, or anything of that kind; that I will prove to your Lordship in a moment. But the argument is this—if what I have stated to your Lordship as the heads of these four propositions be correct, then my learned friends are entirely wrong when they say that the "lights before the Sacrament" mean a light before the reserved Sacrament. I heard no authority, and I read of none in my learned friend Mr. Coleridge's speech, except his own *ipse dixit* for the suggestion: it suited, I was going to say their argument, it suited their purpose to say it was before the reserved Sacrament; but beyond the bare statement there was nothing in the shape of argument to support that bare statement.

Now, my Lord, after these remarks upon this branch of the argument, I have here a book which with your Lordship's more perfect knowledge of these matters I am always unwilling to refer to, and it certainly has this particularity about it in excess, that whereas many books are difficult of reference, I think the palm of difficulty is borne by Lynwood in his Provinciale; for if there be a book in which it is difficult to find a thing, it is Lynwood. I do not know whether there are more editions than one.

(*The Dean of the Arches.*) Yes, there are, but I think you have probably got the Oxford edition of 1679.

(*Dr. Deane.*) It is the edition of 1679, so I can refer your Lordship in the vulgar way to page 236, book 3, title 23: "Tempore quo missarum solennia "peraguntur, accendantur duæ candelæ, vel adminus "una." Therefore that shows that these two candles running through the whole of the English service were lighted before the host was consecrated, and therefore of course before the host was reserved.

(*The Dean of the Arches.*) You see the gloss upon that, Dr. Deane. Just at the side, "Est enim a parte "juris ordina tum, quod sacerdos sine lumine ignis "non celebrat missam."

(*Dr. Deane.*) That strengthens my argument, and I am much obliged to your Lordship. "Peraguntur" was a strong word, but of course the other strengthens my view.

Now, a few authorities upon the first point, that is, that the two lights were placed on the altar during the celebration of the Holy Communion; of course Lynwood is the first proof of that. Then in Thorpe's "Ancient Laws," vol. 2, page 252, 253, "Let them "put the sanctuary into the best order, and let there "be always lights burning in the church when Mass "is singing."

(*The Dean of the Arches.*) What is that, an Anglo-Saxon order?

(*Dr. Deane.*) It is the "Ancient Laws," by Thorpe. It will be Anglo-Saxon, I suppose. Then in Bede's Homilies, 42, p. 315: "Ornatis studiosius templi "parietibus, et pluribus accensis luminaribus." Durandus in his Rationale says, "At the horns of the "altar two candlesticks are placed to signify the joy

" of Jews and Gentiles at the nativity of Christ." I read that passage, not so much for the authority of Durandus, but for this purpose. My friend Mr. Stephens said in the course of his argument yesterday, that all things are gone to which a superstitious or an abused meaning can be attached. My Lord, there is not, I believe, one single thing which can be named to which a superstitious usage or some symbolism has not been attached. With respect to these two lights, we know that the Church of England has attached this meaning, "in the signification that Christ is the light " of the world." That is our meaning ; it is a meaning (again referring to the passage on ceremonies) which cannot come within any of the reasons for abolishing, if that be a ceremony, the lights. But I am not concerned with the various symbols which may have been attached to this or to that ceremony, because, if I am to argue that, my Lord, there is a word which is not of classical Latinity, and therefore I am not responsible for the quantity of it; and I cannot find the quantity marked anywhere ; but there is a word in the missal with respect to the ornaments of the altar, which says that there shall be " cusinus " on the table, which is a cushion, of course. Well, following out this matter as far as I could, as I was bound to follow it out, I actually found this cusinus was to be put under the epistle when it was being read, and that even that innocent cushion, by the ingenuity of certain imaginative persons, was made to symbolise the tenderness of heart with which the reader should read the epistle. Why, my Lord, one knows of course the armoury from which my friend has drawn that; he has drawn it from Puritan sources. But the Puritans objected to a surplice. Why ? Because it was "the last rag of Popery." They objected to a square cap. Why ? Because they said, "It is " against the law of nature and the law of God, who " has given men round heads." All this your Lordship will find, and, as I said before, I am not responsible for the absurdities or the imaginations of men ; I have only got to deal with that which I find retained, or with that which I find not forbidden and sanctioned by usage.

(*The Dean of the Arches.*) In this passage you referred me to in Lynwood the same reason is given for candles : " Candela namque sic ardens significat " ipsum Christum qui est splendor lucis æternæ."

(*Dr. Deane.*) I am much obliged to your Lordship. I was going to say, and I may say it now, that in and throughout every book I have looked at with reference to the Church of England that one reason is given, showing the consistency with which our Church—this Church of England—has adopted that symbol, and has excluded all others. In Wilkins' Concilia, vol. 2, page 132 : " In quarum (missarum) celebratione " duo saltem luminaria habentur, tum ob reverentiam " Sacramenti, quum extinctionis casum fortuitum " quorum, semper alterum fit de cera." Then there is a passage from a person whose works I have not brought here, but which are full of interest and information, Le Brun. There is a French edition in four volumes, and there is also an edition published at Venice in two volumes. The Venice edition is in Latin. Le Brun, in tracing the history of lights——

(*The Dean of the Arches.*) What is the title of the work ?

(*Dr. Deane.*) I am quoting from vol. 1, page 69, of the French edition. He gives another reason for it: " Les juifs ont fait et font encore bruler continuelle- " ment une lampe devant le livre de la loi de Moise ; " et il convenoit bien mieux que l'Evangile annoncé " solennellement fut précédé par des lumières qui " marquassent le respect du au saint livre, qui porte " la lumière dans les obscurites de l'ancienne loi." And I remember in some of those old books which one has had to refer to there is another reason given, that these lights are as necessary by day as by night, since without Christ the light one would blunder and stumble as much by day as by night. The next passage from Le Brun is more important for my purpose. It is from vol. i. page 70. He says, speaking of a very ancient time : " Enfin depuis ce tems-là on " a allume dès la commencement de la messe, et " pendant quelques offices divins, par les même rai- " sons mysterieuses, c'est à dire, pour faire paraitre " un signe de joie dans les offices, qu'on à voulu faire " plus solennels, et pour faire plus sensiblement connu " au peuple assemblé, qu'il devait penser à Jesus " Christ, qui est la vraie lumiere." Now, in that passage your Lordship sees the singular and remarkable coincidence with the ceremonial part of the Prayer Book : " qu'on à voulu faire plus solennels, et " pour faire plus sensiblement connu au peuple as- " semblé." The whole of the reason for preserving certain ceremonies (if lights be a ceremony, which I do not admit) is that they may edify the people and may excite in them a feeling of reverence at the time. So much for that first branch of the argument.

The next is, that there is no evidence whatever to prove that two lights were ever placed before the reserved Sacrament, or let me use, because they are more convenient, the words " before the Eucharist." In Martene (De Antiquis Eccles. Ritibus, Lib. i., c. v., Art. iii., vol. i., p. 252,) he speaks of the vessels in which the Eucharist is to be reserved in these terms : " Antiqui duplicis generis vasa hunc ad usum ad- " hibebant, turres scilicet aut columbas ; " and, referring to a book of very considerable interest, namely, Dr. Rock's Hierurgia, page 506, you have an authority given in a note for saying that both these, whether the *turres* or the *columbæ*, were suspended and not placed upon the altar. Both were suspended by chains. " The blessed Eucharist," says Dr. Rock, " was re- " served under the form of bread, for the communion " of the dying, in a hanging vessel of gold or silver, " made sometimes in the form of a turret, but more " generally like a dove, which was suspended by a cord " from the interior of the altar canopy, or ciborium. " In process of time this custom was changed, and the " blessed Sacrament contained in a pyxis, a cup " resembling a chalice with a cover, was deposited " within a species of little temple erected on the altar." In "The Church of our Fathers," vol. iii., part ii., p. 208, Dr. Rock states, " The first wooden or stone " tabernacle " (such as the little temple) " resting " on the altar seen in this land was put up in Queen " Mary's reign." Now observe the force of that. The first time it was placed on the altar was in Queen Mary's reign.

(*The Dean of the Arches.*) The first time what was placed on the altar, the reserved Eucharist ?

(*Dr. Deane.*) The wooden or stone tabernacle ; in other words, *turres* and the *columbæ* were suspended.

(*The Dean of the Arches.*) The stone or wooden tabernacle would be of course placed on the altar itself, not suspended, but the *turres* and the *columbæ* you say were suspended.

(*Dr. Deane.*) Yes, my Lord, and that is borne out as to the suspension in Lynwood. It is in Gloss. E, page 248 of the edition your Lordship has : " Cum " clausura," " usus observatus," showing the use of the Church of England. That being the use of the Church of England, it is quite evident that the lights, if they were to be placed before the reserved Sacrament, would not be directed to be placed before it but under it.

(*The Dean of the Arches.*) Have you done with the passage in Lynwood ?

(*Dr. Deane.*) I have done with it because I feel the greatest pain in occupying your Lordship's time upon it.

(*The Dean of the Arches.*) Then look at the gloss at *Quæstio*, beginning " Sed quæro." About the middle of that you will see " Unde cum ibi non fiat " mentio de tabernaculo, et parochiani teneantur " solummodo ad ibi expressa ut ibi patet in sec ulto " apparet quod onus talis tabernaculi pertinere debeat " ad curatum et non ad parochiaos." That is to say, there was a question whether the incumbent or the parishioners were bound to find the tabernaculum.

(*Dr. Deane.*) Yes, my Lord, that was the tabernacle in which this was placed.

(*The Dean of the Arches.*) But it was long before Queen Mary's reign, "et hoc verum puto nisi consue- "tudo aliud operetur."

(*Dr. Deane.*) I remember now, my Lord. In Rock's Hierurgia there is a learned discussion, ciborium and tabernaculum, and the coroni and the pyxes, and there you will find an account of the several vessels in which the Eucharist was reserved. Down to the word "pyxis" being introduced, the general term was "tabernaculum." There was also the ciborium under which it hung, and which from its shape derived its name, being cup-shaped, inverted, as your Lordship sees in almost every Roman Catholic church into which you go. Whether it was that receptacle in which it was to be hung, or that receptacle in which it was to be placed, still the question arose who was to pay for it.

(*The Dean of the Arches.*) The whole of that is very curious, because if you look at the provincial order itself it orders the Eucharist to be placed in "pyxide pulcherrima." Then upon the word "pyx- "ide" the gloss by way of explanation is this: "Sic "ergo tabernaculum et pyxis non supponunt pro "eodem quia pyxis poni debet in tabernaculo." That is to say, the pyxis was put inside the tabernaculum and the tabernaculum was put on the altar, I suppose. The question to me rather is whether Dr. Rock knew Lynwood?

(*Dr. Deane.*) The passage in Rock is this: "The "first wooden or stone tabernacle resting on the altar "seen in this land was in Queen Mary's reign."

(*The Dean of the Arches.*) Had Dr. Rock looked at Lynwood? Roman liturgists are so apt not to look at the use of England, which was so different from the use of Rome. However, I do not know that I need detain you with it, Dr. Deane, it is only that it followed upon the passage that you were reading.

(*Dr. Deane.*) Your Lordship sees that Lynwood, after speaking of that English custom, states his preference for the other customs.

(*The Dean of the Arches.*) He does so; he states what is very remarkable, that the English never would give up their custom.

(*Dr. Deane.*) Yes; and it explains the first introduction in Mary's time, when the English had to give up a great many things, including their lives, upon matters with which both Holland and Portugal were apt to deal rather sharply.

Well, I think that will be sufficient to deal with the second point, namely, the question of those lights; and now I come to the third. In Wilkin's Concilia, vol. 1. p. 667, you have the constitution of William of Cantilupe, A.D. 1240: "In Ecclesiis autem saltem quarum "amplæ sunt facultates, continue lampas ardeat, die "videlicet et nocte, coram redemptionis nostræ pig- "nore supradicto." That is the continuing of whatever force may be attributed to the word "suspended" upon the previous point.

Now, my Lord, this next matter is a singular one; but knowing the extreme care with which these things were worded, that they were not words scattered abroad without consideration, it is remarkable, I think, how many words are used to avoid the use of the word "sacrament" respecting the reserved Eucharist.

(*The Dean of the Arches.*) But before passing from the subject I must tell you that on looking more attentively into the whole of this I am not sure that Rock's argument is displaced by this gloss. I think it was "hung." I thought it was "placed." But looking through all these glosses upon the Provincial of John of Peckham I think it does show that the Eucharist was fixed in a pyx, that pyx being in tabernaculum, and that that tabernaculum was hung up, and not stationary.

(*Dr. Deane.*) According to the English custom?

(*The Dean of the Arches.*) According to the English custom.

(*Dr. Deane.*) Now, my Lord, the word "sacrament" *per se* is scarcely ever used with respect to the reserved Sacrament. If it is used it is used with an epithet conferring dignity upon it, or expressing something beyond what the word would otherwise express. In the following page of Lynwood's to the one I have been upon, namely, at page 249, "Eucharistia" is the term used. You will find in that page the term "Eucharistia" and "Eucharistiæ sacramentum."

(*The Dean of the Arches.*) Yes, that is the begin ning of the order.

(*Dr. Deane.*) Yes; "Dignissimum statuimus ut "Sacramentum Eucharistiæ." You will find a still more sacred term, "Ipsum dominicum corpus.'

(*The Dean of the Arches.*) But do you hold those words to be confined to the reserved Sacrament?

(*Dr. Deane.*) I think they are entirely of different meaning from the word "sacrament" in the injunction—of an entirely different meaning.

(*The Dean of the Arches.*) That is the argument upon that point.

(*Dr. Deane.*) That is the argument of course; such words as "Ipsum dominicum corpus" would not apply to the lights burnt "dum solennia peraguntur." Because the most warm upholder of the doctrine of transubstantiation never supposed that before the words of consecration were uttered that change had taken place which——

(*The Dean of the Arches.*) I have got your argument at all events upon that.

(*Mr. Deane.*) That is the argument, so that I think upon these four propositions the assertion of my learned friends that this must mean before the reserved Sacrament wholly fails.

Now it is singular enough, there having been no objections taken to these lights antecedent to 1549, that almost immediately after 1549 we find objections begin to be taken to them. The objections present themselves in a somewhat singular form, and the history of them is not very easily got at; but we may take it perhaps the strongest exponent of the theory is Cardwell, in a note which he gives in his first volume of the Documentary Annals, page 74, "Articles "to be followed and observed according to the King's "Majesty's Injunctions, that all parsons, vicars, and "curates omit in the reading of the injunctions all "such as make mention of the Popish Mass, of chant- "ries, of candles upon the altar, or any other such "like thing." Now it is curious certainly that one should have to deal with the validity of injunctions and yet have to meet a document which is but an injunction itself, if it be that, which points to the previous injunctions. These are articles to be followed according to the King's Majesty's Injunctions and proceedings, and it refers to those injunctions, which are the injunctions of 1547. There can be no doubt about that; and I say it is curious that one should have to deal with a document as of some effect which recognizes the very validity of the injunctions which are impugned in this case. That is the first, the second is this: "For an uniformity that no minister "do counterfeit the Popish Mass, washing his fingers," and so on. Then, towards the end, "ringing of sacry- "ing bells, or setting any light upon the Lord's board "at any time."

Now, the observation upon these injunctions made by Cardwell in the note is this:—"Instructions given "in charge to the visitors on a new Royal visitation, "and differing in some respects from the former in- "junctions—for instance, in the injunctions (No. II.), "and in Cranmer's Articles founded upon them "(No. X.), two lights were allowed upon the high "altar. In these articles it is forbidden that there "should be any 'candles upon the altar,' or 'any "light upon the Lord's board at any time.'" Then he refers to Ridley's injunctions, which your Lordship has had before you several times, and then he says, "It is clear that these Articles were drawn up "after the Act of Uniformity had passed (Jan. 21, "1549), which enjoined that the new (the first) Book "of Common Prayer should be used from the fol- "lowing Whit Sunday, as may be shown not only from "the second, but also from the eighth Article, which "was taken from the following rubric of that book," and so on. Then passing from that, he says upon

that subject, at page 75, "But though issued after " the publication of the Prayer Book, these Articles " are of the same year, and afford evidence of the " contemporary practice in matters of rites and cere- " monies. They prove accordingly that candles upon " the Lord's Table being especially mentioned (see " Article 2) as not included among those ceremonies " which were appointed in the Book of Common " Prayer, are not among those ornaments 'which were " 'in this Church of England by authority of Parlia- " 'ment in the second year of King Edward VI.'" My Lord, I differ altogether from that reasoning. It seems to me to be impossible to adopt it. The learned author, whom it was my privilege to have known, I think has confused two things. I venture to think, and according to my argument upon that point I am well founded in so thinking, they are quite distinct altogether, I think they were mere ornaments. "They " prove accordingly that candles upon the Lord's Table, " being especially mentioned as not included among " those ceremonies which were appointed in the Book " of Common Prayer, are not among those ornaments." I do not think that the ceremonies were kissing the Lord's Table, or blessing his eyes with the paten or sudary. I think that ceremonies were such as I have endeavoured to point out to your Lordship, and which the Prayer Book points at. But then, when I am told that this is evidence of contemporary usage, I ask for the authority of that Injunction—the Injunction which forbids them. It is unsigned; there is no trace by whose authority it was issued. It might have been a draft, and never acted upon. I care not for Ridley's injunctions referred to in the note, because I know how the Privy Council dealt with Ridley's injunctions in *Westerton* v. *Liddell*, where, says my Lord Kingsdown, "This injunction extended only to Ridley's " own diocese, and probably had no binding force, even " there." Therefore Ridley's injunctions do not help out the matter, and these injunctions, which are the only things assuming even the shape of an authority against the lights at this time, fail in that which is most necessary to give them effect—namely, the date, the name or names, and, in fact, in everything that is essential to give validity to a document used to displace the whole custom of the Church of England; nay, more, my Lord, to do more than that, to displace that which, if my argument has any foundation at all, was left untouched by the Act of Parliament and by the Prayer Book, and issued subsequent to them, even according to the learned annotator's own observation.

I am still upon the question of whether the rubrics are exhaustive or not. For a moment let me turn to *Westerton* v. *Liddell*, at page 187 of Moore's Report. The passage which I shall refer to is this: "Here the " rubrics of the Prayer Book become important. Their " Lordships entirely agree with the opinions expressed " by the learned judges in these cases [that is the " cases appealed from] and in *Faulkner* v. *Lichfield*, " that in the performance of the services, rites, and " ceremonies ordered by the Prayer Book, the direc- " tions contained in it must be strictly observed; that " no omission and no addition can be permitted; but " they are not prepared to hold that the use of all " articles not expressly mentioned in the Rubric, " although quite consistent with, and even subsidiary " to the service, is forbidden. Organs are not men- " tioned, yet because they are auxiliary to the singing " they are allowed. Pews, cushions to kneel upon, " pulpit-cloths, hassocks, seats by the Communion " Table, are in constant use, yet they are not men- " tioned in the Rubric." Of course the use of that passage for my purpose is to show that the Rubric, according to the holding of the Privy Council, is not to be taken as exhaustive, and that the argument that all that which is not prescribed is forbidden fails.

Many things we know have of late, I mean have since the Reformation, been constantly objected to as being more or less tending to Romanism. Scarcely a thing that I know of has not been objected to, from the Prayer Book itself to the very smallest ceremony or manual act. What is the construction put by the Privy Council upon these several injunctions, upon the several Prayer Books, and upon the Acts of Uniformity? That all that tended to superstition, all that was burdensome to the people, all that was a dark and dumb ceremony, all that was a matter of greed or of lucre to the priest, all that had been an object of superstition, was abolished, but that in other words, that which had not been so abused, which was not likely save by the general infirmity of all human beings to be abused, was reserved and kept. Nobody is bound to speak with greater respect than myself of the learned judge who first gave judgment in *Westerton* v. *Liddell*, but, my Lord, it is my duty to impugn that judgment, and I must do it whether I like it or not. I say that it is a great mistake when a judge, however eminent he may be, allows his feelings to carry him away from the point which he has to decide, and when, instead of reasoning, he falls into declamation. The learned judge seemed to think in that case, for instance, with respect to the coloured cloths and matters of that sort, that they had to do and were necessarily connected with the Mass, and says he, "We " have done away with the Mass, and with all those " things connected with the Mass," and for a page or a page and a half of his judgment that is the strain of eloquence, if you please, but certainly not of judicial reasoning, into which that learned person was betrayed by his feelings, my Lord, upon that point; and upon the whole of the reasoning, which is more to my purpose, my Lords of the Privy Council differ from him. But, says my friend, though they differ from him on such a point as this, "at all events they " do not differ from him with respect to the lights and " the lace cloths." For the best of reasons a lace cloth is not a fair linen cloth, so that if not expressly it was by direct implication contrary to what is prescribed by the present Prayer Book, not contrary to what is prescribed in Edward VI.'s Prayer Book, because in Edward VI.'s First Prayer Book there is no mention of a cloth at all. My argument upon that is this: in Edward VI.'s book that cloth was used which had been in use previously, although there was no direction for it, for we cannot suppose that Holy Communion was celebrated upon a bare board.

(*The Dean of the Arches.*) Still, failing that, the argument might be this: the Rubric expressly orders that the elements shall be placed upon the corporas.

(*Dr. Deane.*) No; upon the corporas or else upon the paten.

(*The Dean of the Arches.*) There is a direction for laying it upon the corporas; would not that imply that there was no linen cloth?

(*Dr. Deane.*) I think not, because we have the paten and the linen cloth now.

(*The Dean of the Arches.*) How could it be laid upon the corporas otherwise? It tells you to lay it upon the corporas. In order to do that you would have to remove the fair linen cloth.

(*Dr. Deane.*) No, pardon me, my Lord; the corporas would be on the linen cloth. The linen cloth would be on the table, and the corporas upon the linen cloth.

(*The Dean of the Arches.*) Oh, do you hold that the corporas covered the linen cloth?

(*Dr. Deane.*) No, not covered it, but was placed upon it, just as a linen cloth is now used to cover the elements during the service. I imagine that what that refers to is this: there might have been a state of things in the parish which did not allow them to have a paten; perhaps they could not afford it; but they would have a corporas, and the bread, in order to be decently preserved, and not scattered all over the table, was to be placed upon this small linen cloth, which linen cloth itself was upon another linen cloth. There is nothing I dislike so much as using commonplace illustrations; but in relation to this I would say, just as in our own houses we have a tablecloth on the table, and we have a napkin upon the tablecloth for use for special purposes.

(*The Dean of the Arches.*) Yes, it may be so.

(*Dr. Deane.*) When your Lordship was good enough to direct my attention to that I was upon the question

of the lace and the linen cloth, and your Lordship will see, I think—at least I do—how very curious the Rubric is. My argument is, the cloth remained—not the corporas, but the cloth remained in the Rubric of 1549 exactly as it had been antecedent to that, ornamented. Then I find the Rubric of 1552 and 1557 disposes of that as it does of other matters connected with the table, for it says: "The table, having at the "Communion time a fair white linen cloth upon it, "shall stand," and so on; and that Rubric is followed out as to the fair linen cloth, I think, *totidem verbis*, in the two other Rubrics of 1604 and 1662. So that my argument is, here you have it necessary to alter something, namely, the plain linen cloth for the lace, and there is an express Rubric for that in the subsequent Prayer Books.

(*The Dean of the Arches.*) You say that the lace was forbidden by this later Rubric?

(*Dr. Deane.*) It was expressly forbidden by these two Rubrics requiring a fair linen cloth, and that was the construction put upon it by the Privy Council when the case was before them.

(*The Dean of the Arches.*) I am not quite satisfied about that corporas.

(*Dr. Deane.*) My Lord, amongst the multitude of authorities or illustrations cited to your Lordship was the Chantries Act. Out of respect to my friends I refer to that, but the lights forbidden in the Chantries Act were lights which were burnt before images. They had nothing to do with these two lights before the altars. It is impossible to look at the Chantries Act without at once seeing that that was the object of that Act, and that it is impossible to introduce that into the present discussion with any effect.

So much then for the year 1549. It must always be borne in mind of course that the chief person concerned in these alterations was Archbishop Cranmer. You must look upon him as really the director of that book; there being two persons who had the chief management of matters at that time. I do not think I am wrong in saying that as between the Protector Somerset (except as to his tendency, which I shall have to say a few words upon presently), and Archbishop Cranmer, I do not think there will be much doubt that it will be the latter who would be the ruling spirit, and who would have the guiding hand in them.

(*The Dean of the Arches.*) Are you going to found any argument upon that?

(*Dr. Deane.*) Yes; I am going to found this argument, that subsequent to the death of the Protector, as we find mentioned in Burnet, there was a general idea that matters would be restored to the state in which they were before the First Prayer Book; so that the whole thing was in a check, as it were. There was on the one side the old influence—that is the old Roman Catholic influence. There was growing up (and this is the point I want to draw your attention to) strongly a Calvinistic element; and between these two, running alongside with them, was a middle influence, whether it be the Lutheran influence or an influence apart from the Lutheran influence, still an influence more nearly approaching the Lutheran than anything else. Now we know as a matter of history that down to 1552 the growing party was the Calvinistic party. Therefore the changes introduced between 1549 and 1552 are changes such as one would expect, namely, changes towards the Calvinistic side. But the Calvinistic side was not the side of Archbishop Cranmer, nor on the other hand certainly was it the side which the Protector was inclined to go with. I am not concerned with the change that took place in the Prayer Book of 1552, for the reason I stated to your Lordship, namely, that I go back by the express words of the rubric of 1662 to the book of 1549. It was merely therefore an illustration of the argument which I venture to submit to you. Well, of course, Queen Mary's reign put an end to all this. Queen Mary's reign sent a number of people abroad who, at her death, in fact during her reign, had more or less influence in this country. The great influence in one direction was the influence of the Geneva school,—that is the Calvin school, modified somewhat by the other reformers; but still no doubt the tendency of the Calvin school, which developed itself into Puritanism afterwards, and Puritanism in its strongest form, prevailed. Of course we know what took place in James 1st's time, and Charles 1st's time, and when they were the dominant party in Cromwell's time. When we come to Charles 2nd's time, I have here an account of the proceedings of a committee appointed by the House of Lords in the year 1641 (somewhat before Charles 2nd's time), which is set out in Cardwell's Conferences, page 272.

(*The Dean of the Arches.*) Are you going to leave Cranmer?

(*Dr. Deane.*) For the present.

(*The Dean of the Arches.*) Are you going back to him?

(*Dr. Deane.*) No, I do not think so.

(*The Dean of the Arches.*) Because you have not told me how you will deal with that fact of his being the ruling spirit, whether it will go in favour of lights or against it.

(*Dr. Deane.*) In favour of lights certainly up to 1549, but the growing spirit of Calvinism was too strong for him at last.

(*The Dean of the Arches.*) Your argument is that Cranmer was the leading person in the construction of the Prayer Book, and would have been desirous to retain the lights.

(*Dr. Deane.*) That is the argument.

Then referring to this it is entitled, "Innovation of Discipline." They object to this: "Turning of the "Holy Table altarwise and most commonly calling "it an altar; bowing towards it or towards the east "many times, with three congees, but usually in "every motion, access or recess in the church. Ad- "vancing candlesticks in many churches upon the "altar, so called." I am reminded here, though perhaps it is a circumstance I ought not to mention, it was my fate to have been at school at Winchester when the Bishop of Hereford was warden of the college, and I remember distinctly as a fact, strange as it may sound now (and he was no very high churchman), that he never left that chapel without turning round and bowing to the altar. I was mentioning that circumstance the other day to a dean of our church, and he told me that the Dean of Christchurch in his time did the same thing.

(*The Dean of the Arches.*) Oh, but much later; in my time, the dean and canons invariably bowed to the altar the whole time I was a student of Christchurch, invariably.

(*Dr. Deane.*) I am much obliged to your Lordship for bearing me out in that. It only shows how lax we are when we refer to a usage or custom. This was one of the things objected to in 1641: "advancing "candlesticks on the altar, so called," and then, "in making canopies over the altar, so called, with "traverses and curtains on each side and before it. "In compelling all communicants to come up before "the rails, and there to receive. In advancing cruci- "fixes and images upon the parafront, or altar-cloth, "so called. In reading some part of the Morning "Prayer at the Holy Table, when there is no Com- "munion celebrated. By the minister turning his "back to the west and his face to the east when he "pronounceth the Creed or reads prayers. By read- "ing the Litany in the midst of the body of the "church in many of the parochial churches. By "pretending for their innovations the injunctions and "advertisements of Queen Elizabeth, which are not "in force, but by way of commentary and imposition; "and by putting in the liturgy printed 'secundo "tertio Edwardi Sexti,' which the Parliament hath "reformed and laid aside." That was quite true because the Parliament had taken the other book. Then they also objected to the credence or side table. Those were the objections which they took, and the purpose I use this for is to show the strong objections which were taken by the growing party to the very

same things which are objected to now—the Calvinistic party objecting to the High Church party.

(*The Dean of the Arches.*) It is a very curious paper you have referred to; do you know anything about it? I see it is taken from a manuscript in the Bodleian, but I do not remember anything about a history of how the committee came to be appointed. I see there is a reference to Baxter's Life of Sylvester.

(*Dr. Deane.*) When we come to the later conference, the Savoy Conference, there was, as I pointed out to your Lordship this morning, the same objection taken which was taken to that Rubric of Edward VI., specifying the ornaments, &c. I am very glad now to be able to borrow the words of an extremely learned person, who has, so far as I know, in this book at least shown no bias one way or the other. I allude to an argument upon the use of lights in "Hook's Eccle- "siastical Dictionary."

(*The Dean of the Arches.*) The Dean of Chichester I suppose?

(*Dr. Deane.*) Yes. The title is, "Lights on the "Altar." I will not read it at length to your Lordship, but he speaks thus: "Among the ornaments of "the Church enjoined by the laws and sanctioned by "the usage of the Church of England are two lights "upon the altar, to be a symbol to the people that "Christ, in his twofold nature, is the very true light "of the world." Then he refers to the Rubric, and he refers next to the Injunctions, and argues thus (I presume upon a part of the judgment of Dr. Lushington), "Some persons object that those Injunctions [that is "the Injunctions of 1547] are not to the purpose, "because we have no high altar; but the truth is, "that it is the high altar alone which is left in our "churches, all the rest being removed by authority "on account of the idolatrous and corrupt practices "which were connected with them." That is to say, all the side altars; the altar of the sepulchre on the one side, and the other altar on the other side, all these are removed, and the altars of the chancels are to remain as they have been previously. "It is also "objected to by some who would be above falling "into so great and unhappy a mistake as to suppose "that the High Altar is removed from our churches, "that 'the Sacrament,' before which on the altar the "lights were to be burnt has been taken away: for, "say they, by this term was meant the consecrated "wafer suspended on a pyx on the altar. If, then, "this is taken away, so also must the lights be taken "away which were burnt before it. But even allowing "that 'the Sacrament' in this sense is removed, the "Injunction gives another reason for lights, and may "surely be allowed to speak its meaning better than "those who must, to serve their turn, give to it an "idolatrous meaning. The Injunction does not say "that the lights were to remain before the Sacra- "ment as an additional kind of adoration of the "Host, but for the signification that Christ is the very "true light of the world." He then goes on to speak of these Injunctions, and of the practices in collegiate churches, in chapels, and in some cathedrals.

(*The Dean of the Arches.*) You see Dr. Lushington seems to admit the legality of the candlesticks throughout his judgment.

(*Dr. Deane.*) Yes, my Lord.

(*Mr. Stephens.*) That matter was not before him, my Lord.

(*The Dean of the Arches.*) There were no candles used in that church.

(*Mr. Stephens.*) Your Lordship will recollect the candles were not lighted—there was an affidavit put in to that effect.

(*The Dean of the Arches.*) I meant to put it to Dr. Deane, whether anything would follow from the admitted legality of candlesticks? Perhaps Mr. Hannen will deal with that subject.

(*Dr. Deane.*) I have never been able to look at that question without remembering that charge of the Lord Bishop of London (for whom I entertain the greatest respect), which always caused a smile to come over me almost irresistibly; for it was, I think, the most singular way of getting over a difficulty that one can conceive. Dean Hook proceeds, "In how many paro- "chial churches and chapels of ancient chapelries, or "private chapels in this kingdom, candles on the altar "have been retained since the time of Puritans, we "know not; in some they certainly have been, but "surely the rule of the Church being express for "their use, the custom of those whose ritual and "furniture is most carefully maintained under the eye "of persons best qualified to judge in such matters, "and the guardians of the Church's constitution, is "sufficient *at the very least* to serve as a witness to "the rule, and to make it clear that it is still *the* rule, "*the acknowledged rule*, of the Church of England." He then goes on to refer to what I have glanced at, namely, the neglect of them in consequence of the troubles of Queen Mary's time, and he then gives authority at some length for them, referring to ancient and modern writers; but I will only read this passage: "After all, are candlesticks and lights mere orna- "ments? They are something more, though orna- "mental in themselves and in the position they occupy. "They are for use, and are properly church furniture, "and therefore no more within the contemplation of "the Rubric respecting ornaments than the stalls, "desks, eagle, communion rails, organ, or any other "part of the permanent or moveable furniture of the "church. There appears no sound reason why, when "the church must be lit, the ancient custom of lighting "the chancel by means of two candlesticks on the "holy table should not be kept up according to ancient "and unbroken usage."

(*The Dean of the Arches.*) That rather applies to lighting them in the dark.

(*Dr. Deane.*) That applies to lighting them in the dark. "But if no part of the ecclesiastical furniture "is to stand in the church except when actually in "use, the rule would lead to moveable pulpits, organs, "&c., and indeed would be in a great measure im- "practicable." And for this he cites *Stephens' Common Prayer Book.* I have great respect for my friend Mr. Stephens; I prefer his opinion in chambers to his argument in court; but even his opinion in chambers I do not altogether like to accept, because my friend now, in this case, relying upon the injunction which I have read to your Lordship with respect to candlesticks not being put on the Lord's Table at any time, gives the go-by to that injunction, and says, "I think, "after all, they may as well stay there."

(*The Dean of the Arches.*) It seems to me people are very shy about pronouncing an opinion about the lawfulness of this injunction. I have in vain endeavoured to elicit the opinion of counsel on that point.

(*Dr. Deane.*) Upon this question of disuse, no doubt in many places they have been disused, but there are a great many observations which occur to me upon that subject. What has been, until of late years, the tendency of things within and without, at all events, the fabric and the walls of the churches of England? How all these articles disappeared there is no great difficulty in imagining. The soldiers took some by force, the covetous took others by stealth, and the carelessness and neglect of the proper guardians of those ornaments allowed others to disappear. My Lord, my learned friend has spoken of the gorgeous ceremonies of the Church of Rome and the simple rites of the Church of England; and he said that this is a question between those two systems. I think my learned friend in so doing has begged the question. I do not think that using the words "gorgeous cere- "mony" necessarily implies something contrary to the Church of England. I quite admit that when he makes use of the word "simplicity," he is in some sense using a word which applies to a church which, as it is my misfortune, it may be your Lordship's misfortune, to remember, showed a simplicity of which we may say it was not *simplex munditiis.* Many persons who hear me now—all who are above 40 years old, I should say, remember that certainly the walls of the church were not much cared for. In the place of the care and possibly of the paint and colouring

which you now have on many of our church walls, there were various stains and various colours from damp and from rain which had been allowed to come through the roof—from negligence of every kind. If one looked at the state of the pews certainly it was not very creditable. Altar cloths, or cloths for the Communion Table, were there, it is true, but in what state? Torn, dirty—a disgrace to any house, to say nothing of the house of God. My Lord, we are told by a great authority—no less than that of my learned friend Mr. Coleridge—that so long ago as the time of St. Bernard there were dandy priests and greedy clergymen. Dandy priests is an expression that catches the ear; but what does it mean? Does it mean a person who you can say, in doing a thing apart from his own daily life, when he is discharging that which he considers his duty, does it in the most careful, elaborate, dignified, and rich manner in which he can? Can you say fairly that a priest is a dandy priest who, careless and indifferent of himself, is only careful for matters which concern his duty in the church of God? My Lord, comparisons are proverbially disagreeable, and I would not have entered upon the subject if I had not been provoked to it by my learned friends. My learned friend Mr. Coleridge speaks of a greedy priesthood. I have referred to the state of the churches such as we remember them. What was the state of the clergy? We have all of us read Lord Macaulay's description. Is there such a statute on the books as 1 & 2 Victoria, cap. 106? Was such a thing unknown to the Church of England as clergymen holding livings to the extent of three, four, five, ay, and seven thousand a year, in plurality—living perhaps upon one of them, and leaving the rest to be cared for by a curate at a salary fixed so low that the Legislature was obliged to step in and fix a tariff for them? If he was young, he was the best shot or the best rider in the county; if he was old, his gardens were the best, his wine was the choicest, and his cook the most skilful in the parish. He vied with, and beat the squire. That, my Lord, is a state of things which has passed away. Where was the dandy priesthood, where was the greedy clergy, then or now? Now, dandy priests may be, greedy clergy may be; but the dandyism is shown in the worship of God, and in the care taken of their churches, and the greed is shown in self-denial, that they may have more to spend in the discharge of their duties.

My Lord, I am unwilling to leave this branch of the case without referring to a passage perfectly well known to you, but which seems to me (particularly looking to the quarter of the country from whence this case comes) not altogether inapplicable: I am going to read (from Appendix A to the Report of the Ritual Commission, page 122) the words of the Bishop of Exeter, in the year 1851: "But without alluding to "particular cases, let me make one general remark. "Where the congregation consists mainly of the poorest "orders, there we commonly observe a great love of a "majestic and even elaborate service. The ornaments "of their church; the storied glass; the painted, and "it may be gilded, walls; the Table of the Lord "elevated above the rest, and decked with sober yet "costly furniture; the pealing organ; the chanted "psalms; the surpliced choristers; the solemnity of "the whole ritual—gladdens, while it elevates their "minds: they recognize in it their own high privilege "as Christians, and rejoice to find themselves equal "participants with their richest neighbours in the "homage thus paid to the common Lord and Father "of all. In truth, when we consider the little which "the poor man has to delight his heart and touch his "imagination in his own squalid home, we ought to "rejoice that he can find enjoyment in the house of "prayer, his Father's house. For this reason few oc"currences have affected me more than the lamenta"tions of the poor worshippers, in one of the districts "of the metropolis, when they saw, or thought they "saw, at the dictation of a riotous and lawless mob "of strangers, the approaching surrender of the ritual "which they loved, and which was their weekly, to "many among them the daily, solace of that poverty "to which the providence of God had consigned them." I do not know that one could find a more apposite, certainly a more eloquent, commentary upon that part of the Prayer Book with respect to ceremonies than there is in this passage of the charge of my Lord Bishop of Exeter.

My Lord, I come now to the question of the mixed chalice, and before I go into that, there was an argument of my learned friend Dr. Stephens, which was used yesterday, and which out of respect to him I would fain answer. Mr. Stephens was pleased to say yesterday, that in answering this charge of the mixed chalice in the articles, we had omitted the words, "This is my blood of the New Testament." Well, my Lord, as a fact it is so. I wish my learned friend were here. I say it with the greatest respect, I am sure, towards him, but I must say I think it was an unworthy objection to take, and for this reason, that referring to the fourth article, and seeing the way in which we have admitted the facts, I do not think that in a case of this importance it was worth while noticing such an omission as that in the answer. Now the charge is this, that he mixed water with the wine intended to be consecrated immediately before the prayer of consecration, or at some time during the celebration of the Holy Communion. It is extremely vague. Of course if it meant immediately before the prayer of consecration, the simple answer was a denial, and we must have been acquitted, because, being a criminal charge, it could not have been proved. However, the admission is in these terms upon this point, he admits that he mixed water with the wine intended to be consecrated during the celebration of the Holy Communion immediately before the prayer for the church militant, but not at any other time.

(*The Dean of the Arches.*) Just see what is admitted. He admits that he has mixed water with the wine intended to be consecrated during the celebration of the Holy Communion. It is rather ambiguous.

(*Dr. Deane.*) "The said proctor admits that the "said Thomas Simpson has, as is alleged in the fourth "of said articles, within two years last past, at the "public administration of the Lord's Supper or Holy "Communion in the said parish church of East "Teignmouth, mixed water with the wine intended "to be consecrated during the celebration of the Holy "Communion."

(*The Dean of the Arches.*) I suppose that means he mixed water with the wine during the celebration?

(*Dr. Deane.*) Yes, my Lord, because it goes on to say, "immediately before the prayer for the church "militant, but not at any other time, and has afterwards "delivered," and so on.

The other matter was the elevation. I was mistaken. I beg your Lordship's pardon.

Now the arguments in defence of Mr. Simpson's practice are five. The first is the affirmative argument from the words of the book, the second is the argument I have pressed upon your Lordship before, namely, the answer to this, that what is not ordered is forbidden. The third argument is a poor one, but poor by comparison, and to a miserable argument I know no better answer than an equally miserable one, and this is the grave argument, there is no direction to the churchwardens to find the water. My Lord, the fourth argument, which is an affirmative one, is ancient and modern usage. The fifth argument is one which has not been addressed to your Lordship at all, and is one upon which I place (whatever its value may ultimately be) the very greatest reliance. My Lord, it is an argument (to say no more of it at present) founded upon the words of Saint Paul in speaking of the institution founded on the universal consent of every translation that I am acquainted with of the Holy Scriptures, not therefore an argument from Scripture itself, but an argument entirely of doctrine.

I will address myself, if you please, to the first of those arguments, namely, the words of the book, and still using Keeling, in the Rubric immediately after the offertory, at page 185, there is this direction:

" Then shall the minister take so much bread and " wine as shall suffice for those persons appointed to " receive the Holy Communion, laying the bread upon " the corporas, or else in the paten, or in some other " comely thing prepared for that purpose, and putting " the wine into the chalice, or else in some fair or " convenient cup prepared for that use (if the chalice " will not serve), putting thereto a little pure and " clean water, and setting both the bread and the " wine upon the altar." So, there, in juxtaposition in the same sentence, though in a different branch of it, the directions having been to mix water with the wine, the word " wine " is used, and at page 210 of this same book we have the form of prayer which was then in use, and which is in these words: " O God, " Heavenly Father, who of Thy tender mercy didst " give Thine only Son, Jesus Christ, to suffer death " upon the cross for our redemption; who made there " (by his one oblation once offered) a full, perfect, and " sufficient sacrifice, oblation, and satisfaction for the " sins of the whole world, and did institute and in His " holy Gospel command us to celebrate a perpetual " memory of that His precious death until His coming " again: Hear us (O merciful Father), we beseech " thee, and with thy Holy Spirit and Word vouchsave " to bl✝ss and sanc✝tify [with direction for the use " of the sign of the cross at each of those words] " these thy gifts and creatures of bread and wine." Of course, according to my learned friend's construction, the word " water " should have been inserted. It is afterwards called " the Sacrament of the Blood." That is an expression worth remembering for the sake of the fifth argument which I shall have to lay before your Lordship. " The minister delivering the Sacra- " ment of the Blood, and giving everyone to drink " once, and no more, shall say," &c.

Now that order is as clear as possible, and perfectly direct, and the use of the word " wine," as including both wine and water, cannot of course be attacked. It is in vain for my learned friend to say, as he attempts to say, that within his knowledge wine and water is never called " wine," because of course the immediate answer to that is that they who wrote the Prayer Book do so call it. Therefore it seems to me, with all submission to my learned friend, to be quite conclusive as to the effect of the use of the word " wine," and therefore I need not detain your Lordship upon the argument that what is not prescribed in the Prayer Book is forbidden, because that I think I have sufficiently dwelt upon before.

We are told next that you cannot suppose from the new Prayer Book that water is to be used, because there are no directions to the churchwardens to find water. My Lord, the answer to that is a very simple one. Water is necessary for the Sacrament of Baptism, but I am not aware that there are any directions as to who is to provide the water.

Now, my Lord, the ancient and modern usages upon this are unbroken. It cannot be said to have been introduced with the Mass, because it was in existence long anterior to the mass. If I take Wheatley's Prayer Book I find him saying, " It must be confessed that " the mixture has in all ages been the general " practice." If I take Johnson in his " Unbloody " Sacrifice " I find, " It is certain that the primitive " Christians did offer water mingled with wine in the " Eucharist," and so Palmer, in his " Antiquities of " the English Ritual," says, " The custom of mingling " water with the wine of the Eucharist is one which " prevailed universally in the English Church from " the earliest period." My Lord, I believe if one takes the liturgies, it will be found in the liturgy of St. James, which is Anno Domini 50; that called of St. Mark, Anno Domini 70; that of St. Clement, Anno Domini 150; that of St. Basil, Anno Domini 370; the Ambrosian of the same date, 370; and St. Chrysostom's, Anno Domini 390. If I refer to councils, we get it in that of Carthage, A.D. 397; Orleans, A.D 540; Auxerre, A.D. 546; Argu, A.D. 676; and Truro, A.D. 691. And referring to another class of ecclesiastical authority, viz., to the fathers, we find Justin Martyr in the year 149, Iræneus in the year 178, Clement in 200, Cyprian 258, and Ambrose 397, and I believe St. Augustine adopts the words used by Cyprian.

My Lord, with regard to modern usage, it is not for me, knowing that your Lordship sat upon the Ritual Commission, to say how clear the evidence was before that Commission that clergymen had been in the constant habit of using this mixed chalice in different parts of the country. Therefore upon that I am content to take my stand, remembering always that the 30th canon says, " So far was it from the purpose " of the Church of England to forsake and reject the " churches of Italy and France, Spain, Germany, or " any such like churches, in all things which they " held or practised, that it doth with reverence retain " those ceremonies which do neither endamage the " Church of God nor offend the minds of sober men, " and only departed from them in those particular " points wherein they were fallen, both from them- " selves in their ancient integrity and from the " apostolic churches which were their first founders." My Lord, if these authorities which I have cited to your Lordship exist, if they be genuine and authentic, certainly it is impossible to find more strong evidence of what was the practice of those churches from which the Church of England has not departed, or a practice more in conformity with their ancient integrity and with the apostolical churches.

Now, my Lord, I approach the argument which to me, I confess, carries the greatest weight, and I approach it not without great diffidence in my own power of handling it, but with entire confidence in the soundness of the argument if it were urged by a person who could better lay it before your Lordship. My Lord, in the 9th chapter of the Hebrews this is the argument of St. Paul: he describes the rites of the bloody sacrifices of the law, shows how inferior they are to the dignity and perfection of the sacrifice on the Cross, and at verse 19 are these words: " For when Moses had spoken every precept to all " the people according to the law, he took the blood " of calves and of goats, with water, and scarlet wool " and hyssop, and sprinkled both the book and all " the people, saying " (these are the words which are so remarkable), " This is the blood of the testament " which God hath enjoined." That is to say, Moses took the blood with water, and he used these words, " This is the blood of the testament which God hath " enjoined." So in the institution of the Sacrament as given in our prayer of consecration, and taken from the three gospels which give an account of it, your Lordship sees how the analogy runs. For the words in the Hebrews being, " This is the blood of " the testament which God hath enjoined unto you," the prayer of consecration is, " This is the blood of " the new testament which is shed for you and for " many for the remission of sins," the terms being identical comparing the Old Testament with the New Testament, which is the general purview of the argument of St. Paul in that chapter. I will assume for the present that the English translation which I have read is correct. It seems to me, taking the words as they are, it is difficult to conceive that in the mind of the person who instituted this second sacred rite by these words the first rite was not present. If the second sacrifice was to represent, as St. Paul says it was, the first sacrifice, it is difficult to conceive that there should not have been in the second sacrifice something analogous to that which evidently did occur in the first sacrifice, namely, the mixture of these two things—in one case the blood and the water, in the other the wine and the water. The argument from words of course is conclusive, because you not only have " blood " expressing blood and water, but you have that on the same analogous subject which in the Prayer Book is expressed by the term " wine," wine and water.

Now, my Lord, this seemed to me so strong that

the first thing I did upon making the discovery was to refer to the Greek Testament, the original, and see if the original enabled you to carry out the argument. On referring to that I find that it is precisely the same expression, with scarcely a variation, no variation in fact.

" Λαληθείσης γὰρ πάσης ἐντολῆς κατὰ νόμον ὑπὸ Μωϋσέως παντὶ τῷ λαῷ, λαβὼν τὸ αἷμα τῶν μόσχων καὶ τράγων μετὰ ὕδατος καὶ ἐρίου κοκκίνου καὶ ὑσσώπου, αὐτό τε τὸ βιβλίον καὶ πάντα τὸν λαὸν ἐῤῥάντισε, λέγων· ' Τοῦτο τὸ αἷμα τῆς διαθήκης, ἧς ἐνετείλατο πρὸς ὑμᾶς ὁ Θεός·' "

Referring to St. Matthew, St. Mark, and St. Luke, I find that there are the same expressions :

" Καὶ λαβὼν τὸ ποτήριον καὶ εὐχαριστήσας ἔδωκεν αὐτοῖς, λέγων· ' Πίετε ἐξ αὐτοῦ πάντες· τοῦτο γάρ ἐστι τὸ αἷμά μου τὸ τῆς καινῆς διαθήκης.' "

Well, that might be, though I looked at various Greek Testaments, a misprint; but I found it in all the Greek Testaments which I referred to. The next thing to do, therefore, was to refer to other bibles, and accordingly I referred to those in the languages with which I am acquainted. I will not cite them all to your Lordship, but if your Lordship pleases I will hand them up to you. I find there is precisely the same expression in the Spanish Bible, I find there is precisely the same expression in the Latin Bible, and I find that there is precisely the same form of words in the Vulgate which I have here.

(*The Dean of the Arches.*) Will you let me look at your edition of the Vulgate for a moment?

(*Dr. Deane.*) Yes, my Lord. Knowing the industry, acuteness, and watchfulness of my learned friends, I thought they might say to me, " True, you " have referred to the English Bible, you have re- " ferred to the Greek Testament, you have referred " to the Vulgate, and to the Spanish and Latin " bibles, but all those may be tainted with the same " spirit." In my endeavour to fortify myself against that, I thought I could not do better than get Martin Luther's translation of the Bible, and see what Luther thought about it. Your Lordship is aware that in Martin Luther's translation of the Bible, at all events in those copies which I have seen, the position of the Epistle of St. Paul is not the same as in our bibles. However, here I have exactly the same expression.

" Denn als Moses ausgeredet hatte von allen Ge- " boten, nach dem Gesetz, zu allem Volk ; nahm er " Kälber-und Bocksblut, mit Wasser und Purpurwolle " und Ysop, und besprengete das Buch und alles Volk.

" Und sprach : Das ist das Blut des Testaments, " das Gott, euch geboten hat."

My learned friend will say that is all very well, that is what Luther said. Not to leave anything untouched, I thought I would see what Calvin said, and accordingly I got—that my learned friend may not say this is not the true edition, this is printed at Basle, at Berlin, or at Leipsic—I thought I would go at once to head-quarters, and accordingly I got the Geneva edition of the year 1587.

(*Mr. Stephens.*) I deny that that is head-quarters, the Act of Parliament is head-quarters.

(*Dr. Deane.*) Having got that, on referring to the same chapter of Hebrews there I find exactly the corresponding expression at verses 19 and 20 : " Car " après que Moyse eut recité à tout le peuple tous " les commandements selon la loy, ayant pris le sang " des veaux et des boucs, avec de l'eau et de la " laine teinte en pourpre et de l'hyssope, il en fit as- " persion sur le livre et sur tout le peuple, disant, " C'est ici le sang du Testament lequel Dieu vous a " ordonné."

Now I say that looking at the argument of St. Paul, and looking at the words of institution, and looking at the comment of St. Paul upon the words of institution (for you cannot separate the one from the other), the verbal argument is complete, if it wanted completing, I think the historical argument is complete, and I think the argument from the institution is complete. At all events this I want to know. Having all that in his favor, having all this ancient and modern usage in his favor, can you say that from the omission of the rubric a man is to be punished because he follows this ancient usage, sanctioned, at all events, by verbal argument drawn from the Bible itself, referring to the institution of the rite of the Sacrament?

Well, what other argument is there upon this subject?

I have already referred to it. In the edition of 1662 the rubric directs he shall then place the bread and the wine. That rubric I take to be in no sense antagonistic to me from the use of the word " wine " there, and for the reasons I have given with regard to the old rubric, and I say, " shall then place the " bread and wine " was a necessary rubric, as directing the time when that particular action was to be done. My Lord, some time since (I do not know whether the case has been cited to your Lordship) the Bishop of Exeter had occasion to censure a clergyman. I do not know in what form the matter came before him, probably merely on information, where this mixed chalice——

(*The Dean of the Arches.*) I think it was under commission?

(*Dr. Deane.*) I hardly think it went so far.

(*Mr. Stephens.*) It was not under commission, it was a charge his Lordship delivered at Truro.

(*Dr. Deane.*) It was an expression of weight of that learned prelate's, no doubt. No doubt it was well considered, but no doubt, like the opinion of every living man, there is a *locus penitentiæ* even for the Bishop of Exeter. My Lord, my learned friend Mr. Coleridge referred to the practice of another person never to be spoken of by anybody without respect, I mean Mr. Newman, at Oxford. I do not know that I need trouble myself with what was done by him when he was at St. Mary's. All that one need say in answer to that is, being charged with administering the mixed chalice, he said, " It is a great " mistake, I never administered the mixed chalice in " the technical sense of the mixed chalice, but having " an early Communion I weakened the wine, that " was all." He neither admitted the right nor the wrong of the thing, he merely explained how he had come to do it. He said, " At the 12 o'clock service " I give the wine as it is."

Now, my Lord, that is the argument upon the mixed chalice, and upon that I submit to your Lordship that it is at the very least allowable. It certainly is not to be imputed to a clergyman as a crime which, if proved, is to be visited with I know not what pains and penalties.

My Lord, the next charge is the one of elevation. Elevation stands with respect to the mixed chalice, as your Lordship knows, in this singular position, that the order to mix is dropped out of the Prayer Book, and the order to cease from elevating is also dropped out of the Prayer Book. I would submit to your Lordship that there is a reason for those two things being contradictory the one to the other—my learned friend may reconcile them as he best can—but I submit that the real truth is this, that they were dropped out for the reason that Bishop Sandys gives in that note to Cardwell's Documentary Annals which we have read, namely, that both were left open. As Bishop Sandys then said of the vestments and certain ornaments, " My gloss is that we may use them, " though others are not to be punished for not using " them." Certainly I shall be well founded in this (I know how it tells against me), elevation is forbidden ; when that order disappeared I shall contend that elevation became permissible. Then my learned friends say, " You are ordered to mix wine, how do " you account for that being left out?" I do not agree with my learned friend Dr. Swabey that there is a difference as against Mr. Simpson between the withdrawal of a prohibition and the withdrawal of an order to do a thing. The withdrawal of a prohibition restores things to what they were before ; the withdrawal of a direction does not imply that a thing is forbidden, unless it be necessarily inconsistent, which I contend in this case the chalice is not. Now this matter of elevation stands thus: These words before

rehearsed are to be said turning to the altar, without any elevation, or showing of the Sacrament to the people," and the words which are to be rehearsed are those which I read to your Lordship just now, "Sanctify unto us these creatures," and so forth, and "likewise after supper he took the cup, and when he "had given thanks," and so on, in the prayer of consecration. At page 217 of this rubric, my Lord, I think you will find a very good reason for the rubric being altered there, and perhaps not an unreasonable account of this particular non-elevation rubric being left out.

(*The Dean of the Arches.*) You are now upon the rubric of the First Prayer Book?

(*Dr. Deane.*) The Rubric of 1549. When the priest was to rehearse these words, he was still to turn to the altar, but there was to be no oblation and no showing of the sacrament to the people. Formerly those words were pronounced *secrete.*

(*The Dean of the Arches.*) What words?

(*Dr. Deane.*) The words of consecration: supposing that the priest pronounced them more or less inaudibly, the people would not know at what time the sacred elements were consecrated. There might be some confusion, and that which we do not find in the Church of England, but which does exist in other churches, might become necessary. There might be some need for the sacrying bell at the time when the rite was completed. But there are no directions for kneeling in that Prayer Book, and it is not till we come to the Prayer Books of 1552, 1559, and the following ones that we find a direction for kneeling. Then it may be said, it has been said in fact, that elevation was necessarily connected with and that you could not dissever it from adoration. It has been, I believe, the invariable practice of the Church of England (it is so in the Sarum Use) not to connect adoration with elevation. There is not the slightest ground for supposing any connexion between them according to any use of England; on the contrary, they are disconnected if I am to take the 28th Article.

(*The Dean of the Arches.*) Allow me to ask you, is your position that the use in England before the Reformation was different from the other churches?

(*Dr. Deane.*) Taking the Sarum Missal as the foundation.

(*The Dean of the Arches.*) That, according to the Use of the Sarum Missal, elevation was disconnected from adoration.

(*Dr. Deane.*) Yes, my Lord.

(*The Dean of the Arches.*) And is your position that in that respect the Church of England differs from the usage of the Western Churches?

(*Dr. Deane.*) I will give your Lordship the passage.

(*The Dean of the Arches.*) Do you put it on the ground of the peculiarity of the English Church at that time?

(*Dr. Deane.*) My argument is this: they who framed this rubric had the Sarum Use before them. They cannot be said to have been intended to mean more than the Sarum Use. The Sarum Use did not allude to or imply adoration, and therefore they did not intend to imply adoration in elevation themselves.

(*The Dean of the Arches.*) You do not go so far, do you, as to say that elevation and adoration are not connected generally?

(*Dr. Deane.*) They may may be connected, and in the Church of Rome they are.

(*The Dean of the Arches.*) That is what I want to know. Your position, therefore, is that there is a distinction in the Church of England?

(*Dr. Deane.*) I do not know that in the Church of Rome they are necessarily connected, they are usually. Now taking it from the Sarum Canon, this is the passage: "Et debent ista verba proferri cum uno spiritu "et sub una prolatione [the words are, 'accipite, et "manducate ex hoc omnes. Hoc est enim corpus "meum'] nulla pausatione interposita [without any "pause]. Post hæc verba elevet eam supra frontem "ut possit a populo videri, et reverenter illud, reponat "ante calicem in modum crucis per eandem factæ. "Et tunc discooperiat calicem et teneat inter manus "suas non disjungendo pollicem ab indice; nisi dum "facit benedictiones tantum ita dicens."

(*The Dean of the Arches.*) Does that appear to you to establish the proposition that elevation and adoration were severed?

(*Dr. Deane.*) No, I think I can satisfy your Lordship of that by reference to this book [the Roman Missal], and you will see how different that is from this. In the canon of the Roman Missal, after the words, "Accipite, et manducate ex hoc omnes," comes this rubric, *Tenens ambabus manibus Hostiam inter indices et pollices profert verba consecrationis, secrete, distincte, et attente* "HOC EST ENIM CORPUS MEUM" *Prolatis verbis consecrationis, statim Hostiam consecratam genuflexus adorat.* It is the omission of that word *adorat* upon which I found the argument that in the Sarum Use there is no connexion between elevation and adoration.

(*The Dean of the Arches.*) Let me look at the Sarum Use when you have done with it. (*It was handed to the Court.*)

(*Dr. Deane.*) Now upon this same point there is a passage worthy of great consideration from its reasoning, and from the author from whom it comes. It is from the first volume of the "Treatise on the Church of Christ," by Palmer, and at page 240 this is his reasoning upon the matter: "The *elevation* "is, comparatively speaking, not an ancient rite. The "Roman Ritualists Bona, Merati, Benedict IV., Le "Brun, &c., acknowledge that there is no trace of its "existence before the 11th or 12th centuries." Then he gives a history of its gradual introduction, and he says, "Wm. Bp. of Paris, about 1220, ordered a bell "to be rung at the elevation, that the people might "be excited to *pray*, not to worship the host, 'Præ- "'cipitur quod in celebratione missarum quando "'Corpus Christi elevatur, in ipsa elevatione vel paulo "'ante, compana pulsetur, sicut alias fuit statutum, "'ut sic mentes fidelium ad orationem excitentur." And so it goes on reasoning out that, distinguishing clearly in the early ages of the Church the difference between elevation and adoration, and showing that there is no necessary connexion between them.

Now, my Lord, I come to the 28th Article. The history of the 28th Article—at all events its date—is curious. The Council of Trent—I forget in what session—had anathematised all those who held that the Sacrament of the Lord's Supper was not to be reserved, or carried about, or lifted up, or worshipped, and this Article came afterwards, and was evidently intended to meet that position of the Council of Trent, and it introduces the words, "was not by Christ's "ordinance." Do not let me mislead your Lordship; I am not going to argue as against the meaning of this. The words in the Council of Trent follow precisely the same order that they do here, "reserved, "carried about, lifted up, or worshipped." It is perfectly true that both in this article and in the earlier article the words are disjunctive and not conjunctive; that is perfectly true; but does not the Council of Trent mean to refer in and throughout its own order to that which is reserved, and carried about, and lifted up, and then worshipped, reserved, and carried about to the sick, and lifted up and worshipped. And is there any reason to suppose that this latter part of the 28th Article, coming in where it does in that form and order, and in evident reference to the Council of Trent, does not mean the same thing, and is not intended for, and pointed at, reservation, and a carrying about, and a lifting up, and an elevation of that which is reserved?

(*The Dean of the Arches.*) You say the Council of Trent in those four passages refers to the reserved Sacrament?

(*Dr. Deane.*) I think so, my Lord. However, that is my contention. Now are we to be frightened by what Mr. Simpson admits that he did. Is it to be an imitation of the Popish Mass? Why, my Lord, when I refer to the Roman Missal I have got here, I can

hardly conceive two things being more distinct and different the one from the other. I take the general rubric, which is the one I think which was read yesterday by my learned friend Mr. Droop. It is Rubric 7, paragraph 5. The priest stands "ante medium altaris " ipsum ambabus manibus elevatum tenens." Then there is in the 8th Rubric, paragraph 5 : "Tunc se " erigens, quantum commode potest, elevat in altum " Hostiam, et intentis in eam occulis (quod et in ele- " vatione calicis facit) populo reverentur ostendit " adorandam." In fact the elevation itself, such elevation as Mr. Simpson admits, apart from the meaning which they would attach to it, and which is not evidently necessarily connected with it, is an act it seems to me of so doubtful, I will not say of so innocent a nature, that it is impossible to say that it is a crime, for this is his account of the matter—that he has in reading the prayer of consecration so raised the paten on pronouncing the words, "Do this in remem- " brance of me," and he has so raised the cup in pronouncing the words, "This is my blood (of the " new testament" being left out) which is shed " for " you and for many for the remission of sins." What is the meaning of the word "so" there? We get it from the Article. The Article is this: that he raised the paten with both hands over his head, and the cup in like manner. I should say, my Lord, upon that omission of the new testament, if anybody is to blame for it I am afraid I am the responsible person, for yesterday the responsive allegation was shown to me. I see I made some alterations in it, and I certainly did not insert these words. It was my fault. I cannot imagine for a moment it was the fault of Mr. Simpson. I have no instructions upon the matter, and I have no doubt it was a clerical error, and certainly one which would be inconsistent altogether with the meaning.

(*Mr. Stephens.*) As my learned friend says, it is a mere clerical error ; I have not the slightest objection to allow these words to be inserted. If he had not said so I intended to have made some observations upon it.

(*The Dean of the Arches.*) It occurred to me that it was so ; but if you think so it had better be put in.

(*Dr. Deane.*) I was so told yesterday.

(*The Dean of the Arches.*) If you both agree to have it put in I will give directions to the registrar to insert it.

(*Mr. Stephens.*) If my learned friend says that it was a clerical error I am perfectly ready to have it amended. I should scorn to avail myself of a mere error.

(*Mr. Hannen.*) I must confess it was a clerical error of my own, and not of my learned friend's; but it did not catch his attention.

(*The Dean of the Arches.*) It would be better to have the words put in.

(*Mr. Stephens.*) Certainly, my Lord. I have not the slightest objection.

(*Dr. Deane.*) My Lord, that is the argument upon that point which I have to offer to your Lordship. Summing it up shortly it is this—that without adoration, elevation is in itself an innocent and a very seemly act, limited in point of fact almost to more or less of gesture at the time ; I do not mean an unintentional gesture. Next that elevation is not necessarily connected with adoration, which is the obnoxious part of elevation ; and thirdly, that this elevation cannot, when that which Mr. Simpson has done is compared with the Roman Missal, be any approach to or have any similarity to that which the Church of England has so constantly contended against.

Now, my Lord, there is one other charge upon which I have not one word to say. It is utterly impossible to find an argument which would show that the alms are not to be put upon the table.

(*The Dean of the Arches.*) I was sure you would say so, Dr. Deane.

(*Dr. Deane.*) It is a piece of carelessness for which Mr. Simpson very properly submits himself to your Lordship's judgment. The charge for the omission of the word " all " is abandoned.

(*Mr. Stephens.*) That is abandoned on account of the expense of proving it.

(*Dr. Deane.*) Now, my Lord, I have reserved till now the consideration of the book, which I am ashamed to say I did not know the existence of till last night ; but it seems to me, so far as I have been able to look into it, to be extremely full of learning upon the matter, and one which I was extremely glad to have put into my hands ; because it bears out the short sketch of the tendency of parties which I had intended to allude to, and which I have shortly glanced at. It is Lathbury's History of the Book of Common Prayer ; this is quite a recent edition, the edition of 1859. Speaking of the march of things, at page 17, we have a reference to what we know independently of the Prayer Book was first done, and the first thing, I believe, was an issuing of the Order of the Communion. That came very early. The Sacrament then became administered in both kinds, and the service after the priest had communicated was to be continued in English according to that order. There were then other changes by degrees, but the bearing of that which I wish to bring without wearying your Lordship is to the great opposition which the Puritans showed in and throughout to the Book of Common Prayer, and the way in which they broke through, as far as they could, the other rites and ceremonies. At page 110 Mr. Lathbury says, "The Puritans generally admitted " that by the Act of Uniformity they were bound to " use a Book of Common Prayer, but they contended " that the book contemplated by and described in the " statute, was not provided by the parishes. The " particulars in which the book differed from the " description in the act have been given. But though " some things in the book were not mentioned in the " Act, yet the Queen, by the power given to her by " the Act itself, was at liberty to make the changes " which were introduced, and the plea of the Puritans " was groundless. Others admitted the force of the " Act, but yet contended that the law was not " violated by omissions. 'I have not refused, says " 'Paget, to use the Common Prayer or to minister " 'the Sacraments in such order as the book appoints, " 'though I have not used all the rites and ceremo- " 'nies set forth in the book,'" and at page 142 there is an amount of subtlety which is remarkable : The Puritans "Admitted that the rubric adopted the " ornaments of Edward's First book, but they pre- " tended that, as a cope was enjoined in some portions " of the service the surplice could not be used alone. " 'No minister at or in any of the times and services " 'aforesaid, is bound to put upon him a surplice " 'unlesse therewithall he weare a cope. For the use " 'of ornaments ought to be according to the Act of " 'Parliament. And therefore, where no cope, there by " 'the Act no surplice.' Their object was to get rid of ' the surplice ; and their argument was, that if all " the ornaments were not used, none need be used. " Edward's first book enjoined 'an albe or surplice " 'with a cope,' in which the priest was to 'say all " 'things at the altar.' Upon this they argue 'Where " 'no altar to goe unto after the Letany ended, there " 'no surplice to be put on.'"

(*The Dean of the Arches.*) What year is that, does it tell you the dates ?

(*Dr. Deane.*) This is the year 1562. There are other passages of the same kind, and I think in this book there is also the instance (I am not sure whether it is in this book, but the anecdote is well known), where Cartwright refused to bury his wife because he did not like that ceremony in the church. Perhaps also from this book my learned friend Mr. Droop got what he entertained us with so much last night, the history of churching veils, and bowing, and so forth, which is all detailed here ; in fact the book itself, so far as I have been able to look into it, is really a mine of the most curious information as to the various evasions practised from time to time by the Calvinists in order to escape from the Book of Common Prayer. Now, my Lord, how was all that dealt with by the present Prayer Book. Why one looks at the Conference, and

they are dealt with certainly in a way which must have been extremely unsatisfactory to them, for, objecting as they did especially to the use of that rubric, inasmuch as it would bring them back to the First Prayer Book of Edward the 6th—there stands the Rubric—that was the effort which they made then—that was the effort which was then defeated; they have struggled against it ever since up to the present time, and certainly they have not been successful in getting rid of it.

My Lord, I have brought my arguments to a conclusion. There are very many things which I should have liked to have brought before your Lordship, but I do not know that they are of so much importance that I should be justified in detaining your Lordship longer. I have already been longer than I originally intended to be, but I shall be followed by my learned friends or some of them, if not by all, who know at least as much upon these points as I do, and I am perfectly certain that the interests of Mr. Simpson will not in the least be jeopardised by my ceasing to address your Lordship.

(*Mr. Hannen.*) My Lord, it is with great regret that I have to trouble your Lordship with any observations upon this case, because I feel painfully for me that it has really been exhausted; but with your Lordship's permission I would trouble you with a few observations upon one part of the case only—and indeed a portion only of that part—I mean the subject of the lights, and particularly the part of the case which relates to the force and effect of the Injunctions. My Lord, before I proceed to discuss these points in detail, I wish to say that I am very glad that we have not had upon this occasion those strong expressions which were used upon the former occasion with reference to the supposed object and drift of the ornaments and practices which have been objected to. I conceive that we can render no assistance to your Lordship if we approach the subject in that spirit. We have nothing to do with what may be supposed to be the tendency of one side or the other; we have to consider this question as we should consider any other question of dry law. We have to ascertain as best we can what is the meaning of certain Acts of Parliament and other documents written two or three hundred years ago; and as to which, therefore, there may well be some difficulty of exposition. But we must use the same means for ascertaining the effect of these documents in this case as we should in any other.

Of course the first thing we have to do is to ascertain as nearly as we can what was the state of facts to which the legislation had reference. That, of course, is the first golden rule in ascertaining the meaning of Acts of Parliament, or indeed any other documents. We must know, of course, the circumstances to which they related, and to which they owed their origin. Now, it is quite certain that in this particular case, at the time when the legislation began which has been so much dwelt upon, the Reformation had only made comparatively inconsiderable progress. The state of things which existed at the death of Henry the Eighth was this—of course in a very few sentences I can state what I wish to say on so introductory and elementary a proposition as this, viz., to point out that at that time the legislation of Henry the Eighth's reign had had this effect—it had freed this country from the dominion of the Pope in matters of government. This country had been relieved from a direct dependence upon the Pope in the government of the Church; but as to the main mass of doctrine, there had not been a very great change effected in the reign of Henry the Eighth, and the legislation upon the subject had divided itself into two parts—those Acts which, as I say, dealt with the constitution of the Church, and its dependence upon and relation to Rome, and another class of statutes which related to matters of opinion and religion in a more general sense. Now the principal statutes on the first branch of the case, that is to say, the principal statutes with reference to the previous dependence of this country upon Rome, the principal statutes which freed us from that, were in the first instance the Act against the payment of annates [23d of Henry the Eighth, chapter 20], then the restraint of appeals [24th Henry the Eighth chapter 12], then the Act of Supremacy [25th of Henry the Eighth, chapter 19], and then, I need not enumerate them all, but there is another class of Acts bringing us down to 1533. Then there is the Act against the payment of Peter's pence [25th Henry the Eighth, chapter 1] following shortly after that.

Now, at the same time that those statutes, as I say, effected the liberation of the country from the rule of the Pope, there was another large class of statutes by which enormous powers were given, and severe remedies put into the hands of the authorities for the purpose of putting down heresy, and that set of statutes are those which have been referred to, and which I shall have to refer to again presently, with reference to an argument of my learned friend Mr. Stephens. Those are the 25th of Henry the Eighth, chapter 14, the effect of which is that heretics refusing to abjure are to be burnt—the 31st of Henry the Eighth, chapter 14, which under the mild title "For "abolishing diversity of opinion," contains as strong punishments as any of them; the 34th and 35th of Henry the Eighth, chapter 1. Then the 35th of Henry the Eighth, chapter 5, which is an Act qualifying the Six Articles Act, but which gives great powers of repression of what is called heresy. Now, my Lord, those statutes had been severely enforced, as we know, and shortly before the death of Henry the Eighth in the same year, the tragedy of Anne Askew had shocked many, no doubt, and immediately upon the death of the king, a complete change appears to have occurred in the spirit of the legislation of the country; for the very first Act of Edward the Sixth, while it deals with matters of opinion, yet contains only the mild punishment of imprisonment and fine and ransom at the King's will and pleasure. That is 1st Edward 6th, chapter 1, "An Act against such as "shall irreverently speak against the Sacrament of "the altar, and of the receiving thereof under both "kinds." There was a change I say in the spirit of legislation, and instead of the severe penalties of the older Acts these milder penalties were enforced, and in that spirit the Act was passed to which reference has been made, and upon which so much stress was laid by my learned friend Mr. Stephens, namely, the statute of 1st Edward 6th, chapter 12. My learned friend feeling that the broad distinction between the arguments on the one side and on the other is, that where the language of the legislature is not explicit, you may have recourse to the interpretation of usage, while on the other hand it is contended that you must look at the bare words of the document before you, and that you are not to look for any light in the interpretation of it beyond the four corners of the document; feeling, I say, that that is really the main distinction between the arguments on the one side and the other, my learned friend endeavoured to lay the foundation of his argument by contending that this statute of 1st Edward the Sixth, chapter 12, had made, to use his own expression, a complete *tabula rasa* of the previous legislation. Now that, my Lord, I say is a fundamental mistake. This statute of 1st Edward the Sixth, chapter 12, was merely a statute for the purpose of putting an end to those severe laws which I have enumerated to your Lordship. Everything tends to confirm that view. Its title is, "An Act for "the repeal of certain statutes concerning treasons "and felonies." Then comes the recital "Nothing "being more godly, more to be wisshed and desired "betwixte a prynce: the supreame hed and ruler, "and the subjects whose gouvernor and hed he is, "then on the prynces pte great clemecye and in-"dulgencye, and rather to muche forgivenes and "remission of his royall power and just punishment, "then exacte severitie and justice to be showed, and

" on the subjects behalfe that theye shoulde obeye " rather for love and for the necessitie and love of a " kinge and prynce, then for feare of his streight and " severe lawes; yet suche tymes at some tyme " comethe in the comonwealthe that it is necessarie " and expedient for the repressinge of the insolencye " and unrulyness of men, and for the foreseing & " provyding of remedyes against rebellyon, insurrec- " tion, or suche mischiefs as God sometyme with us " displeased for or our punishment dothe inflicte & " laye uppon us, or the devill at Godds permission to " assaye the good and God's electe dothe sow and sett " amongst us." However, I will not take up your Lordship's time with that which, though I do not remember it at the moment, has probably been read before. It is scarcely necessary that I should read it further.

(*The Dean of the Arches.*) I have looked at it very carefully.

(*Mr. Hannen.*) What I say is (and I think I shall be borne out by your Lordship in my reading of it), that it is pointing to and dealing with crime, making an alteration also in the severity of the laws against crime, and it is obvious that the person penning that statute did it altogether *alio intuitu* from that which my learned friend suggests, namely, that he was setting about to make a fresh starting point as to the religion of the country and the government of the Church of the country. There was nothing of the kind present to his mind.

(*Mr. Stephens.*) Would your Lordship wish to have the folio edition? It is different in the folio edition. The title has been printed inaccurately in the quarto edition of the statutes of the realm. The word "etcætera" is left out in that edition.

(*The Dean of the Arches.*) What do you say lurks under that "etcætera?"

(*Mr. Hannen.*) It is said, my Lord, that there is much virtue in an "if," but really, if there is to be virtue in an etcætera, there are many other things in this statute to which the "etcætera" may refer.

(*The Dean of the Arches.*) I think there must be an edition which has not got an "etcætera" in?

(*Mr. Hannen.*) It is so.

(*Dr. Deane.*) I have no "etcætera" in mine. I have got the quarto edition.

(*Mr. Stephens.*) The edition I have handed up is published by the Record Commissioners.

(*The Dean of the Arches.*) If anything is to turn upon it, it would be as well to see what the original Act is. It is enrolled, I suppose, and would be in the Rolls. You had better search and find the right title.

(*Mr. Hannen.*) I will leave to my learned friend the pleasing labour of that search, if he attaches importance to an etcætera.

(*The Dean of the Arches.*) If anything is to be made out of the argument of the "etcætera," and if " and further to deal with all matters of religion" is in the "etcætera," one would like to see it; but your argument rests very much more upon the contents of the statute than upon the other.

(*Mr. Hannen.*) Yes.

(*The Dean of the Arches.*) Among the things dealt with by the statute are, killing by poison shall be deemed murder, peers shall be tried by their peers for all offences, and so on, and I observe, among other things, the French king may be called the King of France without offence against this Act.

(*Mr. Hannen.*) Look at the first enacting clause: " Be it therefore ordeigned and enacted by the King " or Soveraigne Lord, with thassent of the Lordes " spiritual and temporall, and of the Comons in this " present Parliament assembled, and by authoritie of " the same, That from hensfurthe none acte, deed, or " offence being by Act of Parliament or statute made " treasone or petit treasone by words, writing, cipring, " dedes, or otherwise what so ever, shalbe taken, had, " demed, or adjudged to be highe treasone or petit " treasone, but onelie suche as be treasone or petit " treasone in or by the Acte of Parliament or statute " made in the xxxth yere of the reigne of the most " noble Kinge of famous memory Kinge Edwarde the " Third."

(*The Dean of the Arches.*) Which section is that?

(*Mr. Hannen.*) This is the enacting part of the first section.

(*The Dean of the Arches*) The second is something about heretics.

(*Mr. Hannen.*) Following upon that which has dealt with the subject of treasons is this: " Be it enacted " by thauctoritie aforesaide, that all Actes of Parlia- " ment and Estatutes towchinge mencyoninge or in " anny wise concerninge religion or opinyons, That is " to saie, as well the Statute made in the [first] yere " of the Reigne of the Kings noble progenito Kinge " Richarde the Second," and then it goes on with all those statutes I have referred to, and if it rested there, it would be obvious that there would be no pretence whatever for the suggestion of my learned friend, because it would only be these statutes enumerated; but it goes on at the end, and says something more: " All and everie other Acte or Acts of Parlament con- " cerninge doctryne [and] matters of Religion and all " and everie braunche artycle, sentence matter, paynes " and forfaitures conteyned, mentioned, or in anny wise " declared in anny of the same Acts of Parlament or " Estatutes shall fromhensfurthe be repealed and " utterlie voyde and of none effecte." But there is no better rule of construction than that you are to interpret general words by the light of particular words or things that have gone before, and therefore when you see that these statutes are in the beginning of the clause spoken of as statutes concerning religion or opinions, why then the infallible means of interpreting what is meant when it says, "other Acts relating to " and concerning doctrine and matters of religion," is to say it clearly means statutes of a similar character to those which have been enumerated, and it does not mean statutes which concern doctrine and matters of religion in that wide and general sense which my learned friend would suggest that it does. Because just consider for a moment, my Lord, how extraordinary the effect would be of such an interpretation as that for which my learned friend contends. In a phrase, you may say it would really be to repeal the preceding history of England.

(*The Dean of the Arches.*) I remember an argument similar to this being raised in the case of Westerton *v.* Liddell, and I remember Mr. Justice Maule saying, "If so, anything contained in Magna Charta " about religion would be repealed by this Act."

(*Mr. Hannen.*) In matters of religion the Church was so intimately and inseparably bound up with the state at that time that you could not deal with the subject in that way. My learned friend seems to treat this as though it were some chemical solvent which should dissolve all previous legislation—everything that related to religion in its widest and most common sense in the previous history of the country. It would leave the fabric of the law like those objects of ivory that are found in the ancient tombs——

(*The Dean of the Arches.*) It would rather support your argument that in the present Clergy Discipline Act (the 3rd and 4th of Victoria), the first Act which is repealed is the Act of Henry VII. about independent clerks, which would have been swept away altogether by this Act if Mr. Stephens is right.

(*Mr. Hannen.*) Precisely, my Lord. It would leave only the dry bones of the law, which would crumble away at the slightest touch, and have no cohesion in them, if everything relating to doctrine and matters of religion in so wide a sense could be swept away; and, among other things, I suppose in the general sense in which my learned friend seeks to apply this word, the constitution of this court in this case would be a matter manifestly swept away.

(*The Dean of the Arches.*) Entirely; all the right of appeal to the Privy Council would be gone.

(*Mr. Hannen.*) And I observe in my friend's collection of the statutes one which would peculiarly

affect this court, for it is that married men being doctors of the law may sit in judgment here.

(*The Dean of the Arches.*) That might be a *recusatio judicis.*

(*Mr. Stephens.*) That was not the way in which I put it. I put it before your Lordship thus—I said the effect was to repeal all laws with reference to doctrine and matters of religion, not as to discipline.

(*Mr. Hannen.*) I say the distinction is this, that it relates only to that class of statutes, and statutes of a similar character to those which are enumerated.

(*Mr. Stephens.*) Your Lordship will observe the words "all and every other Act or Acts of Parliament "concerning doctrine or matters of religion."

(*The Dean of the Arches.*) It is here "*and* matters of religion." I do not know which is right.

(*Mr. Stephens.*) I believe that to be the most correct copy.

(*The Dean of the Arches.*) "Matters of religion" is a very large word.

(*Mr. Stephens.*) Certainly, my Lord; but I should respectfully submit to your Lordship that it would not apply to discipline, not for instance in the case your Lordship just put, in reference to the Church Discipline Act.

(*The Dean of the Arches.*) There are a great many more that I could mention; but that is one which occurred to me at that moment. There are all the Acts establishing the Arches Court, and the Court of Appeal.

(*Mr. Stephens.*) I should respectfully submit that under those words the Arches Court would not be affected in the slightest degree, or any other Court.

(*Mr. Hannen.*) I put this construction upon it, that it relates only to those statutes which deal with matters of doctrine and religion as a subject of punishment; but that it does not deal with those laws which relate to the constitution of the Church in its relation to the state. That is all that is necessary for our purpose, that it left all those laws which related to the government of the Church in its relation to the state untouched, but that it was intended to introduce a mild code of law, and as part of that it repeals these statutes by which powers are given to punish in a severe way.

(*The Dean of the Arches.*) Have you got the marginal note in yours, because in this folio edition I find these are specified as the Acts which are repealed: 5th Richard II. section 2, chapter 5; 2nd Henry V. section 1, chapter 7; 25th Henry VIII. chapter 14; 31st Henry VIII. chapter 14. Is it not that one of Richard, the Lollards Act?

(*Mr. Stephens.*) It is, my Lord.

(*The Dean of the Arches.*) Then there is 34th and 35th Henry VIII. chapter 1, and the 35th Henry VIII. cap. 5.

(*Mr. Stephens.*) In the quarto edition it says, 5th of Richard the Second, section 2, chapter 6; the next is 25th Henry the Eighth, chapter 7.

(*The Dean of the Arches.*) No; 2nd Henry the Fifth, section 1, cap. 7.

(*Mr. Stephens.*) The Queen's printers are not always to be depended upon, for I know not how many inaccuracies there are in the Book of Common Prayer; there are no two editions alike.

(*The Dean of the Arches.*) By whose authority are these statutes drawn up?

(*Mr. Stephens.*) There was a Royal Commission issued; Mr. Purton Cooper was the secretary to it.

(*The Dean of the Arches.*) "Published by command "of His Majesty George the Third, from original "records and authentic manuscripts."

(*Dr. Deane.*) Those are the statutes referred to in Sir John Dodson's judgment in Westerton *v.* Liddell.

(*The Dean of the Arches.*) Yes; but that was the Proclamation Act.

(*Mr. Stephens.*) It was the Proclamation Act. In the first volume your Lordship will find a full account of the mode in which this edition was prepared.

(*The Dean of the Arches.*) What I have got is 25th Henry the Eighth, chapter 14; 31st of Henry the Eighth, cap. 14; the 34th and 35th Henry the Eighth, cap. 1; and 35th Henry the Eighth, cap. 5.

(*Mr. Hannen.*) With regard to the 34th and 35th Henry the Eighth, chapter 1, your Lordship will see it comes within the same description of enactments; because by the 17th section it is enacted that clergy preaching contrary to the king's doctrines shall on first offence be permitted to recant; on refusal to recant, or on second offence, shall abjure and bear a faggot; on refusal to abjure, or on third offence, shall be deemed a heretic, and be burned and lose all his goods.

(*The Dean of the Arches.*) As far as any weight may attach to the mention of these Acts in the margin, there is not one which does not refer to a case in which there is some punishment.

(*Mr. Hannen.*) They are all Acts under which persons may be put to death for matters of opinion; that is the peculiarity. As I say, there was a change at once instituted upon Edward the Sixth coming to the throne; that seems to have been among the first Acts.

(*The Dean of the Arches.*) I think it is mentioned by all the historians at that time, that one of the first acts of Edward the Sixth's councillors was to obtain a reasonable kind of popularity by abolishing these severe Acts.

(*Mr. Hannen.*) Precisely; and I say, putting that which as I submit is the only reasonable construction which can be put upon that Act, it left standing two very important statutes. I say it left standing the Act of Supremacy (although I should hardly think my friend would push his arguments so far as to say it did not).

(*The Dean of the Arches.*) That is very important you know as limiting the effect of that repealing Act of Edward VI.

(*Mr. Hannen.*) It cannot be doubted that it left that standing.

(*The Dean of the Arches.*) I always conceived that was in force.

(*Mr. Hannen.*) Can it be doubted that it left the 25th Henry VIII., chapter 19, the importance of which of course is that it contains that most pregnant enactment ——

(*The Dean of the Arches.*) For instance, all restraint upon convocations would be gone by your construction, Mr. Stephens.

(*Mr. Stephens.*) I am not aware of that, my Lord.

(*The Dean of the Arches.*) Perhaps you will consider that when you come to reply.

(*Mr. Hannen.*) It would leave, as I say, untouched the 7th section of 25 Henry VIII., chapter 19: "Such canons, constitutiones, ordynaunces, and syno-"dals provynciall being alredy made, which be not "contraryant nor repugnant to the lawes, statutes, "and customes of this realme, nor to the damage or "hurte of the Kynges prerogative royall, shall mour "styll be used and executed as they were afore the "makyng of this Acte, tyll suche tyme as they be "vyewed, serched, or otherwyse ordered and deter-"myned by the said xxxij persons or the more part of "theym, accordyng to the tenour, fourme, and effect "of this present Acte." Now, as far as I could collect from the few observations made by my learned friend in the former case upon this section, he seemed to contend that because it says they are to remain in use till such time as they may be viewed, searched, or otherwise ordered and determined by the said 32 persons, and that as that was not done, they ceased to have effect upon the death of the King. If I do not misinterpret my learned friend that was his argument. That construction sins against the canon of interpretation, that if a condition is possible at the time it is created, and afterwards becomes impossible by the act of God, then the thing upon which it was a condition becomes absolute, and cannot be altered. I refer your Lordship to where that will be found, though at the moment I cannot give you the reference. In Sheppard's Touchstone, where the authorities are all collected, that will be found to be the principle laid down, and of

course it follows from that that as at the time this enactment was passed the canons might have been viewed, searched, and otherwise ordered by the 32 persons, the fact of that not having been done in the way contemplated by the Act leaves them in force until they are acted upon by direct legislation. Therefore, my Lord, as far as that is concerned, our position is this :—What was the condition of a minister upon the death of Henry VIII., and up to the time of the first Act of Uniformity? Why after the passing of 1st Edward VI. cap. 12, he would not be left in that state of utter helplessness which my learned friend's construction would leave him in, without a guide, utterly ignorant of what law he was appeal to, and unable therefore to celebrate Divine service by any rule whatever. I do not know what strange condition my learned friend would represent the clergy to have been reduced to during the period between the 1st Edward VI., chapter 12, and the passing of the Act of Uniformity in the second year. They must have been, according to his view, entirely without a guide.

But, my Lord, there is another enactment which seems to me to be important, and which I think was left entirely untouched by the repealing statute of the 1st of Edward VI.—that is one of the statutes I have referred to—the 24th Henry VIII., chapter 12, the statute for the restraint of appeals.

(*The Dean of the Arches.*) What Mr. Stephens says is that that is not "matters of religion"—that is his argument.

(*Mr. Hannen.*) I must deal with my learned friend's argument as well as I am able to grapple with it; but it would be difficult to see how this could not be said to come within such general words as my learned friend relies upon, unless by putting upon them the meaning which I have ventured to say is the right one. Towards the end of the first section I find these words—"All the spiritual prelates, pastors, ministers, "and curates within this realm and dominions of the "same, may use, minister, execute, do, or cause to be "used, executed, ministered, and done, all sacraments, "sacramentals, divine services, and all other things "within the said realm and dominions, unto all the "subjects of the same, as Catholic and Christian men "owen to do; any former citations processes, inhibi-"tions, suspensions, interdictions, excommunications, "or appeals, for or touching the causes aforesaid, from "or to the see of Rome, or any other foreign prince, "or foreign courts, to the let or contrary thereof, in "anywise notwithstanding."

(*The Dean of the Arches.*) I certainly should have thought that was a matter of religion.

(*Mr. Hannen.*) Well, if it be not matter of religion, if my learned friend is obliged to concede that that enactment stood unaffected by the statute 1st Edward VI., I want to know in what other way was the minister to celebrate the service than according to those forms and rites which alone he could be familiar with. He was to celebrate, he was to execute, minister, and do, all sacraments, sacramentals, divine services, and all other things within the said realm and dominions unto all the subjects of the same, as Catholic and Christian men ought to do; that is to say, he could do it in no other way, he must continue (until some Act of Parliament interferes with the mode of doing it) to do it in all respects as he had done it hitherto—and I say, therefore, that does give a legislative sanction until altered by some Act for the performance of divine service in the then ordinary and accustomed way.

(*The Dean of the Arches.*) It was repealed, as you know, by the 1st and 2nd Philip and Mary.

(*Mr. Hannen.*) That I know.

(*The Dean of the Arches.*) It must have been in existence then.

(*Mr. Hannen.*) Of course, my Lord. It is evident now upon that, as upon many other matters in connection with this subject, all the great lawyers and authorities must have been in the dark, and that they did not know what was the meaning of their Acts. I say, that unless my learned friend contends really that that has been repealed, it is indifferent to me by what means he leaves it unrepealed. If he says it is repealed, I think he condemns his own construction of the statute of Edward VI. If he says it was not repealed, then it serves as an authoritative and legislative guide for ministers of the Church to continue, till some alteration of the law takes place, to celebrate as they had been up to that time accustomed.

My Lord, I say, therefore, that that disposes of my learned friend's contention that in the 1st of Edward VI. there was a *tabula rasa* of the previous laws with regard to the celebration of the services of the Church. I say, on the contrary, it is proved by these two sections in particular that I have referred to that it was absolutely necessary—there was a legislative direction and authority for the continuance of the ministration of divine services in the same way as they had been accustomed before, and legislative authority for the observance of all canons, constitutions, and ordinances as they were then used and executed. Well, my Lord, that being so——

(*The Dean of the Arches.*) In answering this, Mr. Stephens, it will be worth your while to consider the fourth section of the statute 23rd Henry the Eighth, chapter 9. I say so because it relates particularly to citing in cases of heresy, and so on; and it will be for you to consider whether your argument would not extend to the repealing of that statute also.

(*Mr. Stephens.*) The 25th of Henry the Eighth, chapter 19.

(*The Dean of the Arches.*) What it struck me at that moment was worth considering, was the 23rd of Henry the Eighth, chapter 9, section 4; you see that relates to causes of heresy.

(*Mr. Stephens.*) Is there any other statute your Lordship wishes me to direct my attention to?

(*The Dean of the Arches.*) The 25th of Henry the Eighth, chapter 19, the submission of clergy, and the restraint of appeals. That is what made me say that it would be worth considering whether your argument would not go to remove all restraint from convocation at that time.

(*Mr. Stephens.*) Yes, and in point of fact, whether the canons were in force.

(*The Dean of the Arches.*) I merely want to see the extent of your argument.

(*Mr. Hannen.*) Now I say that being the state of things upon the accession of Edward VI, let us see what the progress of change was. It was rather in the direction of restraining the introduction of innovations; and no doubt there was anxiety on the part of many to hurry on in the direction which they thought was the right one; but we see that the tone of the early acts of those in authority was rather to restrain than encourage speed in such matters. Take for instance the proclamation against innovations which has been referred to of 1547, set out in page 42 of Cardwell's Documentary Annals, the first volume: "The Kings Highness by the advice of his "most entirely beloved uncle the Duke of Somerset, "governor of his most royal person, and protector of "all his realms, dominions, and subjects, and others "of his council, considering nothing so much to tend "to the disquieting of his realm as diversity of opinions "and variety of rites and ceremonies concerning reli-"gion, and worshipping of Almighty God; and there-"fore studying all the ways and means which can be, "to direct this Church and the cure committed to his "highness in one and most true doctrine, rite, and "usage; yet it is advertised that certain private cu-"rates, preachers, and other laymen, contrary to their "bounden duties of obedience, do rashly attempt of "their own and singular wit and mind in some parish "churches, and otherwise, not only to persuade the "people from the old and accustomed rites and cere-"monies, but also themselves bringing new and strange "orders, everyone in their Church according to their "phantasies; the which as it is an evident token of

" pride and arrogancy, so it tendeth both to confusion " and disorder, and also to the high displeasure of " Almighty God, who loveth nothing so much as order " and obedience. Wherefore His Majesty straitly " chargeth and commandeth that no manner person, of " what estate, order, or degree soever he be, of his pri- " vate mind, will, or phantasy, do, omit, leave, done, " change, alter, or innovate any order, rite, or cere- " mony, commonly used and frequented in the Church " of England, and not commanded to be left done at " any time in the reign of our late Sovereign Lord, " His Highness's father, other than such as his high- " ness by the advice aforesaid, by His Majesty's visi- " tors injunctions, statutes, or proclamations, hath " already or hereafter shall command to be omitted," " and so on. In the same spirit (though it comes at a later period, the point of my observation upon this is, that it is after the statute of Edward VI., chapter 12), is a letter sent to the preachers licensed by the King, and which is set out at page 63 of Cardwell's Documentary Annals. In it there are some strong words of reprobation of those who are inclined to hurry on; it complains that any man should run before their heads have appointed them what to do, and that every man should choose his own way in religion; it condemns that, and then enjoins them " that you do " in all your sermons exhort men to that which is at " this time more necessary, that is, to the emendation " of their own lives, to the observance of the command- " ments of God, to humility, patience, and obedience " to their heads and rulers, comforting the weak and " teaching them the right way, and to flee all old erro- " neous superstitions, as the confidence in pardons, " pilgrimages, beads, religious images, and other such " of the Bishop of Rome's traditions and superstitions, " with his usurped power, the which things be here " in this realm most justly abolished; and straitly re- " buking those who of an arrogancy and proud hasti- " ness will take upon them to run before they be sent, " to go before the rulers, to alter and change things " in religion without authority, teaching them to ex- " pect and tarry the time which God hath ordained " to the revealing of all truth." Therefore it must not be for a moment assumed, as it has been very much on the other side, that the spirit of the acts of those in authority was to alter the old-established practice. On the contrary, we see that with a spirit of compromise there was still a strong desire to prevent undue innovations, and to prevent there being a general subversion of the forms to which men had up to that time been accustomed.

Now, my Lord, I come to the question of the Injunctions themselves. With regard to those Injunctions, there no doubt has been a difference in, I will not say opinion, (because it seems to have been conceded everywhere, except indeed with regard to some of the observations of Dr. Lushington,) that the Injunctions are in force.

(*The Dean of the Arches.*) I understand Dr. Lushington's judgment to deny the authority of the Injunctions of Edward VI., but rather to admit the authority of the Injunctions of Elizabeth, without showing that one had greater legal sanction than the other, as far as I can make out from his judgment. I do not know whether you think it worth adverting to. It appears to me that Dr. Lushington certainly says that the burden of showing that these Injunctions have a legal validity lies upon you who say so.

(*Mr. Hannen.*) He does say so, my Lord, and I say that clearly was not the view taken by the Privy Council or in the intermediate court, the Arches Court, nor was it the view of counsel. Indeed we have heard it conceded here in the course of this cause that the Injunctions were in some way or other in force. It has been said that that was by virtue of the King's supremacy, but was not the King's supremacy established upon law? Was not that as completely based upon legislative action as anything else relating to such matters? I have read the enactment. The King's supremacy was not a thing which he possessed by virtue of his royal prerogative alone, but it was based also upon the statute which recognizes his authority in matters spiritual.

(*The Dean of the Arches.*) It restored the old common law, that is the argument on that statute.

(*Mr. Hannen.*) I say it is recognized and confirmed by statute, and being so, those things which are done by virtue of a power which is so recognized and confirmed by statute have the authority of Parliament.

(*The Dean of the Arches.*) Yes, but then that is the question to be proved, that these Injunctions were issued by virtue of that supremacy; that is the thing to be proved.

(*Mr. Hannen.*) Yes, my Lord. I was assuming that for the sake of my present argument. I was making use of the concession made by my learned friend.

(*The Dean of the Arches.*) What I mean is, have not you to show that the supremacy of the Crown included in it the power of making Injunctions without the authority of Parliament? Is not that rather the pinch of your case?

(*Mr. Hannen.*) Yes, my Lord.

(*The Dean of the Arches.*) It may very well be admitted that the Crown had that power of supremacy, and that the Injunctions were issued at that time; and yet it may be denied that the Injunctions were the deliberate consequence of that supremacy.

(*Mr. Hannen.*) I was going to deal with that, my Lord.

(*The Dean of the Arches.*) I should be very much obliged by any observations you have to make upon that point to-morrow. It is now almost time to adjourn. If Mr. Stephens has not time to finish his reply to-morrow he must have another day.

(*Mr. Stephens.*) I am very much obliged to your Lordship. I am very anxious to give you every information upon these statutes, and your Lordship is aware you have cast upon me a certain amount of labor with reference to the canon law.

(*The Dean of the Arches.*) My object is that you should consider the full extent of your proposition, that the first of Edward VI. swept away all matters of religion. I mean whether it would not sweep away a great deal more than would suit your purpose.

(*Mr. Stephens.*) I am perfectly aware of your Lordship's views; I am anxious to give your Lordship every information.

(*The Dean of the Arches.*) That is quite consistent with what you have done throughout this case, Mr. Stephens.

Adjourned till to-morrow.

THIRD DAY.

Friday, February 7th, 1868.

(*Mr. Hannen.*) I endeavoured yesterday, my Lord, to realize the position of a priest at the end of the reign of Henry VIII., to ascertain, if possible, what would be his position and what his duties, so far as he could ascertain them from the laws then existing; supposing him to be a person anxious to abide by the law only, and not one of those "desiring to run "ahead of others," as the expression is in one of the Injunctions; endeavouring to conform himself to the rule and control of the law as it existed, except so far as he might find an alteration made in his time. And I pointed out those statutes upon which I rely as showing that he would be under the direct injunction of a statute, first of all to perform the service "in the "ordinary and accustomed way as Christian men ought "to do," and secondly, that he would be bound to obey the canons, excepting so far as they were altered. I referred also to an argument of Mr. Stephens upon the subject of the canons being only in force until they should be altered; but I did not give your Lordship a reference to the passage.

(*The Dean of the Arches.*) That was an argument not used on this occasion, but used before the Judicial Committee of the Privy Council.

(*Mr. Hannen.*) Our arguments have all been conducted on this occasion on the assumption that that was all present to your Lordship's mind.

(*The Dean of the Arches.*) I did not make that observation in the way of finding fault with you, but rather for the purpose of clearing my own mind, and of ascertaining that it was not used in this case, but before the Privy Council.

(*Mr. Hannen.*) Yes, and I think it was used in the last case before your Lordship.

My friend's contention is, that because there was no change made, in the manner contemplated by the statute, which gave continuing force to the canons, therefore they ceased to have operation at the death of the King, and I referred your Lordship to a principle well known in law, namely, that when a thing is given upon a condition, possible at the time, but which is impossible afterwards by the act of God, the effect of that is to discharge the condition, and the thing remains positive.

(*The Dean of the Arches.*) I remember you cited Touchstone for that.

(*Mr. Hannen.*) Yes, and I am anxious now to give your Lordship the reference to the passage.

(*The Dean of the Arches.*) I will find that part of your argument in my notes and insert the reference.

(*Mr. Hannen.*) It is at page 133 of Shepherd's Touchstone. "And if the thing be done by the con- "dition be possible at the time of the making of the "condition, and do afterwards by the act of God "become impossible, the condition has become void "and the estate absolute." Then it gives a variety of instances: "As if a feoffment to be made, on con- "dition that the feoffee shall before Easter following "infeoff the feoffor, and the feoffee die before the "day," [which is the case supposed here, *i.e.*, the death of the King] "or on condition that the feoffee "shall appear in such a court before or at Easter, and "he die before the time, in these cases the condition "is gone and the estate is absolute." Of course that principle of law is entirely consonant with good sense; for if a thing is to remain until such a thing is done, and it afterwards becomes impossible that that thing should be done, then the thing remains freed from the condition imposed upon it, although of course it can be altered by subsequent law. These canons, then, were to remain in force as the law of England until something was done which was not done, and could not be done, and therefore they remained in force absolutely.

Now that being the position of a priest at the beginning of the reign of Edward VI., he would necessarily have continued to use the services with all the accustomed ornaments of the altar just as they had been; he would have known no other mode of celebrating the service than that which was in existence then.

The next thing that occurred in the first year of Edward VI. was the issue of the Injunctions. By those Injunctions undoubtedly alterations were made. With regard to the one specific Injunction with which we have now to deal, while he would have removed the candles from before the shrines, and while he would have removed the other things that are condemned by that Injunction, he would have found himself enjoined to retain, as they had been up to that time always, as a matter of course, the two candles upon the high altar.

Now, with regard to the character of these Injunctions and what their force is (which is the point upon which I was addressing your Lordship when we broke off yesterday), I venture to submit that the true character of those Injunctions is this: that it must be plain there was a perfect understanding and belief on the part of those who advised the Crown upon such subjects at that time, that the King had power to issue Injunctions by virtue of his supremacy. And I say I think that clearly must be the case because we find——

(*The Dean of the Arches.*) Wait one moment; that would be by virtue of his general supremacy you say?

(*Mr. Hannen.*) Yes, certainly; I was going to show in what way. But that there was that belief seems to be clear, because the Injunctions of Henry VIII. were issued before the Act giving the force of Acts of Parliament to proclamations. Henry VIII.'s Injunctions were issued in 1536, and the Statute of Proclamations, being the 31st Henry VIII., would be 1539. But it did not rest, as we know, on the supremacy of the King alone. Whatever might be the powers which the King possessed by virtue of his supremacy, Parliament had legislated upon the subject, and it had not been left to a mere vague surmise what might be the extent of the power of the King by virtue of his royal supremacy; but these Injunctions of his were issued, as your Lordship observes, after Parliament had legislated upon the subject; by which it is perfectly plain it was intended by Parliament to give to the King some large powers, expressed indeed in general language; but it is obvious it was the intention of the Legislature to give to the King some jurisdiction and power which it was desired to clothe in as large words as possible.

(*The Dean of the Arches.*) What statute are you now referring to specifically as giving those large powers?

(*Mr. Hannen.*) To the 26th Henry VIII. cap. 1, which has already been referred to by your Lordship, and which I only mention as part of the general argument I am addressing to you. It is very short, and therefore I do not think I should be unduly taking up your Lordship's time if I read it to your Lordship again. It is in the folio edition—"An "Acte concerninge the Kynges Highness to be "supreme heed of the Churche of England, and to "have authoryte to refourme & redresse all errours, "heresyes, and abuses yn the same. Albeit the "Kynges Majestie justely and rightfully is and "oweth to be the supreme [heed] of the Churche "of England, and so is recognysed by the Clergy of "this Realme in theyr convocacions; yet nevertheless "for corroboracion & confirmacion thereof, and for "increase of vertue in Christis Religion within the "Realme of England, and to represse and extirpe all "errours, heresies, and other enormyties & abuses "heretofore used in the same: Be it enacted by

" auctorite of this present Parliament, that the Kyng, " our Soᵛaign Lorde, his heires and successours, " Kynges of this Realme, shalbe takyn, acceptyd, " and reputed the onely supreme [heed] in erthe of " the Churche of England callyd Anglicana Ecclesia, " and shall have & enjoye annexed and unyted to " the Ymperyall Crowne of this Realme, as well the " title and style and successours, Kynges of this " Realme, shall have full power and auctorite frome " tyme to tyme to visite, represse, redresse, reforme, " ordre, correct, restrayne, and amend all such errours, " heresies, abuses, offences, contemptes, and enor- " myties what so ever they be, whiche by any " maner spirituall auctoryte or jurisdicc̃on ought or " maie lawfullye be encrease of vertue yn Chrystis " Religion, and for the [conservacy] of the peace, " unyte, and tranquylyte of this Realme, any usage, " custome, foreyne lawes, foreyne auctoryte, prescrip- " cion, or anye other thinge or thinges to the con- " trarie hereof notwithstandinge."

(*The Dean of the Arches.*) This was in 1534.

(*Mr. Hannen.*) In 1534. Your Lordship observes it not merely recites that the King is rightfully supreme head of the Church, but it goes on to give him these large powers in connexion with that position ; it gives him power to visit, reform, and order from time to time.

(*The Dean of the Arches.*) Will you tell me what the date of the first Injunctions of Henry VIII. was ?

(*Mr. Hannen.*) 1536.

(*The Dean of the Arches.*) Then that would be two years after that ?

(*Mr. Hannen.*) Yes, two years after that. The King assumes, your Lordship observes, a power which had never before been exercised. Now, when we are dealing with the question of the validity of the acts done by the royal authority 300 years ago, which I shall show has been recognized as valid not merely by individuals but by Parliament itself ; if you find that there is a general power conferred by the Legislature upon the Crown in large terms, and after that you find an act done by the Crown which is in harmony with those large powers which have shortly before been so conferred, is it reasonable to doubt that that power had been given with the understanding of those who had to draw up such an Act as this, and who had to advise the Crown upon the subject—is it reasonable to doubt that under the powers so conferred by the Legislature the Crown was purporting to act ? I say it would be unreasonable, therefore, to seek for or to require that any more specific authority should be found for the exercise of such a power as this.

(*The Dean of the Arches.*) I suppose your Injunctions would come under the term " order."

(*Mr. Hannen.*) Yes, my Lord, always bearing in mind what is the theory upon which the English Church is established—not that it has introduced new forms or new doctrines, but that in all it has done it has only sought to go back to that which was the original and primitive Church. Therefore, when it is recited that the King is the supreme head of the Church, and has power to reform and order, it means according to his lights he has power to make such order as shall restore to the Church the primitive form and order which are always supposed to underlie anything that has grown up, or that is to be corrected afterwards. It is the very theory upon which the Act is drawn that the King is the head of the Church, which has always been *one*, although in the growth of years the original truths, and the forms of the early Church, may have been overgrown by excrescences and things which it is desired to pare away.

(*The Dean of the Arches.*) That was very much the doctrine laid down in Cawdray's case, was not it ?

(*Mr. Hannen.*) Yes, my Lord. I say, therefore, here you have a statutable power sufficient for the purpose, and why is that to be rejected ?

But while I rely with confidence on this as being sufficient for the purpose, yet one can easily see why in the generality of the language used there might be thought to lie a necessity for further defining the powers of the King, or giving additional powers for the purpose of enforcing any orders which he might make ; because this is in general language, and only says that he shall have power to order. I say, under that he would have power to make all these Injunctions ; but then, it being desirable that the Crown should be armed with additional powers for the purpose of enforcing any Injunctions which might be made under that general power, the Act giving the proclamations of the King the force of Acts of Parliament was passed. That is, the 31st Henry VIII. c. 8 ; and it recites that the King had acted in his character as head of the Church by issuing various proclamations :—" Forasmuche as the Kinges most " royall Majestie or diverse consideracc̃ons by thadvise " of his Counsell, hathe heretofore sett forthe diverse " and sondrie his Graces proclamacc̃ons, as well for " and concerninge diverse and sondry articles of " Christ's Religion, as for an unytie and concorde."

(*The Dean of the Arches.*) That is not given in this ordinary edition of the statutes. It is the record statutes that you are reading from ?

(*Mr. Hannen.*) Yes, my Lord.

(*Mr. Stephens.*) I will hand up to your Lordship my copy of the folio edition.

(*The Dean of the Arches.*) I shall be much obliged. In the ordinary editions it is just mentioned, and that is all. The Act that immediately follows is a very singular one, " An Acte for the Kinge to make " Bishops."

(*Mr. Stephens.*) Yes.

(*The Dean of the Arches.*) It is a very curious Act, because by it all the new bishoprics were made. It gave power to the Crown to issue letters patent, and under those powers Oxford, Chester, Bristol, and all the new bishoprics were made. It was very much referred to in the Colenso case.

(*Mr. Hannen.*) My Lord, that Act recites what the difficulty was, that whereas the King had these powers, yet it was necessary to give additional powers for the purpose of enforcing them. " Forasmoche " as the Kinges most royall majestie for diverse con- " siderations by thadvise of his Counsell, hath here- " tofore sett forthe diverse and sondrie his Graces " proclacc̃ons, as well as for concerning diverse and " sondry articles of Christs Religion, as for an " unytie and concord to be had amongst the lovinge " and obedient subjects of this his Realme and other " his Dominions. And also concerning thadvance " ment of his comonwealth and good quiett of his " people, whiche nevertheless diverse and many fro- " ward, willfull, and obstinatt persons have wilfully " contempned and broken, not consideringe what a " Kinge by his royall power may doe, and for lack of " a directe statute and lawe to cohart offenders to " obey the saide proclamacc̃ons, wᶜʰ being still suffred " shuld not onlie encourage offenders to the dis- " obedyence of the precepts and lawes of Almightie " God, but also synn to muche the great dishonor of " the Kinges most royall Majestie, who may full ill " beare hitt, and also give to great hert and bold- " ness to all malefactors & offenders, considering also " that soden causes and occasions fortune many " tymes whiche do require speedy remedyes, and that " by abidinge for a Parliament in the mean tyme " myght happen great prejudice to ensue to the " Realme ; and weying also that his Majestie (whiche " by the kingly & regal power geven hym by God " may doe many thinges in such cases) shuld not be " driven to extend the libtye and supremacy of his " regall power and dignytye by wilfulness of his fro- " warde subjects ; it is therefore thought in manner " more then necessarie that the Kinges Highness of " this Realme for the tyme beinge, with thadvise " of his honorableCounsell, shulde make and set forthe " proclamacions for the good and politique order and " governance of this his Realme of Englande, Wales, " and other his Dominions, from tyme to tyme, for " the regall dignytye and thadvauncement of his

‘ comon wealthe and good quyett of his people, as ‘ the cases of necessitie shall require, and that an ‘ ordynarie lawe shulde be provided by thassent of ‘ his Majestie and Parliament, for the due punysh- ‘ ment, correcc̃on and reformac̃on of such offences “ and dysobedyences : Be it therefore enacted by “ auctoritie of Parliament,” &c. Therefore I say, it plainly sets forth what its object was, namely, to give additional power for the purpose of enforcing those things which the King already was assumed to have the power of ordering. Then it sets forth certain formalities which must be gone through for the purpose of inflicting the punishments which are prescribed by the Act.

I say, therefore, that while the King had the power of issuing the Injunctions by virtue of 26th Hen. VIII., if it was desired to punish those who disobeyed them under this Act, then it would be necessary that the formalities of this Act should be complied with ; and I say that when one sees how it was treated at the time, there can be little question as a matter of history that the Injunctions were issued, as I say they were, the original power to issue them being in the King by virtue of the royal supremacy, extended and armed by the 26th of the King for the purpose of speedy remedy against any who might disobey.

(*The Dean of the Arches.*) Your argument would take this shape, then, would it not, rather—that this Act you have now referred to was passed for the purpose of enabling the specific punishments to follow upon violation of the King’s order.

(*Mr. Hannen.*) Just so, that is the view I venture to present to your Lordship ; and I think when you look at it by the light of history, it is perfectly obvious that those who had the best means of knowing took that view of it. That explains what we find in Collyer with regard to Bishop Gardiner. He never says that the King has not power to issue the Injunctions; nothing of the kind ; all that he says is directed simply to this question : he was smarting under the exercise of the royal authority, having been sent to prison ; smarting under that he tries to find a reason why he ought not to be sent to prison, he having been sent to prison, I suppose, under this Act. Collyer commeuts upon his letter, summing up the objections. (I do not read his letter ; it is in 5 Collyer’s Ecclesiastical History, page 199, of the small edition.) “ The reason of Gardiner’s insisting so much upon the “ constitution both in this letter and some others “ to the Protector was because the religion professed “ in the late reign was established by law. It is true “ the King’s proclamation was in some cases made of “ the same force with an Act of Parliament; but “ then such proclamations were to be proclaimed and “ posted up by the sheriff or some other officer in “ market towns.” Now I venture to repeat—I believe it has been said by my learned friend—I venture to repeat there is no foundation for that objection which is set up by Gardiner. I will read the section directly, and your Lordship will see there is no warrant for it whatever. The validity of the proclamations is not made to depend upon whether they shall have been set up in the market-place by the sheriffs ; but it is an Injunction upon the sheriffs, disobedience to which subjects them to punishments ; and it was done for a very obvious reason, namely, that by putting up the proclamations in the market-place people should better know them. Of course it was necessary to take some steps for the purpose of making them known to the community at large; and therefore the sheriffs are ordered (but in no way is the validity of the proclamations made to depend upon that) to place them up in the market-places. The third section is the one which orders it : “ Furthermore be it enacted by the “ auctoritie of the present parliament, that to the “ extent the King’s subjects shulde not be ignorant “ of his proclamac̃ons, every Sherief or other officer “ and mynister to whom any suche proclamac̃on shal “ be directed by the Kinges, directed by the Kinges “ writt under his great seal, shall proclayme or cause “ the same to be proclaymed within fourtené days “ after the receipt thereof, in four severall markett “ townes yf there be so manye, or els in sixe other “ townes or villages within the lemytts of their “ auctoritie ; and they to cause the said proclamac̃ons “ to be fixed and sett upp openly upon places conve- “ nient in every suche towne, place, or village, upon “ payne and penaltie of suche some & somes of money “ or imprisonment of bodye as shalbe conteyned in “ the saide proclamac̃on or proclamac̃ons.” Therefore that, as I say, is only an injunction upon the sheriff. It does not say that the proclamation is not to have force unless that is done. Of course if the proclamation is brought to the knowledge of anybody in any other means than by its being set up in the market-place by the sheriff, it would be binding upon those persons to whose knowledge it is brought home. The whole force of this clause is exhausted by treating it as a direction to the sheriffs as to what they are to do.

(*The Dean of the Arches.*) There is one difficulty I feel about this Act, and that is making it apply to injunctions in spiritual matters. I mean there is no reference in the preamble to such a thing.

(*Mr. Hannen.*) The only thing I can direct your Lordship’s attention to upon that is——

(*The Dean of the Arches.*) The words “ sundry “ articles of Christ’s religion,” I suppose you mean ?

(*Mr. Hannen.*) Yes, and the King’s supremacy.

(*Mr. Stephens.*) I believe I stated to your Lordship that the penalties in the Proclamations Act were fine and imprisonment, but in the Injunctions they were of a spiritual character.

(*The Dean of the Arches.*) You did so.

(*Mr. Hannen.*) Yes, that is what I say. It was for the purpose of giving additional power to the Crown to punish.

(*The Dean of the Arches.*) You see, Mr. Stephens, that would rather hold with Mr. Hannen’s argument. His argument is, Gardiner was imprisoned under the provisions of this Act. Gardiner remonstrated, saying that the formalities required by the Act under which he had been put in prison had not been complied with. He did not say the Injunctions were *per se* invalid, but that the punishment inflicted for contravention of the Injunctionswas invalid. You will deal with that by-and-by, but that is what I understand to be Mr. Hannen’s argument.

(*Mr. Hannen.*) That is the summary of my argument. This was intended to give an additional power to the Crown, for the purpose of enforcing the Injunctions which it had power to issue under the Supremacy Act.

(*The Dean of the Arches.*) You were going to show me something else, showing that it might have regard to spiritual matters. I think you were alluding to this, that it refers to “ proclamations set out as “ well for and concerning Christ’s religion,” &c.

(*Mr. Hannen.*) Yes ; I thought there was a stronger provision in it than that; but that no doubt was in my mind. Your Lordship observes it is dealing plainly with such things as the King had done as supreme head of the Church. It says, “ Divers “ and sundry articles of Christ’s religion.” I say that those words are large enough to include, and were intended to include, the Injunctions he had issued in the year 1536.

Now it is right I should not pass over another observation which has been founded upon this statute. My friend has said that they were to be issued under the Great Seal. Undoubtedly it may be said that Proclamations are (and there is no doubt they are) usually under the Great Seal. No doubt that is the ordinary and accustomed way of evidencing the Royal will ; it is the ordinary and accustomed way of showing that the King has exercised the power which is in him. But if it be conceded (as for the purpose of this part of my argument I shall assume it must be) that the King had power to do it, then it becomes a question of fact whether he has made proclamation of such exercise of his will. There is no absolute

rule of law which says that the King cannot make his will known in any other way than under the Great Seal. Undoubtedly under this section which I have read, in order to take proceedings against the sheriff, it might be necessary to show (in order to make out that he had subjected himself to any punishment for an offence) that the proclamation had been directed to him by the King's writ under the Great Seal, which no doubt would command him to do that which he is required to do under this section, namely, to place up these proclamations in the market-place. But, my Lord, the proclamation was something different from the writ by which the sheriff was commanded to set it up. And in the nature of things, if the King had power to issue Proclamations and make known his will to his subjects, it becomes a matter of evidence whether he really has declared his will in a formal manner, and if he has so declared his will then that will fulfil all the conditions required by this section.

Now I won't trouble your Lordship by going through an examination whether or not the formalities which are required by this statute in the case of the King being a minor were fulfilled. That subject has been treated by Sir John Dodson in his judgment in *Westerton* v. *Liddell*, and I do not know that anything more can be done upon that subject, unless it be to make such search as would satisfy the inquiry as to what were the particular offices which all the persons held who signed those Injunctions. I believe that never has been done yet; but when you find——

(*The Dean of the Arches.*) His argument was that the formalities had been complied with.

(*Mr. Hannen.*) Undoubtedly.

(*The Dean of the Arches.*) Your argument would hardly require that, would it?

(*Mr. Hannen.*) Yes, my Lord, in this part of the case I admit it would, because in the case of a minor, in order to have the benefit of the Act of Proclamations, it requires that certain formalities should be gone through. Therefore I cannot shrink from admitting that it would be necessary, in order to show that a minor king had the power to issue, or lawfully did issue, proclamations, it would be necessary to show that he had complied with the conditions mentioned in the 8th section, which is this: "Be it enacted that "if the King deceasse (whose lyfe God longe pre- "serve) before such time as that person wh^{ch} shal "be his next heire or sucessor to the Imperiall Crowne "of this Realme, shall accomplish and come to the "age of eightene yeres, that then all and singuler "proclamac̃ons which shalbe in anywise made and "set forthe into any parte of this Realme or other "the Kinges Domynions by vertue of this Acte, with "the foresaide yeres of the saide next heire or suc- "cessor, shalbe set forthe in the successors name then "being Kinge, and shall emport or bear underwritten "the full names of such of the Kings honorable "Councell then beinge as shalbe the dehisors or "settors forthe of the same wh^{ch} shalbe in this case "the whole nombeer afore reherced, or at the lest the "more parte of them, or els the proclamac̃ons to "be voide and of none effect." Therefore I admit that in this case of a minor king, it is necessary—that is to say, for the purpose of inflicting the punishments mentioned in the Act, for example the imprisonment which Gardiner suffered—that the King's Council or the more part of it should sign.

(*The Dean of the Arches.*) As far as that is concerned you say that the sheriffs cannot be punished without it. The proclamation is valid; but the sheriff could not be punished if it had not had the proper formalities performed.

(*Mr. Hannen.*) Precisely. Let us suppose a proclamation sent to the sheriff by King Edward, not signed by the proper number of the council. The sheriff would be entitled to say, "First of all you must "show that the proclamation is valid, and secondly, "you must show that it is brought to my knowledge "in the proper way required by the Act." But I do not think that it could be disputed in this case; because when you find that out of 25 persons, 13 (therefore the more part of them) signed with the King, of whom it is known for certain that nine or ten of them were members of the Council, it seems unreasonable that it should be suggested that the act of the King had not proper authority because it is not exactly known what offices the other persons filled. And I say that with more confidence when one observes the very fine objection——

(*The Dean of the Arches.*) It is eleven according to Sir John Dodson's judgment. "Thus we have "eleven or rather twelve if both secretaries are to be "counted, of the officers required under the Procla- "mation Act."

(*Mr. Hannen.*) Yes, because your Lordship sees they did not sign their names with their office, but they merely signed their names. But what I say is this, that when one sees that Gardiner, who was so much interested in disputing the validity of these Injunctions, having been sent to prison because he would not accedeto them, took such a futile objection as that they had not been published in the market-place, but does not take the other objection—the thing which would be so peculiarly within his own knowledge—for of course he would know who these people were, and might have said, "Why, the proper number "of the Privy Council have not signed these Injunc- "tions with the King, and therefore you are not "entitled to exercise the powers which that statute is "supposed to give."

(*The Dean of the Arches.*) The argument is this, that Gardiner himself did not take this objection which in point of fact Mr. Stephens took, founded upon the 8th section, namely, that the proper number of councillors had not subscribed.

(*Mr. Hannen.*) He did not take it, and I was saying that that would be a thing so peculiarly within his own knowledge if it were the fact. And, notwithstanding the industry which my friend has exhibited in this case, it is a fact which is so peculiarly beyond his knowledge what the particular offices these persons held at the time were, that I think when we are dealing with a subject now some 300 years old, it would be more reasonable to apply the maxim, all things are presumed to have been rightly done, than to presume the contrary, and assume the invalidity of these Injunctions.

(*The Dean of the Arches.*) It certainly would appear the Privy Council treated these Injunctions as valid.

(*Mr. Hannen.*) Yes, and I think when we are dealing with such small matters as these, there is an all-sufficient reason that we should so treat them, and it is this—that soon after these Injunctions were issued they were believed to confer powers under which a great dignitary of the Church was sent to prison; and when we see that these Injunctions are expressly referred to in the Prayer Book as valid (that Prayer Book being incorporated with and forming part of the Act of Uniformity), I think really if there ever was a case in which one might say that it was unreasonable to advance such objections as have been brought against these Injunctions, this is the case. Because my friend is not entitled to treat that mention of the Injunctions in the Prayer Book as he has done, as being merely a sanction of a particular Injunction. We did not use it for that purpose, we use it for the purpose not of setting up particular things, but of showing that the Injunctions, as the King's Majesty's Injunctions, having some force, were recognized by the Legislature; and any form of expression by which the Legislature recognized the existence of enactments supposes those enactments as a binding law. Because the Legislature has the power to make it, and by saying that it is so, is like a declaratory Act—it estops anyone from denying that that which the Legislature has treated as valid, is so.

(*The Dean of the Arches.*) Then if so, when did the power to issue such Injunctions on the part of the Crown cease? After the Statute of Uniformity was passed?

(*Mr. Hannen.*) My Lord, I have not considered that; I cannot answer the question what has put an

end to it. But the reason why I excuse myself for not having considered that more fully is this. I say that if it has been been put an end to, it has been by some legislation subsequent to the time to which we are compelled, by the necessities of this case, to direct our attention.

(*The Dean of the Arches.*) Yes, if it has been. It opens up a very large question, because the authority of the Crown to order certain forms of prayer for fasting, and so on, to be read, and in regard to questions of that kind, is said to depend upon that rubric —"Nothing shall be published in the Church except "it be ordered by the Crown or the Ordinary."

(*Mr. Hannen.*) That would be in perfect harmony with the argument I have addressed to your Lordship.

(*The Dean of the Arches.*) It would. I am only following out your argument; it has some bearing upon the question.

(*Mr. Hannen.*) It has, and I am much obliged to your Lordship for reminding me of that, which I think I can make use of much in my favour. I cannot say why that power of the Crown has been put an end to, or how it has been put an end to; but that rubric would recognize the power of the Crown to issue and make such Injunctions, and what did the Crown derive that power from? Why, I say, from the Supremacy Act.

(*The Dean of the Arches.*) Of course nobody would contend that the Crown could have any power to issue Injunctions at variance with the Act of Uniformity.

(*Mr. Hannen.*) Of course not, my Lord. The Crown could not have any authority to issue enactments at variance with the Legislature.

(*The Dean of the Arches.*) The power to issue a prayer of fasting or thanksgiving, as far as I know, rests upon that authority which I have referred to.

(*Mr. Hannen.*) Your Lordship remembers the recent alteration——

(*The Dean of the Arches.*) No, that was made by the authority of Convocation. It is *res ecclesiasticæ*, and the Crown gave Convocation liberty to discuss that question, and they discussed and passed a canon.

(*Mr. Hannen.*) Yes, and I believe the Crown confirmed it by Order in Council.

(*The Dean of the Arches.*) I do not think that was the form; it may be so. However, if it was, it would not apply to this case, because there is no question, according to the law of this land, Convocation can, with the consent and assent of the Crown, make a canon binding on the clergy alone without the consent of Parliament, provided that canon is not at variance with the common law of England and the statute law.

(*Mr. Hannen.*) Quite so, my Lord. I was only considering the matter with reference to the power which the Crown exercised, and it did, I think, exercise that power in that case by an Order in Council. I did not apply my mind to that, because it did not occur to me the way in which it could be made use of until your Lordship made the suggestion. I had confined myself perhaps too exclusively to the question whether or not there was anything to make these Injunctions of binding force at the time at which they were issued.

(*The Dean of the Arches.*) Is not the truth this, that the prerogative of the Crown was very undefined in those days, and that the gradual moulding of the constitution has brought it to the limits in which it now is.

(*Mr. Hannen.*) No doubt that is so, and that is the view Sir John Dodson takes. No doubt the powers of the Crown were undefined, and no doubt those two statutes were statutes which were intended to give——

(*The Dean of the Arches.*) I forget at this moment whether there is an Act of Philip and Mary which repeals these Injunctions, and that Act a repealing Act unrepealed? Perhaps your junior will just look to that point. It may be that they were repealed by an Act of Philip and Mary, and that the repealing Act is unrepealed.

(*Mr. Hannen.*) No, my Lord; the Injunctions were never repealed; they were never touched; nothing was said about them. But my friend has stated the reason why. I am not so conversant with these things as some of those who are with me; but the reason why I venture to submit that that was the reason why is this, that the repealed statute of Mary, which entirely set up again the Church as it existed in the last year of the reign of Henry VIII., of course superseded all Injunctions which were inconsistent with that, as well as it superseded all Acts of Parliament which had been passed upon the subject. That indeed made a *tabula rasa* of all that had been done since the last year of Henry VIII. I am reminded that Elizabeth also issued her Injunctions, which must have been under the Supremacy.

(*The Dean of the Arches.*) Yes, that is a very good answer no doubt if those Injunctions were valid; and that she issued Injunctions there is no doubt as a matter of fact.

(*Mr. Hannen.*) That is the argument I present to you upon the authority of the Injunctions. I say it results from this consideration of the subject that these Injunctions had doubly the authority of Parliament; they had the authority originally derived from the Act of Supremacy, and they had the authority which they derived also from the Statute of Proclamations, which was passed for the purpose of enforcing their observance by means of the punishment, if necessary, of imprisonment of those who disobeyed them.

Well, my Lord, if that be so, it brings us to this point, that these Injunctions being the first act of the sovereign during his reign by which any change was made in the observances which had the force of law, up to the time of his coming to the throne, I ask your Lordship to put yourself in the position of a priest of that time having to celebrate Divine service and the Sacrament. He finds a distinct order that he is to retain upon the altar the two candles, to signify that Christ is the light of the world. Then what is the next act? I pause here, my Lord, merely to mention by the way, that we find the next act of authority to be that of Cranmer's Injunctions, in which he makes a distinct inquiry whether or not these Injunctions of the King had been complied with, and whether the two lights had been left upon the altar. Then we come to the Statute of Uniformity.

Now putting ourselves in the position of a priest of that time, who has up to that time undoubtedly always had the lights upon the altar, who has been enjoined by the King to have the lights upon the altar, who has been enjoined by the bishop to have the lights upon the altar, he then finds a statute and a Prayer Book come into operation which make no mention whatever of lights upon the altar. It has been said, notwithstanding, that he was to find in that statute and in that Prayer Book an order (having the force of law and making it an offence for which he is liable to be indicted and punished if he take them away) to take those lights away.

(*The Dean of the Arches.*) You say the contention of the other side is, that he is to find in the silence of the Act an order to take them away, although that Act refers to the Injunctions.

(*Mr. Hannen.*) Precisely, my Lord, although that Act refers to the very instrument which compelled him, whatever might be his desires, and although he might be one of those who desired to "run ahead" and introduce novelties into the service, to retain these candles—for up to that time he would have to obey those Injunctions. And yet it is said that he is to find in the silence of the Act of Parliaments and the Prayer Book (as your Lordship has put it) a punishable offence if he should leave those candles still burning. My Lord, I say there never was anything more unreasonable than such a construction of these statutes. And it is to be remembered that the only argument that is set up is that they were impliedly taken away; that because the reservation of the Sacrament was done away with, they were by implication abolished. My Lord, I won't travel over that ground because the authorities have been collected with great industry by others, and of course it is a subject which can only

be dealt with by those who can devote great knowledge of the special subject to the matter. That knowledge has been applied to it, and I think that the result will be your Lordship will come to the conclusion that there is no foundation whatever for the bare assertion that those lights had anything whatever to do with the reserved Sacrament.

My Lord, on this occasion I ought not to pass over one other rubric in the First Prayer Book. Of course I shall not go through the different rubrics which have been referred to, but there is just one which is so striking that I cannot forbear calling your Lordship's attention to it once again, when we are dealing with the question whether or not it was made by that Act of Parliament incorporating the Prayer Book an offence to leave the two lights burning because they are not mentioned. Is it not a most striking thing that there should be no mention made of the fair linen cloth—no rubric in the First Prayer Book directing any covering for the altar? And, my Lord, the arguments of my friends on the other side must go the length of saying that is was an offence to have the fair linen cloth.

(*The Dean of the Arches.*) Just look at the rubric, if you have got it under your eye.

(*Mr. Hannen.*) The rubric is, "Upon the day and "at the time appointed for the ministration of the "Holy Communion, the priest that shall execute the "holy ministry shall put upon him the vesture ap- "pointed for that ministration, that is to say, a white "albe plain, with a vestment or cope. And where "there be many priests or deacons, there so many "shall be ready to help the priest in the ministration "as shall be requisite: And shall have upon them "likewise the vestures appointed for their ministry, "that is to say, albes with tunicles. Then shall the "clerks sing in English for the office, or introit (as "they call it) a psalm appointed for that day. The "priest standing humbly afore the midst of the altar, "shall say the Lord's Prayer with this collect."

My Lord, I hope I am not making a mistake (my friend will correct if I am making a mistake), but I know nothing in the First Prayer Book which makes any allusion whatever to the fair linen cloth.

(*The Dean of the Arches.*) No. The rubric I wished to call your attention to in the first Prayer Book is this: "Then shall the minister take so much bread "and wine as shall suffice for the persons appointed "to receive the Holy Communion, laying the bread "upon the corporas, or else in the paten." That may help your argument, or it may not; but at present it appears there is a specification of a particular cloth—the corporas.

(*Mr. Hannen.*) I think that helps my argument; because I do not think it has been contended for a moment that the corporas is the cloth which covered the altar.

(*The Dean of the Arches.*) It is, as I believe, a cloth which covers the holy elements, its name rather indicating that.

(*Mr. Hannen.*) Quite so. Not the fair linen cloth.

(*The Dean of the Arches.*) Then why was the bread to be placed upon it? You say that the natural order of things would be that the corporas should be placed over the bread would not it?

(*Mr. Hannen.*) I am informed, my Lord, that the bread is and always has been put upon the corporas, under the Roman form.

(*Mr. Droop.*) Perhaps your Lordship will allow me to mention that, according to the Roman Missal, there are three cloths at present, and not one cloth only. I am not quite sure, but I think there is more than one according to the Sarum Use.

(*The Dean of the Arches.*) This particular corporas I suppose we shall be agreed is generally the cloth which covers the elements.

(*Dr. Deane.*) There is a perfectly clear distinction ecclesiastically between the corporas and the cloth which covers the table, things which it is perfectly impossible to confound, I should have thought. And the three cloths my friend has spoken of are not the corporas or the linen cloth, but the three cloths so much discussed in Westerton *v.* Liddell.

(*The Dean of the Arches.*) I suppose the fair linen cloth is one thing and the corporas another. I want to see whether the rubric tells for or against you. As a matter of fact it does mention the linen cloth in the rubric.

(*Mr. Hannen.*) Then, my Lord, I say that tells in my favour; because if one thing is mentioned and the other thing is not mentioned, the argument ought to be, according to my friend's contention, that the other thing is forbidden, and therefore the fair white linen cloth would have been forbidden during those years.

(*The Dean of the Arches.*) Of course, if it is once admitted that those two things are distinct, and that the fair linen cloth was necessary for the service, then your argument has force.

(*Mr. Hannen.*) Yes, my Lord. And can it be for one moment contended (bearing in mind the progress of events as I have ventured to depict them), that whereas the priest had all his life celebrated divine service with all the accessories of the altar, he was to find in the silence of the rubric of the Prayer Book and the statute, that everything he had known of the accessories of the altar was swept away, and that he was liable to be punished if he retained them. It is obvious now, construing the Rubrics of the present Prayer Book by the light of the judgment of the Privy Council (as of course we are bound to do), that the requirement of the fair white linen cloth upon the altar was intended to limit and be restrictive. All that had existed before, of course, was authorized under the previous Prayer Book. Then the Privy Council read it in this way,—as a prescription that it is to be a fair white linen cloth, by which it is meant that it is not to be other than a fair white linen cloth. It is not to be ornamented with lace, for instance.

(*The Dean of the Arches.*) It is to be without fringe and so on.

(*Mr. Hannen.*) Yes, my Lord. Therefore I say these rubrics of the subsequent Prayer Book, construed in the light of that judgment, are in restraint of what was ordered before. But the fair white linen cloth was always to be there, although at the time of the First Prayer Book it would have been probably a somewhat ornamented cloth, such as would have been in use under the Roman ritual.

(*The Dean of the Arches.*) I should presume this to be the corporas which is mentioned in the existing Prayer Book in the following Rubric:—"When all "have communicated the minister shall return to the "Lord's table, and reverently place upon it what re- "maineth of the consecrated elements, covering the "same with a fair linen cloth." That would be what the corporas was for.

(*Mr. Hannen.*) That is the corporas, no doubt; that defines its office. Therefore, my Lord, throughout, the distinction between the two is clear, and that lends strength to my argument. There are other things in a similar position, other things that are not mentioned in the First Prayer Book, and which, it must be supposed, were abolished by implication, if my friend's contention be the true one. I only single out that instance, because if there be one it is as good as many, and that seems to be a most striking one. It seems to be one upon which I scarcely think my friends will venture to say that there had been interference by Legislature under the first Act of Uniformity. With regard to the subsequent practice, I won't travel through that ground. I have only to add this one note in passing, that I observe my friend Mr. Coleridge, in the last case, seemed to think that what was done in the college chapels could not be drawn into a precedent, because he said they were in the nature of private chapels, and therefore need not come within the purview of that Act. But your Lordship will see that was not so; they were regarded as public places of worship by the 2nd and 3rd Edward VI. I refer to that as showing that it cannot be said that the college chapels are private places of worship, because

it says, "And for the further encouraging of learning " in the tongues in the universities of Cambridge & " Oxford, to use and exercise in their Common & " open prayer in their chapels, (being no parish " churches), or other places of prayer, the matins, " evensong, litany, and all other prayers, (the Holy " Communion, commonly called the Mass, excepted,) " prescribed in the said book in Greek, Latin, or " Hebrew; anything in this present Act to the con- " trary notwithstanding." That recognizes them as places over which the Legislature intended to have control.

(*The Dean of the Arches.*) It makes exception in their favour.

(*Mr. Hannen.*) It makes an exception in their favour. Therefore what was done there must be taken as much as evidence of what was intended to be the law as what was done in parish churches. My Lord, I should have finished all that I had to say upon the specific charges in this case, if it were not that I wish to add one thing which I have an opportunity of adding, which did not occur to Dr. Deane at the moment, although he had mentioned it before. It is a single enforcement of the remarkable argument which he addressed to your Lordship yesterday upon the question of blood and water being referred to as blood only in the Scriptures. It is a very remarkable thing. I have ventured to say that the broad distinction between the argument on the one side and the other is whether or not you may refer to usage to explain that which in itself is not explicit. My friend has referred to these very remarkable passages; but now let us see how we may collect from them an argument in favour of the value of usage. St. Paul states that Moses sprinkled the people with blood and water. He says that Moses did so; and he afterwards speaks of it as "blood." Now when you refer to the passage to which St. Paul is referring, you find it stated (24th Exodus, 6th chap., 8th verse), "And Moses took the " blood, and sprinkled it on the people, and said, " Behold the blood of the covenant which the Lord " hath made with you concerning all these words." So that that which Moses speaks of as blood alone St. Paul says was blood and water, by which he manifestly shows that these words of Moses were always interpreted by the light of usage, because it was known by St. Paul and those whom he addressed that, whereas Moses spoke of blood alone, yet the usage and practice always had been to mix water with it. I say that the most valuable commentary we can have upon the value of usage is that which I find here in an exactly similar case, where you have to put your interpretation upon the meaning of the word "wine," considered by the light of that usage which we know prevailed; and it must be taken as in this case it was taken to mean, a mixture with water.

Those are the observations I desire to make upon the particular charges. I have only a very few words to say upon the general question. It is to be remembered that this inquiry might have been made in a criminal court. If my learned friends are right, this is an act for which the Defendant in this case might have been indicted, and therefore it is to be remembered throughout that the *onus* of proof lies entirely upon my friends. I mean not only the *onus* of proof, but the burden lies on them of establishing that an offence against the law has been committed. Wherever there is anything doubtful the doubt must of necessity be given in favour of the Defendant in this case; wherever there is obscurity, it is my friend who has to make that clear, and establish that words in themselves ambiguous, and which on the face of them are at first sight ambiguous, can on being examined have no other reasonable meaning than that which he puts upon them. For unless he establishes that, then he is not entitled to say that an offence has been committed against the law.

Then, when you look at the nature of these charges, remembering also that we are entirely free from any question of doctrine, and that we are entirely free from any question of significance—not that the significance of the particular act that I have dwelt upon, namely, the lighted candles, need be shrunk from; but what I mean is, remembering that the particular question in this case is not the meaning of the candles, but whether the fact of having them there be an offence against the law—it seems to me, from the way in which the criminal law is always administered in this country, it is impossible for my friend to establish that there has been anything done which has brought the Defendant within the meshes of the law. The statement that he has committed an offence by having candles there when there was no need to give light has no more weight, apart from any intention (which is not alleged), than if it had been alleged that he had fires lit in the stoves of the church when the day was not cold. It is precisely as though a charge had been framed that at Christmas he had the church decorated with holly. It must go that length. If these ornaments of the church are illegal, it must follow that if nothing but what is mentioned is authorized by law, then also decorations—anything that is not, according to the judgment of the Privy Council, actually fixed in the architecture of the church itself so as to come within the description of an architectural ornament—every other decoration if left there constitutes an offence on the part of the clergyman sanctioning it. My Lord, I venture to submit that that cannot be. I have said that I do not shrink from the question of the effect or the particular signification that candles have, it cannot be for one moment contended that they are emblematical of any doctrine which has ever been characterised by the English Church as superstitious; they are only an emblem of the faith of Christendom, upon which all (differing as they may upon other questions of much or little importance) are agreed, and that which these candles are said to signify is indeed the truth—that Christ is the light of the world. So that it really is as though they would quarrel with a figure of speech, and that you are to find a crime in a phrase which may give some assistance to the minds of those who worship, when the thought passes across them, and a sin in an emblem which may lead into a higher train of thought; it is as though, I say, you were to quarrel with a figure of speech, and to find something superstitious in the simile in the passage—

> " How far this little candle throws its beams,—
> So shines a good deed in this naughty world; "

and as though we are to abstain from anything which conveys to our mind a spiritual meaning because there have been some things which have a spiritual meaning which has been denied by the Church, and which are particularly obnoxious to a particular party in the Church. I trust, indeed, there is room for both parties in the Church. Both of those parties are much to be respected; they are each of them furthering ends which each thinks to be the highest; but I do trust indeed that the arms of Mother Church are wide enough to hold them both in her embrace.

(*Mr. Charles.*) I appear with my learned friends, Dr. Deane and Mr. Hannen, in this case, and also with Dr. Tristram, and Dr. Tristram has intimated to me that it is not his intention, having addressed your Lordship in a previous case, to trouble you with any remarks in the present instance. Indeed, I place myself entirely in your hands whether I shall trouble you or not; because I feel the extraordinary length of detail into which those who have preceded me have unavoidably been led. If, therefore, your Lordship should intimate to me that you think no more public time can be usefully expended on the Defendant's case, I am ready to sit down at once.

(*The Dean of the Arches.*) I have no doubt the Court will hear you with great pleasure, Mr. Charles; if you can tell me that you have any remark additional to those which have been already pressed upon the Court, if you in any way think by a new reference, or by a new view of an argument already presented, you can assist the case of the defendants, I will hear you.

But if you really think after the very full argument, extending over, I think, 14 days, which this case has undergone, and to which, no doubt, you must be considered as having contributed (because it is not to be forgotten that those who do not always address the Court are well known as having assisted their leaders in the arguments which have been addressed to it), if you think that on the whole you could not make any contribution of serious value to the argument, I think you would do well not to address the Court. But I must leave it entirely to your judgment.

(*Mr. Charles.*) I am much obliged to your Lordship, and I will therefore in any remarks I have to make confine myself (and if I do not perhaps your Lordship will kindly stop me), to saying something which to the best of my belief has not been hitherto said.

(*The Dean of the Arches.*) Certainly, Mr. Charles, I shall be very glad to hear you.

(*Mr. Charles.*) The observations which I shall make will really be divided into two parts. I shall make nothing more than a few isolated observations upon the particular charges in this case, and they will be observations strictly supplemental to what has been already said. But before I sit down I want to address something more in the shape of an argument to your Lordship as to the meaning of the words "rites and "ceremonies" in the Acts of Uniformity themselves. My friend Dr. Deane yesterday informed your Lordship that he would deal with the meaning of those words in the Prayer Book, Canons, and Acts of Uniformity. He did to some extent deal with the meaning of those words in the Prayer Book and the Canons, but for some reason or other he did not say anything about the Acts of Uniformity. Therefore, before I sit down, I desire to have an opportunity of addressing a very short argument to your Lordship upon that point.

But before I do that, I will make the isolated remarks which I have referred to. With regard to lights, my friend Dr. Deane has used an argument to the effect that in the injunctions of Edward VI. the words "before the Sacrament" cannot mean before the reserved Sacrament, and one of the reasons which he gave to your Lordship for that contention was this, that the word "Sacramentum" is never applied except in a rhetorical manner, as in the well-known Roman Catholic hymn "Tantum ergo" to the reserved Sacrament, and I want to add two references upon that point. The one is to Lingard's History of the Anglo-Saxon Church, vol. 1, page 324, and the passage is this: "From the arrival of Augustine till the Refor- "mation the English name for the Eucharist was "the 'housel;' to administer the Eucharist was 'to "'housel;' to receive it was 'to go to the housel,' "or 'to be houseled.'"

(*The Dean of the Arches.*) It is like the expression in Hamlet,

"Unhouseled, disappointed, unanneal'd."

(*Mr. Charles.*) Just so; meaning a person who had not received the last rites of the Church. "Since the "Reformation the word Sacrament has generally been "substituted, but Sacrament does not adequately "supply its place." The other reference which I wish to give to your Lordship on this point is from Ducange's Glossary, which explains it thus: "Sacra- "mentum, sacrum missarum liturgia." Then follow some authorities which he gives in support of that definition of "Sacramentum." These two references I venture to add upon the question whether "Sacra- ment" can possibly mean the "reserved Sacrament."

Now I wish to say one or two words upon the injunctions. My friend Mr. Hannen has dealt with them, but he has not dealt with one portion of Mr. Stephens' reply. Mr. Stephens said, "For the purpose "of this part of my argument I may assume that the "injunctions were issued under the Proclamation Acts, and my friend said that the Act of Edward I. c. 12, having repealed those statutes, the injunctions fell along with the statutes. That is to say, his contention was that everything done under the statutes of Henry VIII., in accordance with which, for the present purpose, I say the proclamations were issued, fell, when the statutes themselves were repealed, and in support of that proposition he cited several cases. My Lord, I am not going through all the cases, I will only give you a reference to them. The cases seem to me to make out precisely the contrary position, and to establish that which I should have thought as a proposition of law too clear to need argument, namely, that as to transactions which are over, as to things which are past and done, the repeal of a statute can have no possible effect.

(*The Dean of the Arches.*) The contrary doctrine would lead to very awkward results.

(*Mr. Charles.*) Well perhaps it is hardly necessary to go into the authorities which he stated supported his contention.

(*The Dean of the Arches.*) Give me the references.

(*Mr. Charles.*) Steavenson *v.* Oliver (8 Meeson and Welsby) is the only authority I will refer to at all. The facts there were very curious. After the great war a number of persons were thrown upon the medical profession, who had no certificates from Apothecaries' Hall, but it was enacted by the 4th sec. of 6th George IV. c. 23., that every person who had exercised the office of a surgeon on board of Her Majesty's ships should be entitled to practise without a certificate from Apothecaries' Hall. That Act was to continue until the 1st of August 1826; and in Steavenson *v.* Oliver it was held that persons who held warrants prior to the 1st August 1826 were entitled to go on practising, although the Act which gave them the power to practise was repealed, or rather had expired. Baron Parke says in his judgment, at page 241: "Then "comes the question whether the privilege of prac- "tising given by the stat. 6 Geo. 4. referred to in the "replication, is one which continues notwithstanding "the expiration of that statute. That depends on "the construction of the temporary enactment. There "is a difference between temporary statutes and sta- "tutes which are repealed; the latter,"—that is, the statutes which are repealed—"(except so far as they "relate to transactions already completed under them) "become as if they had never existed." My Lord, the rest of the judgments are to the same effect entirely, and I could cite half a dozen authorities to the same effect.

Another point Mr. Stephens made was this: we said these Injunctions are mentioned in the First Prayer Book, and therefore they obtained an authority which they otherwise would not have. If that is so, my friend said, the mention of the canon at the close of the baptismal service lets in the whole body of canons; but he added, in the case of Middleton *v.* Croft (2 Atkyns) it was decided that the body of the canons are not binding.

(*The Dean of the Arches.*) It was decided that they were not binding upon the laity.

(*Mr. Charles.*) That they were not binding on the laity. Indeed when I come to look at the case of Middleton *v.* Croft, it really does not bear upon this at all; it decides that the canons relating to clandestine marriages are not binding upon the laity. Well, but no canon relating to clandestine marriages is mentioned in the Prayer Book, and therefore it does not touch the argument at all to say that Middleton *v.* Croft decides that these canons are not binding on the laity. A better argument might be made respecting the 30th canon. It is mentioned in the Prayer Book, and therefore according to my contention has a vigour and authority over and above the rest of the canons. My answer, therefore, to my friend on that point is this: first of all, the mention of the canon is specific, and if it legalize anything, it is No. 30, and nothing else; whereas the mention of the Injunctions is perfectly general and legalizes the whole of them.

(*The Dean of the Arches.*) Recognizes, you mean?

(*Mr. Charles.*) Recognizes. Canon 30 is specifically recognized; the Injunctions of Edward VI. are generally recognized. I do not say they are all of them recognized, but so many of them as are pertinent to the Communion Service.

These are the remarks I have to make on the question of lights.

On the question of elevation I have very little to say, but I wish to direct your Lordship's attention to a single circumstance which accompanies the omission of the prohibition against elevation. In Mr. Stephens' opening in this case, he said that the reason the prohibition against elevation was dropped out was that between the issue of the two Prayer Books the Act of Uniformity and I suppose Protestantism generally, was becoming better understood, but he gave us no proof at all of that. My contention is rather this, that it was dropped out of the book because of the irreverence which its insertion had occasioned ; and in support of that view I will refer to this singular circumstance—at the same time that it was dropped out of the Prayer Book the reverential rubric, insisting upon the laity kneeling was introduced. Therefore I say both these two things had the same object —the elevation being prohibited people used to come to church and really not know when the act of consecration was going on ; and in order to check the involuntary irreverence which arose from such ignorance——

(*The Dean of the Arches.*) You mean the first order as to kneeling, in the Second Prayer Book.

(*Mr. Charles.*) Yes, my Lord. It is a very remarkable thing. In order, I say, to check the irreverence, which was probably involuntary——

(*The Dean of the Arches.*) You say that the order was to check the irreverence which ensued on the prohibition of elevation ?

(*Mr. Charles.*) That is my argument.

(*The Dean of the Arches.*) It is capable of quite another light,—that after the elevation had been once forbidden it had been wholly unpractised, and there was no necessity to repeat the prohibition.

(*Mr. Charles.*) It is capable of that construction no doubt ; but it is a remarkable circumstance that the prohibition against elevation should be omitted at the very time that it was found necessary, as I submit, for the decency of public service, to introduce a reverential rubric as to kneeling.

(*The Dean of the Arches.*) I see your argument.

(*Mr. Charles.*) Now I come to say one word upon the circumstance that the Lutheran church elevated, and continued up to the year 1797, I believe, to elevate the Host. I cannot carry it as far as 1797, but I can carry it far beyond anything like the Reformation period.

(*The Dean of the Arches.*) Well, give me some date. Say the beginning of the 18th century.

(*Mr. Charles.*) I can carry it to that extent. Now I need hardly remind your Lordship that a great many of our articles come from Lutheran sources ; and if you want authority for that, I will refer your Lordship to Lawrence's Bampton Lectures, 4th edition, pp. 234, 235, and 236. Therefore the practice of the Lutheran church is perhaps more important than the practice of any other foreign church ; remembering, too, that according to the 30th canon it is not the intention of the Church of England to forsake or reject foreign churches ; and of course the Church of Germany among others.

(*The Dean of the Arches.*) What is your authority for saying that the Lutheran Church continued elevation up to that date ?

(*Mr. Charles.*) I beg to refer your Lordship to the Codex Liturgicus, vol. 2, pp. 87, 110, 121, 123, 125, 155 and footnote, and 170 and footnote.

(*The Dean of the Arches.*) That is the book Mr. Droop referred me to.

(*Mr. Charles.*) I do not propose to read the passages. The general effect of them is this, that the practice of elevation was unquestionable and universal for some years. Then it became partial, and by this time it has disappeared. I have the extracts written out here, but it would take me some time to read them.

(*The Dean of the Arches.*) I will refer to them.

(*Mr. Charles.*) I wish to notice another very curious point with reference to the Lutheran service. The Lutheran liturgy, I am informed, contains no directions for manual acts, and yet they elevate the Host. Our Second Prayer Book contains no directions for manual acts ; in our Second Prayer Book the prohibition against elevation has disappeared. Why should not I be able to say that the condition of the English Church under the Second Prayer Book, with the liturgy but without manual acts, and with the prohibition against the Lutheran practice removed, is the same as that of the Lutheran Church with the liturgy but without manual acts, and in which the Host was habitually elevated.

I have only one observation to make on the 28th Article, if I may be allowed to make it. The 28th Article has been fully dealt with, and the result of the dealing with it has been, I trust, to convince your Lordship that it does not apply to what happens at consecration at all.

(*The Dean of the Arches.*) The wording of that Article is certainly remarkable. It is not an injunction or prohibition, it is a statement of fact ; it is a proposition of fact, "that by Christ's ordinance the Holy Sacrament was not reserved, carried about, "lifted up, or worshipped."

(*Mr. Charles.*) Precisely. Assuming, however, for the moment that it is more than a statement of fact ; assuming, secondly, that it applies to the time of consecration, although I would still say it refers to the reservation only and not to the time of consecration, and that it is a mere statement of fact——

(*The Dean of the Arches.*) You see the Council of Trent had said the opposite. They had said, "Everyone who does not say that these things are done by Christ's institution, is anathema."

(*Mr. Charles.*) Yes. And the article is a sort of rejoinder, a counterblast. But I say, assuming my friend's contention to be true, still that the lifting up which is prohibited here is a lifting up for the purpose of adoration. My friend Dr. Deane went so fully into the matter, that I need say nothing to prove that elevation does not necessarily mean adoration.

(*The Dean of the Arches.*) I have a full note of his argument. His argument was that by the ancient usage of the Church elevation was not accompanied by adoration in England.

(*Mr. Charles.*) I suspect the time when it was accompanied by adoration was after the time of the publication of the dogma of the corporal presence.

(*The Dean of the Arches.*) The date of that is a long time ago, you know.

(*Mr. Charles.*) I say at all events the lifting up which is prohibited is a lifting up for a purpose not charged to the present case. In support of that I may remind your Lordship that the article is a mere statement of fact, and is not a mandate. The article says that the Sacrament is not carried about.

(*The Dean of the Arches.*) It does not say it is not to be carried about ; it says that by Christ's ordinance it was not carried about.

(*Mr. Charles.*) It is quite plain that the framers of the article thought it was a statement of fact, and not a prohibition ; when we come to look at the rubric of the Communion Service in 1552 which says, "And "if any of the bread or wine remain, the curate shall have it to his own use," and then compare it with the further rubrics in the Scotch Prayer Book of 1604. My argument is this, that these rubrics mean the same thing as that in the Prayer Book of 1662, "If any of "the bread and wine remain unconsecrated, the curate "shall have it to his own use ; but if any remain of "that which was consecrated, it shall not be carried "out of the church, but the priest and such other of "the communicants as he shall then call unto him "shall, immediately after the blessing, reverently eat "and drink the same." Now if the article had forbidden the carrying out of church, what was the necessity of inserting that rubric ? or, assuming it to have been in the old Prayer Books, what was the necessity of continuing its insertion ? I will not venture to say

whether the Rubric was repeated or original, but it is not a matter of importance for my argument.

I have no more to trouble your Lordship with upon either the lights or the elevation, but now I will very shortly say what I have to say about the meaning of the words "rites and ceremonies." The reason I wish to address your Lordship upon the question of rites and ceremonies is partly because I think some misapprehension has arisen as to the contention of Mr. Prideaux, and partly because it is a really important part of the case, although I am far from thinking that it is a critical part of it. Still, my Lord, if I can establish that ceremonial acts, such as those which are charged against us in this case, are not within the purview of the Acts of Uniformity, I shall have gone a great way to establish our innocence of the offences with which we are charged. Now there can be no doubt that the words "rite" and "ceremony" are used both in a wide and in a narrow sense, and on the part of the defendant I do not wish for a moment to contend that sometimes, and in some circumstances, a ceremony does mean what I may call, for the purpose of the distinction, a "ceremonial act." But the question which I wish to ask, and which I hope to answer satisfactorily, is this: what did rites and ceremonies mean in the minds of the framers of the Prayer Book and Acts of Uniformity? Because, that rites and ceremonies do mean "services" as well as "acts" there cannot be a doubt. My friend Dr. Deane proved that conclusively. The Mass is a rite which contains other rites within itself. It is a rite as something done by the officiating minister. The Mass is a ceremony if you look at it from the point of view of the people who receive the Holy Communion.

(*The Dean of the Arches.*) The question is, what is the meaning of "rites and ceremonies" in the Acts of Uniformity and in the Prayer Book?

(*Mr. Charles.*) That is the real question, my Lord, it being I suppose unquestionable that a rite and ceremony may mean a service, and it being also unquestionable that the word "ceremony" is sometimes applied to a mere ceremonial act.

Now in order to see what the framers of the Prayer Book and the Act of Uniformity meant by using those words, I wish to refer to some contemporary documents, and I say the effect of these contemporary documents is to show that they meant the lesser and subsidiary offices of the Church, and that they did not mean the external acts, as Hooker says, "incidental or annexed to the Church actions." The first thing I wish to call your Lordship's attention to is the Proclamation of February 6th, 1547; and I will limit myself (although there are a great many documents) to matters strictly contemporaneous. Your Lordship will find it in 1 Cardwell's Documentary Annals, pp. 43, 44: "A Proclamation against those that do innovate, alter, or leave done any rite or ceremony in "the church of their private authority."

(*The Dean of the Arches.*) That I have been referred to.

(*Mr. Charles.*) I am going to found an argument upon it which I do not think has been brought to your Lordship's attention. After the substantial part of the proclamation against those that do innovate and alter comes this: "Provided always that for not bearing a "candle on Candlemas Day, not taking ashes upon "Ash Wednesday, not bearing palm upon Palm Sunday, not creeping to the cross, not taking holy bread "or holy water, or for omitting other such rites and "ceremonies concerning religion and the use of the "Church which the most reverend father in God, the "Archbishop of Canterbury, by His Majesty's will "and commandment, with the advice aforesaid hath "declared, or hereafter shall declare to the other "Bishops, by his writing under seal, as heretofore hath "been accustomed to be omitted or changed, no man "hereafter be imprisoned nor otherwise punished." Now these things—bearing candles on Candlemas Day, taking ashes upon Ash Wednesday, bearing palm upon Palm Sunday, and so on, I contend throw a considerable light upon what the framers of this proclamation meant by "rites and ceremonies." For it is a very singular circumstance that every one of the specified rites and ceremonies is a service, without an exception, and they are all services which are included in one edition or other of the Sarum Missal. The Sarum Missal contains a service connected with the sprinkling of ashes; it contains a service connected with bearing of palms; it contains a service connected with creeping to the cross; it also contains special services at the benediction of holy bread and holy water. Therefore in that Proclamation I venture to say that the words "rites and ceremonies" were used to express services similar to those which are enumerated, and all of which are to be found in a separate form in the Sarum Missal.

The next document which I have to refer to is the Injunction of the King's visitors, 1 Cardwell's Documentary Annals, page 67. Those Injunctions were issued in 1548, still nearer to the time of the Prayer Book and the Acts of Uniformity. And in those Injunctions occurs this paragraph: "You shall every "Sunday, at the time of your going about the church "with holy water, into three or four places, where "most audience and assembly of people is for the "declaration of the ceremonies, say distinctly and "plainly, that your parishioners may well hear and "perceive the same, these words," and then follow the words. My Lord, I contend that that is a further illustration of the stricter sense of the word "ceremonies," namely, that they are ceremonies with an explanatory religious formula which converts them into religious offices.

The next document that I have to refer to is contained in 1 Cardwell's Documentary Annals, page 63. It is material to notice that what I am now referring to is dated very shortly after the issuing of the Proclamation which I referred to first. It is a letter to the "preachers which the King's Majesty hath licensed "to preach." The letter forbids the preachers to "stir and provoke the people to any alteration or "innovation, other than is already set forth by the "King's Majesty's Injunctions, Homilies, and Proclamations." It goes on: "It is not a private man's "duty to alter ceremonies, to innovate orders in the "Church; nor yet it is not a preacher's part to bring "that into contempt and hatred which the prince "doth either allow or is content to suffer. The "King's highness, by our advice, as a prince most "earnestly given to the true knowledge of God, and "to bring up his people therein, doth not cease to "labour and travail by all godly means, that his "realm might be brought and kept in a most godly "and christian order, who only may and ought to do "it; why should a private man or a preacher take "this royal and kingly office upon him, and not rather, "as his duty is, obediently follow himself, and teach "likewise others to follow and observe that which is "commanded? What is abolished, taken away, reformed, and commanded, it is easy to see by the "Acts of Parliament, the Injunctions, Proclamations, "and Homilies." Now if we refer to the Proclamation I have just read, we find that the ceremonies there abolished, if my argument upon that Proclamation holds water, are ceremonies similar to those which are allowed to be retained without punishment, namely, bearing ashes on Ash Wednesday, and so on, and therefore I contend, within the minds of the framers of that Injunction and Proclamation, "rites and ceremonies" really meant the lesser services of the Church.

I now come to the Prayer Book, the canons, and the Acts. On the canons I have not a word to add to what Dr. Deane has said. But on the Prayer Book I do wish to add just one word. The title of the Prayer Book has already been pressed upon your Lordship at length, but I wish to notice the following circumstances. First of all, with regard to the place of the chapter on ceremonies in the First Prayer Book, to which your attention was drawn in detail yesterday, I wish to add this one observation. It certainly is a most remarkable circumstance that the framers of the First Prayer Book should have placed that chapter

where they did, and as Dr. Deane pressed upon your Lordship yesterday, it really does seem almost conclusive that the stricter meaning of the word "ceremony" for which we contend was the one intended to be used in that chapter. I do not wish to add anything upon that point, nor to what my learned leader said upon the internal evidence of that chapter itself, such as that ceremonies have been abused for greed, and so on; but I wish to call your Lordship's attention to this point, that immediately following the chapter on ceremonies—not a part of it, but immediately following—comes that remarkable note to which Mr. James referred your Lordship, and my contention is this, that the framers of the Prayer Book having dealt with the order of Common Prayer, having dealt with the administration of sacraments, having dealt with the other rites and ceremonies, retaining some and abolishing others, then put in this chapter to state why they had abolished some and why they had retained the others. But they had not in the least forgotten that there were acts done by devout people which might or might not be included in the chapter, according as the wider or the stricter sense of the word "ceremony" was understood to be used, and they added this note to that chapter: "As touching kneeling, crossing, holding up of hands, knocking upon the breast, and other gestures, they may be used or left, as every man's devotion serveth, without blame." And my argument is this, that they were at that very time dealing with "rites and ceremonies" in the strict sense, and while they were so dealing with that they insert the note, giving liberty as to the merely ceremonial acts. I venture to say it strengthens our contention that the chapter refers to something substantial, while the note which immediately follows that chapter refers to something incidental which is left to "every man's devotion."

Secondly, my Lord, I draw attention to the fact that this chapter on ceremonies appears in the Second Prayer Book: "Of Ceremonies, why some be abolished and some retained." Now in the Second Prayer Book there were no manual acts, and it is difficult to see what construction can be placed upon the "some which are retained," if the word "ceremonies" is to mean the ceremonial acts.

Thirdly, I would refer to the fact that in the Homily on Prayer we have this sentence: "Although there are retained sometimes certain other rites and ceremonies," in which the word "other" is capable of the same meaning which it bears in the title-page of the Prayer Book.

To pass from the First Prayer Book, there is a rubric at the end of the Communion service of the Second Prayer Book to which your Lordship's attention has been drawn, and to which I will very shortly refer once more. The rubric is at the end of the Communion service, and it enacts that "Every parishioner shall communicate at least three times a year, of which Easter to be one, and shall also receive the Sacraments and other rites." My friend Mr. Prideaux did just mention this, and it is a singularly phrased sentence, "Receive the Sacraments and other rites." But although not capable of a very grammatical construction, I do venture to submit to your Lordship that the reception of a rite is really nonsense, unless the rite referred to is some substantial duty of religion, and not a mere external act annexed to a church action. Therefore I say that rubric bears out the construction for which I am contending.

So, my Lord, does the title-page of the Scotch Prayer Book incidentally. I know this looks like reasoning from *res inter alios acta* at first, but the reason I use it is this: when Charles II.'s Book was published there can be no doubt the persons who had the preparation of it must have been perfectly aware of the contents of the Scotch Prayer Book; and it is a singular fact that the title of the Scotch Prayer Book is this, "the Book of Common Prayer and administration of Divine Service and other parts of Divine Service;" the "other parts," &c., occupying the same place as the "rites and ceremonies" does in our Prayer Book.

I now come to the meaning of the word "ceremony" in the Acts of Uniformity; and the first observation I shall make upon that is this—What is an Act of Uniformity for? I can only suppose that the first object would be to create uniformity where there was diversity. But, my Lord, there was already uniformity without any legislation whatever with regard to these manual acts with which we are now charged—I do not care what the use was, or when it was used, or in what part of England, but will my learned friends venture to tell me that whatever was the use, the priests of the Church of England did not, from Land's End to the north, elevate the Host, obey Archbishop Reynolds' constitution about lights, mix the chalice? Why, my Lord, it is plain that all these were matters upon which no legislation was required because there was uniformity already, and what is the use of legislating men into uniformity if they are uniform already? Therefore one would suppose previous to looking at the actual language of the statute, that it would include rites and ceremonies, *but not* in the sense of ceremonial acts.

I will now deal with the language of the Acts very shortly; the 2nd and 3rd Edward VI. c. 1. is the first Act.

(*The Dean of the Arches.*) This has very largely been gone into. If you think you can add anything I am quite ready to hear you, but I think they have been almost read verbatim.

(*Mr. Charles.*) I am painfully conscious of the length with which they have been gone into.

(*The Dean of the Arches.*) I am quite ready to hear you, and no doubt shall derive great benefit from your argument.

(*Mr. Charles.*) After the recitals and statements of the titles of the Book of Common Prayer, the Act goes on, as your Lordship will well remember: "Wherefore the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, considering as well the most godly travail of the King's Highness, of the Lord Protector, and other of his Highness's Council, in gathering and collecting the said archbishop, bishops, and learned men together, as the godly prayers, orders, rites, and ceremonies in the said book mentioned, and the considerations of altering those things which be altered, and retaining those things which be retained in the said book." That is the first clause. Now it is very singular that the last sentence which I read contains almost verbatim the title of the chapter on ceremonies in the Prayer Book itself. Therefore, I say the framers of those Acts were dealing with the title of the Prayer Book; they mention the orders, the rites, the ceremonies, and then they go to the consideration of the alteration of those things which be altered, and the retaining of those things which be retained. Then follows this sentence, "considering the honour of God and great quietness, which by the grace of God shall ensue," upon what? "Upon the one and uniform rite and order in such Common Prayer, and rites, and extern ceremonies." It is that phrase "extern ceremonies" upon which I wish to make one remark. It certainly is a phrase not very easy to explain, but my contention is that it means external to the main and principal services of the Church. The word "external" does not necessarily mean outward. It is capable of a double signification, and I say that when you look at the effect of the recital of the three portions of the title of the Prayer Book, and the corresponding sentences relating to altering those things which be altered, and retaining those things which be retained, and when we find the word "external" used, it must mean the same sort of ceremonies as are dealt with in the chapter on "Ceremonies."

(*The Dean of the Arches.*) You say "external" means external to the other services of the Church?

(*Mr. Charles.*) Yes, my Lord; when we find the words "external ceremonies" exactly corresponding in the Act with the paragraph altering those things

which be altered, and retaining those which be retained, I say that these external ceremonies must mean the ceremonies of which that chapter, "of Ceremonies, "why some be abolished and some retained," was written; and I hope my learned leaders have satisfied you that that does refer to the lesser services of the Church.

I now go on to the words, "in such order and form," and the only remark I have to make upon them is this—that the word "form" must, I submit, be taken with reference to the preamble of the Act where it is used as equivalent to an use; and that the true theory is that the object of the statute was to secure uniformity in form and substance.

With regard to the second Act of Uniformity, 5 & 6 Edward VI., c. 1., I think I can make one remark that has not been made before. The recital there, or rather the purpose of the Act is that the Book of Common Prayer shall be made fully perfect. I say that those words throw a great deal of light upon what the object of the framers was. If they meant to apply the Act to ceremonial acts, how could they in confirming their Second Book, which did not contain any, say that the very purpose of the statute was to make the book fully perfect? I contend therefore that this Act of Uniformity had nothing to do with the manual acts with which we are charged. It was framed with another intention altogether, and it is quite possible that the Second Book may be made fully perfect in substance, and in that view that those words in the Act of Uniformity are not insensible but peculiarly sensible. In point of fact the Second Prayer Book was more perfect in substance than the first, because it contained what the first did not contain, namely, the form of consecration of bishops, priests, and deacons. That was not in the First Book but made its appearance in the second—it was the complement of the first and made the First Book fully perfect. But the use of the words "fully perfect" in this Act of Uniformity, (if it applied to external acts,) is, to say the least of it, very singular.

I now come to the later Acts of Uniformity, and I wish to draw your Lordship's attention to a circumstance which I looked last night to see whether Mr. Prideaux had drawn your Lordship's to, and I do not think he did, at all events not directly: I allude to the Act of Elizabeth, which recites this Book of Common Prayer, repeating the title-page, and then enacts as follows—that every minister shall be bound "to say and use the matins, even song, celebration of "the Lord's Supper, and administration of each of the "Sacraments, and all their Common and open "prayer." Now if you look at the preamble of the Act, what can "Common and open prayer" be but the "other rites and ceremonies" mentioned last in the title of the Prayer Book? and you find that that runs right through the Act: the words, "rite, ceremony, order, and form" are always crowded together previous to the mention of the substantial part of the Prayer Book. The object of these Acts of Uniformity was to remove the old mass, and therefore they crowded these epithets upon the mass. They were all applicable to the mass: the mass is an order, the mass is a form, the mass is a rite, the mass is a ceremony; and therefore they crowded all these epithets upon the mass. But they supply the place of "other rites and ceremonies" with the words "Common and open prayer."

(*The Dean of the Arches.*) Your contention is, in fact, that they use the words "common and open prayer" for "ceremonies."

(*Mr. Charles*). For "ceremonies," and I do not think that argument was presented to your Lordship before.

I have now one reference to make to the statute of Charles, and that is to the 7th section, which enacts, "That in all places where the proper incum-"bent of any parsonage or vicarage, or benefice with "cure, doth reside on his living, and keep a curate, "the incumbent himself in person (not having some "lawful impediment, to be allowed by the Ordinary "of the place) shall once (at the least) in every "month openly and publicly read the Common Prayer and Service"—I may remind your Lordship that that was defined to mean what is commonly called the Services of the Church—"by the said "book prescribed, and (if there be occasion) ad-"minister each of the Sacraments, and other rites of "the Church;" again using the word "rites" as in *pari materia* with the word "Sacraments." Therefore I say, and I am much obliged to your Lordship for having allowed me to say these few words——

(*The Dean of the Arches.*) You have not at all trespassed upon the indulgence of the Court, Mr. Charles.

(*Mr. Charles.*) Therefore I say that the proper deduction is, that the Acts of Uniformity were intended to secure uniformity where there was a necessity for it; but that the words "rites and ceremonies" mean in them what it has been contended they mean in the Prayer Book, namely, the lesser ceremonies of the Church, and that they do not touch these outward actions at all.

(*Mr. Stephens.*) It has now become my duty to make a few concluding observations upon this case. It has been argued, or at least suggested, that some of the practices charged against Mr. Simpson, particularly the use of lights and the mixed chalice, are authorized by the pre-Reformation canon law, and by various Acts of Parliament passed in the reign of Henry VIII.; and, in fact, Mr. Hannen has taken exception to the statement I made in my opening speech in the St. Alban's case, that the effect of 1st Edw. VI. c. 12. was that every existing Act of Parliament in 1547 relating to doctrine and matters of religion was repealed. And that every document which was issued or derived its authority from any such Act, lost its statutory authority. In fact, there was at that time a *tabula rasa* of all Acts of Parliament relating to doctrine and matters of religion, and all documents emanating from such Acts of Parliament.

Your Lordship has asked me to consider what effect this repealing statute of 1 Edw. VI. c. 12 had upon three particular statutes, namely, 22 Henry VIII. c. 9, s. 4; 24 Henry VIII. c. 12; and the 25th Henry VIII. c. 19. For the purpose of giving a complete answer to my learned friend's contention, and answering satisfactorily your Lordship's question, it is necessary that I should explain clearly what I conceive to have been the state of the canon law after the passing of 1st Edw. VI. c. 12. And this involves a previous discussion of the effect produced on the canon law by the 25th Henry VIII. c. 19, one of the statutes your Lordship referred me to, and by the other statutes passed in Henry VIII.'s reign for the revision of the canon law.

It has never been alleged that this canon law had any parliamentary authority prior to the 25th Henry VIII. c. 19. But it is said, that through that Act and the 35th Henry VIII. c. 16, the canon law acquired the authority of statute law. To this hypothesis there are three answers: (1) that the 25th Henry VIII. c. 17, and the 35th Henry VIII. c. 16, did not give the canon law any greater authority than it had before; (2) that if any statutory authority was given to the canon law by these Acts it was only temporary, and ceased altogether upon the death of Henry VIII.; (3) and that any statutory authority given to the canon law by these Acts was taken away by the 1st Edw. VI. c. 12.

Before the Reformation the Church was governed by two principal Codes: first, the Roman canon law, so far as it was accepted and adopted in this country; secondly, the legatine and provincial constitutions and canons made in England from time to time by legates or archbishops in synods over which they presided.

The statutes applicable to the question immediately under consideration are the 25th Henry VIII., c. 19;

the 27th Henry VIII. c. 15; and the 35th Henry VIII., c. 16.

The statute of the 25th Henry VIII. c. 19, intituled "The Submission of the Clergy and Restraint of Appeals," commences *inter alia* with reciting—"that "divers constitutions, ordinances, and canons pro- "vincial or synodal, which heretofore have been "enacted, and be thought not only to be much pre- "judicial to the King's prerogative royal, and repug- "nant to the laws and statutes of this realm, but also "overmuch onerous to his Highness and his subjects, "the said clergy hath most humbly besought the "King's Highness that the said constitutions and "canons may be committed to the examination and "judgment of his Highness and of two and thirty "persons of the King's subjects, whereof, 16 to be of "the upper and nether House of the Parliament "of the temporalty, and the other 16 to be of the "clergy of this realm, and all the said two and thirty "persons to be chosen and appointed by the King's "Majesty. And that such of the said constitutions "and canons as shall be thought and determined by "the said two and thirty persons or the more part of "them worthy to be abrogated and annulled shall be "abolite and made of no value accordingly, and such "other of the same constitutions and canons as by the "said two and thirty or more part of them shall be "approved to stand with the laws of God and con- "sonant to the laws of this realm, shall stand in "their full strength and power, the King's most royal "assent first had and obtained to the same."

By the second section power is given to the King to name the 32 commissioners to examine the canons, &c.; but with this proviso, "that no canons, consti- "tutions, or ordinances shall be made or put in execu- "tion within this realm by authority of the Convo- "cation of the Clergy, which shall be contrarient or "repugnant to the King's prerogative royal, or the "customs, laws, or statutes of this realm; anything "contained in this Act to the contrary hereof not- "withstanding."

The seventh section also provided, "that such "canons, constitutions, ordinances, and synodals pro- "vincial, being already made, which be not con- "trarient or repugnant to the laws, statutes, and "customs of this realm, nor to the damage or hurt "of the King's prerogative royal, shall now still "be used and executed as they were afore the making "of this Act, till such time, as they be viewed, "searched, or otherwise ordered and determined by "the said two and thirty persons or the more part "of them according to the tenor, form, and effect of "this present Act."

The 25th Henry VIII. c. 19, sec. 7, merely enacts, that the canons shall still be used and executed as they were afore the making of this Act, and does not purport to give them any greater efficacy than they had before. It was, in fact, only a proviso maintaining the *status quo* until the commissioners had reported. But for this proviso, it would have been arguable, that canons which had been condemned by Parliament, as being many of them prejudicial to the King's prerogative and repugnant to the laws of the Realm, were thus made altogether void, and the result would have been a state of anarchy in ecclesiastical affairs.

The statutes 25 Henry VIII. c. 19, s. 7, and 27 Henry VIII. c. 15, to which I shall presently refer, are by way of proviso, and the legitimate use of a proviso is merely to limit or to explain the previous enactment. In Dwarris on Statutes, page 667, it is laid down, that "where a section is by way of pro- "viso, it can only be construed as a clause dependent "on a former clause, unless the manifest intention "of the Legislature require a different construction." Statutes 3 & 4 Vict. c. 86., sec. 25, and 9 & 10 Vict. c. 59, are instances of provisoes merely keeping the old law as it was before.

I will shortly refer your Lordship to the cases in which the meaning of a proviso, even when couched in general terms, has been held to be restricted to the mere qualification of the substantive clause to which it relates. *Ex parte* Partington, 6 Q. B., page 653; The Queen *v.* S. Ebbs, 12 Q. B., page 137; and The Queen *v.* Salford, 12 Q. B., page 106.

Before the statute 25th Henry VIII. c. 19, the canons had no parliamentary authority. By this statute divers of them are declared to be "not only "repugnant to the laws and statutes of the realm, "but also very much onerous to His Highness and "his subjects;" and provision is made for an immediate revision of the canons by commissioners, consisting partly of members of the then Parliament. Now is it likely, that the Legislature intended to give these canons and constitutions a greater authority than they had—much more a continuing parliamentary authority—canons, which had been declared to be repugnant to the laws and statutes of the realm, and onerous to the Crown and the laity? It is not contemplated by this statute that Parliament itself should interpose in the making of canons. The King had power to deal with the canons in different ways. (1.) He could, by virtue of his prerogative, make canons in conjunction with the Convocation of the clergy, as he had done before the enactment of this statute. (2.) By this statute the King in conjunction with the 32 commissioners, and without the co-operation of Convocation, was empowered to view, search, and examine the then existing canons, and continue such as they should deem worthy to be kept and executed, and abrogate such as they should not approve.

The canons mentioned in this statute of 25 Henry VIII. c. 19, as then existing, had been made either by the King and the clergy, or by the clergy exclusively, but not by Parliament. These canons and the canons proposed to be made by the King and the commissioners were to be of equal authority, they were to be subordinate to the customs, laws, and statutes of the realm, thus establishing that the powers of the King and the clergy and the King and the commissioners in the making of canons, were not co-equal with those of Parliament, but were essentially subordinate. What the Act allows is this—that the King and the clergy or the King and the commissioners, independently of each other, may make any canons they liked, provided they do not interfere with any existing royal prerogative, custom, law, or statute. Such was the state of the canon law under this statute.

I will now refer your Lordship to stat. 27 Henry VIII. c. 15, at page 548 of the folio edition. It is entitled, "An Act whereby the King's Majesty "shall have power to nominate 32 persons of his "clergy, and lay fee for making of ecclesiastical laws." After reciting sections 1, 2, 3, and 7 of stat. 25 Henry VIII. c. 19, but omitting the provisions respecting appeals to Rome, it proceeds: "And foras- "much as the King's Highness hath not named and "assigned the said 32 persons sithen the making "of the said Act: be it therefore enacted that the "King's Majesty shall have full power and authority, "as well afore as after the dissolution of this present "Parliament, at his liberty and pleasure to name and "assign 16 persons of the clergy and 16 lay persons "of the temporalty. And if after such nomination "any of these said persons happen to decease, that "then the King's Highness shall have power and "authority to nominate and assign from time to time "other in their places to supply the number of the "said 32. And that the said 32 persons so to be "nominated by His Majesty, at all times from hence- "forth, for the term of three years next after the "dissolution of this Parliament, shall have power and "authority to assemble themselves together from time "to time by the King's commandment for the due "and perfect execution of the said Act according to "the intent and true meaning of the same."

The 16 lay commissioners to be appointed under the 25th Henry VIII. c. 19, were to be members of the upper and nether House of Parliament of the temporalty. Consequently, if any commissioners had been chosen from the lower house of Parliament, and that Parliament had been subsequently dissolved, the commoners would have lost their qualification and

ceased to be commissioners. Henry VIII. did not exercise his powers to appoint commissioners under the 25th Henry VIII. c. 19, but shortly before the dissolution of that Parliament this statute of the 27th Henry VIII. c. 15 was passed. Powers were then given by this statute to appoint commissioners, independent of the qualification of being members of Parliament.

The 35th Henry VIII. c. 16 (page 976 of the folio edition) is a "bill for the examination of canon laws "by 32 persons to be named by the King's Majesty." After reciting that the review under stat. 27 Henry VIII. c. 15, had not taken place, it gives the King power to appoint commissioners from time to time *during his life*, "to nominate and assign 16 persons "of the clergy and 16 lay persons of the temporalty, "to peruse, oversee, and examine all manner of "canons, constitutions, ordinances, provincial and "synodal, and further to set in order and establish all "such laws ecclesiastical as shall be thought by the "King's Majesty and them convenient to be used "and set forth within his realm and dominions in all "spiritual courts and conventions."

This statute gave the commissioners more extensive powers of revision, these being the additional words, "and further to set in order and establish all such "laws ecclesiastical." They had very general—almost absolute—powers; and these commissioners could only be appointed and hold office during the life of the King.

The 25 Henry VIII. c. 19, was limited to the written ecclesiastical law, "the canons, constitutions, "ordinances, provincial and synodal," and only gave the commissioners power of selection. Such of them as the King and commissioners should deem worthy to be continued, kept, and obeyed, should be kept and obeyed; and the residue of the said canons, constitutions or ordinances provincial, which they should not approve, should be void and of none effect.

The 35th Henry VIII. c. 16, gives a general power to set in order, and establish all such laws ecclesiastical as should be thought convenient, thus authorizing them to frame a new code of ecclesiastical law, and to supersede not only the written canons, but also the unwritten ecclesiastical law, and perhaps the *Reformatio legum* will show what was intended as to the reform of the law under this statute.

The second section enacts, "That till such time "as the King's Majesty and the said 32 persons "have accomplished and executed the effects and "contents afore rehearsed and mentioned, that such "canons, constitutions, ordinances, synodal or pro-"vincial, or other ecclesiastical laws or jurisdic-"tion spiritual, as be yet accustomed and used here "in the Church of England, which necessarily and "conveniently are requisite to be put in ure and "execution for the time, not being repugnant, con-"trariant, or derogatory to the laws or statutes of "the realm, nor to the prerogatives of the Regal "Crown of the same, or any of them, shall be occu-"pied, exercised, and put in ure for the time within "this or any other the King's Majesty's dominions; "and that the ministers and due executors of them "shall not incur any damage or danger for the due "exercising of the foresaid laws, so that by no "colour or pretence of them, or any of them, the "ministry put in ure anything prejudicial or in "contrary of the regal power or laws of the realm."

This section not only provides for the continuance of the provincial and synodal canons; but also for "other ecclesiastical laws or jurisdiction spiritual, as "be yet accustomed and used here in the Church of "England." On the other hand "this statute limits "the continuing enactment to such canons, &c., as "necessarily and conveniently are requisite to be put "in ure and execution for the time. This language "is different from that which had been used in the "25th Henry VIII. c. 19, sec. 17, which was "that "the canons were to be still used and executed, as "they were afore the making of that Act."

This statute extends to the unwritten usages of the Ecclesiastical Courts, and to the Roman canon law so far as it had been received and adopted in England. The provision that the ministers and due executors of the canons, &c., shall not incur any damage or danger, shows an apprehension that but for this clause, the canon law would be treated as altogether void, and the Ecclesiastical Judges held liable to be proceeded against for enforcing it. Consequently, the object of this part of the clause was to preserve to the canon law its existing authority, and this is altogether inconsistent with the previous part of the clause giving them parliamentary authority.

The second section of the 25th Henry VIII. c. 19, is not in terms a proviso, but it is evidently inserted merely because the powers of the Commissioners had been extended to the unwritten law as well as to the written canons and constitutions, &c. From the 25th Henry VIII. the unwritten canon law had been in use without any parliamentary enactment authorizing it. By the 35th Henry VIII. c. 16, sect. 3, "it is "enacted that such laws and ordinances ecclesiastical, "as shall be devised and made by the King's Majesty "and 32 persons afore mentioned by virtue of this "present Act, shall after they be made, established, "and declared by the King's Majesty's proclamations "under His Highness's great seal, be only taken, "reputed, and used for the King's laws ecclesiastical "of this realm." The ecclesiastical law received no additional authority from this statute. Its objects were (1) to give the King power to appoint and re-appoint commissioners during his life, and (2) to give the commissioners more ample powers than had been given to them by previous statutes. This statute was not repealed by Queen Mary, which shows that it was then considered to have expired.

The conduct of Henry VIII. and his minister Cromwell in 1536, within three years after the passing of the 25th Henry VIII. shows that they had no idea that the canons had any parliamentary authority. I refer your Lordship to 2 Johnson's Canons, page 468, where it will be found that in Archbishop Reynolds' Constitution, section 8, the following provision is contained: "Let no one presume to dispute "of things determined by the Church as they are "contained in the decrees, decretals, or provincial "constitutions, and the synodal [constitutions of "places], either publicly or privately; unless it be "in order to get the true meaning of them; nor call "in question the authority of the said decrees, decre-"tals, or constitutions, or the authority of him that "made them; or preach contrary to their determi-"nation, especially concerning the adoration of the "glorious cross, the veneration of the images of "saints, or pilgrimages to their places and relics; or "against making oaths in the usual cases and manner "in both courts, viz., ecclesiastical and temporal. "But let all henceforth preach up the veneration of "the cross and of the image of the crucifix, and other "images of saints, in memory and honour of them "whom they resemble, and their places and relics, "with processions, genuflexions, bowings, incensings, "kissings, oblations, pilgrimages, illuminations, and "all other modes and forms whatsoever used in the "times of us and our predecessors; and the making "of oaths in a lawful manner, by touching God's "holy gospels, and upon the same in cases expressed "in the law, and used in both courts by all who are "concerned." Then there is this note: "This con-"stitution here fairly owns that all constitutions, "decretals, or decrees, are made by the authority of "one man, viz., diocesan constitutions by the bishop, "provincial constitutions by the archbishop, decretals "and decrees by the Pope; so that the priests in the "diocese, the suffragan bishop in the province, the "cardinals in the conclave, were only applauders."

In 1536 the Convocation, at the King's suggestion, and without the concurrence of Parliament, agreed upon certain articles, of which one relating to images contained the following passage, which your Lordship will find in the book entitled "Formularies of Faith "during the reign of Henry the 8th," page 14. It

was published at Oxford in 1825. The book contains "The articles about religion, 1536," "The institution "of a Christian man, 1537," "A necessary doctrine "and erudition for any Christian man, 1543." "And "as for censing of them, and kneeling and offering "unto them, and other like worshippings, although "the same hath entered by devotion and fallen to "custom, yet the people ought to be diligently taught "that they in no ways do it, nor think it meet to be "done to the same images, but only to be done to "God, and in his honour, although it be done before "the images, whether it be of Christ, of the Cross, "or of our Lady, or of any other Saint beside."

Cromwell, in his Injunctions, issued 1536, which are in Foxe's Actes and Monuments, page 166, directs, "To the intent that all superstition, hypocrisy crept "into divers men's hearts may vanish away, they "shall not set forth or extol any images, relics, or "miracles for any superstition or lucre, nor allure the "people by any entreatments to the pilgrimages of "any saints otherwise than is permitted in the "Articles lately put forth by the authority of the "King's Majesty, and condescended upon by the "prelates and clergy of this Realm in convocation." Then at page 169 of the same book will be found the Injunctions of 1538, by which Cromwell ordered that "such feigned images as ye know to be abused with "pilgrimages or offerings of any kind made thereunto, "ye shall, for avoiding of that most detestable offence "of idolatry, forwith take down without delay; and "shall suffer from henceforth no candles, tapers, or "images of wax to be set before any images or pic-"tures," &c. It is absurd to imagine that the King and Cromwell would have acted in this way, without any sanction from Parliament, if Arundel's Constitutions had been in force by authority of Parliament.

If the 25th Henry VIII., c. 19, and the 35th Henry VIII., c. 16, gave any statutory authority to the canon law, it was only temporary, and altogether ceased upon the death of Henry VIII. Under the 25th Henry VIII., c. 19, the commission to revise the canons could not last beyond the then Parliament; but under the 27th Henry VIII., c. 15, the commission was limited to three years. Under the 35th Henry VIII., c. 16, the commission was to terminate with the King's life.

The authority to revise and to abrogate the canons under the statutes 25th Henry VIII., c. 19, and 35th Henry VIII., c. 16, ceased to exist on the accession of Edward VI., and the subordinate and independent enactments as to the state of things for the time, until the review had been finished, ceased to have effect, being no longer required.

It is not intended to be contended, that the canons were repealed. They continued to have the same authority, whatever that might be, as they possessed anterior to the Act of Submission. Neither the statute 25th Henry VIII., cap. 19, nor 35th Henry VIII., cap. 16, repealed any of the canons—they only made provisions for their future repeal if such repeal became expedient.

In Westerton and Liddell (Moore, page 160,) this question was brought under the consideration of the Privy Council. They did not decide this point, but what they substantially said was this, that it was a subject which, if brought before them, and they were compelled to decide upon it judicially, would be a point worthy of very grave and serious consideration.

The paramount object of these statutes was to give extensive powers of review to certain commissioners. Any other object was purely dependent and subordinate.

Although the provisions of the 35th Henry VIII., cap. 16, section 2, are enactments and not by way of proviso, yet the sanction given to ecclesiastical usages in the 25th Henry VIII., cap. 19, and 35th Henry VIII., cap. 16, is "*only until*" the commissioners should perform the duties assigned to them.

The confirmation in statute 35th Henry VIII., cap. 16, section 2, is not general, but is strictly limited to those constitutions which are "necessarily and conveniently requisite to be put in ure and execution for the time"—that is, until the review could be completed—but not beyond the life of Henry VIII.

The authority given to the Crown to appoint commissioners under this statute was personal to Henry VIII.; it did not extend to his successors. Therefore, when Henry VIII. died, it was impossible that the provisions of these statutes in respect of the review could be carried out.

The event contempleted by these statutes, having become impossible by the act of God, the clauses which were limited to operate *only* until that event became inoperative.

Any statutory authority given to the canon law by the 25th Henry VIII., cap. 19, and 35th Henry VIII., cap. 16, was taken away by the 1st Edward VI., cap. 12, sec. 2.

(*The Dean of the Arches.*) Any authority given by those statutes to which you have referred?

(*Mr. Stephens.*) Yes. The statute 1st Edward I., cap. 12, sec. 2, to which I have referred, shows that the Legislature at that time did not consider that the canons had the same or the like authority as Acts of Parliament. It "repeals all Acts of Parliament "concerning religion and opinions, enumerating among "other Acts for the punishment of heresy 31st Henry "VIII., cap. 14 (the Six Articles Act) and the 34th "and 35th Henry VIII., cap. 1, (under which 'The "necessary doctrine and erudition of a christian man,' "was issued,) and all other Acts relating to doctrine "and matters of religion."

Some of the canons, for example, the canons of Arundel, 1408 (2 Johnson's canons, page 463) are quite as stringent against heresy as any of the Acts here enumerated; and a very considerable portion of the canons supposed to derive parliamentary authority from the 25th Henry VIII., cap. 19, and the 35th Henry VIII., cap. 16, come within the description, "Concerning doctrine and matters of religion." If the Legislature had regarded these canons as having parliamentary authority, they would have repealed them, in order to carry out effectually the objects of the Reformation. But assuming that they were mistaken upon the construction of these statutes, passed only a few years before, the words actually used in 1 Edward VI., cap. 12, section 2, are sufficient to take away all parliamentary authority from such of the canons as relate to doctrine and matters of religion.

The object of the Legislature in passing that Act was manifest; it was, to repeal every parliamentary enactment relating to doctrine and other matters of religion; and though that Act would have been differently worded, if it had been considered that the canons had the authority of Parliament, yet the words used can be so interpreted as to give effect to the intention.

When the Council shortly afterwards ordered all images out of churches, and prohibited creeping to the cross, it does not appear that anyone suggested that the orders were violations of the statute 25th Henry VIII., cap. 19. A reference will be found on this point in 1 Cardwell's Documentary Annals, pp. 45 and 47, in the orders of Archbishop Cranmer, which recite and refer to the orders of the Council. See 1 Cardwell's Doc. Ann. pp. 45, 47.

I submit to your Lordship the three following deductions: (1), if the canons were left by the 25th Henry VIII., cap. 19, in the same state as they were before the enactment of that statute, namely, having the mere authority of canons, then they were not in force by authority of Parliament in the second year of Edward the VI.; (2), if the statutes under consideration gave the canons statutable authority for a limited time, it ceased upon the death of Henry VIII.; (3) if the statute 25th Henry VIII., cap. 19, gave the canons a statutable authority, then such statutable authority was taken away from such of the canons as related to doctrine and matters of religion under the statute of the first Edward VI., cap. 12, and they were not in force by authority of Parliament in the second year of Edward VI.

(*The Dean of the Arches.*) Does that conclude your argument upon the statutes?

(*Mr. Stephens.*) Yes; upon the statutes. I am now going to discuss the question which was raised yesterday upon matters of religion.

[Adjourned for a short time.]

(*Mr. Stephens.*) It has been said, my Lord, that the words "doctrine and matters of religion" are to be restricted to matters of religion of the same kind as are dealt with in the statutes repealed; but even if this proposition be admitted, the words "doctrine and "matters of religion" would still include "the ritual of "the Church." One of the Acts repealed is the 34th and 35th Henry VIII., cap. 1. The summary of that Act is in the ordinary edition of the statutes as follows: (1 Stephens' Ecclesiastical Statutes, 282.) "Recourse "must be had to the Catholic and Apostolic Church "for the decision of controversies, and therefore all "books of the Old and New Testament in English, "being of Tindal's false translation, or comprising "any matter of Christian Religion, Articles of the "Faith, or Holy Scripture, contrary to the doctrine "set forth sithence A.D. 1540, or to be set forth by "the King, shall be abolished. No printer or book-"seller shall utter any of the aforesaid books. No "person shall play in enterlude, sing or rhime, con-"trary to the said doctrine. No person shall retain "any English books or writings concerning matter "against the holy and blessed Sacrament of the altar, "or for the maintenance of Anabaptists, or other "books abolished by the King's Proclamation. There "shall be no annotations or preambles in Bibles or "New Testaments in English. The Bible shall not "be read in English in any church. No women or "artificers, prentices, journeymen, servingmen of the "degree of yeomen or under husbandmen, nor "labourers, shall read the New Testament in English. "Nothing shall be taught or maintained contrary to "the King's instructions. And if any spiritual person "preach, teach, or maintain anything contrary to the "King's instructions or determinations, made or to be "made, and shall be thereof convict, he shall for the "first offence recant, for his second offence abjure and "bear a faggot, and for his third shall be adjudged an "heretick, and be burned, and lose all his goods and "chattels."

Under the powers of this Act, Henry VIII. had issued "The Necessary Doctrine and Erudition of a "Christian Man," which certainly deals with ritual as well as doctrine. At page 310 of "The Formularies "of the Faith," will be found the following passage: "Therefore concerning such ceremonies of the Church "as have been institute by our forefathers, and be "allowed by the princes or kings of the dominions, "which, next to God, be the chief heads of the "Churches, although men ought not to have so fond "opinion of the said ceremonies to think that they "have power to remit sin, yet they be very expedient "things, either to excite or stir up men's devotion and "to cause them to have the more reverence towards "the Sacrament; as the hallowing of the font, of the "chalice, of the corporas, of the altar, and other like "exorcisms and benedictions done by the ministers of "Christ's Church, or else to put us in continual "remembrance of those spiritual things which be "signified by them. As sprinkling of holy water "doth put us in remembrance of our baptism, and of "the blood of Christ sprinkled for our redemption "upon the Cross, giving of holy bread doth put us in "remembrance of the Sacrament of the Altar which "we ought to receive in right charity; and also that "all Christian men be one body mystical of Christ, "as the bread is made of many grains, and yet but one "loaf. Bearing the candles on Candlemas Day doth "put us in remembrance of Christ, the spiritual light "of whom Simeon did prophesy, as is read in the "church that day. Giving ashes on Ash Wednesday "doth put us in remembrance that every Christian "man should consider that he is but ashes and earth, "and thereunto he shall return. Bearing of palms "on Palm Sunday doth put us in remembrance of the "receiving of Christ into Jerusalem a little before his "death, and that we must have the same desire to "receive him in our hearts. Creeping to the Cross on "Good Friday, and there offering unto Christ before "the same, and blessing of it, declareth our humble "submission and thanksgiving to Christ for our "redemption, which he hath wrought for us upon "the Cross. And so, finally, the setting up of the "sepulchre of Christ, whose body after his death was "buried, and all other like laudable customs, rites, "and ceremonies do put us in remembrance of some "spiritual thing. And therefore they be not to be "contemned and cast away, but obediently to be used "and continued, as things good and laudable for the "purposes aforesaid."

These practices were so strongly sanctioned, that Edward VI.'s Council did not venture to abolish them until the 34th and 35th Henry VIII., c. 1., had been repealed. I have never contended that the words "doctrine and matters of religion" included the Royal Supremacy; the mode in which appeals were to be heard; or the procedure of the Ecclesiastical Courts; nor the restraints imposed upon convocation by the Act of Submission (25th Henry VIII., cap. 19). These are matters only indirectly or in a secondary manner connected with matters of religion.

The substantial question in the present case is, whether the words "doctrine and matters of religion" include ritual as well as doctrine? If they do not, I cannot conceive what effect can be given to the words "matters of religion." "Doctrine" and "matters of religion" must mean something more than doctrine, and ritual is so closely connected with doctrine, that I do not understand what else can be included if ritual is not.

It has been argued by Mr. Hannen, that all the statutes specifically repealed are penal statutes, and that therefore the repeal is limited to penal statutes relating to religion; but there is nothing in the repealing Act to limit it in that way. I submit to your Lordship with the most perfect confidence, that the true construction of 1 and 2 Edward VI., cap. 12, sec. 6, is, that it repealed all Acts of Parliament relating to doctrine, ritual, or any other matters directly connected with religion, and took away all statutable authority, which any canons, or other documents relating to any such subjects might have previously had.

Mr. Hannen asked me in a very emphatic manner what was the state of the Church between the passing of 1 Edward VI., cap. 12, and the passing of the first Act of Uniformity. Substantially he said this—Was not the Church in a state of chaos according to your argument? My answer is, The church was governed by the common law of the Church,—it was governed by the canon law,—it was governed by the Royal prerogative. That was the state of chaos in which the Church was in the intermediate period between the passing of the 1st Edward VI., cap. 12, and the enactment of the first book of Edward VI.

Previously to the passing of the repealing statute, the King had in the 19th Injunction of the Injunctions of 1547, (1 Cardwell's Documentary Annals, page 13) ordered, "That no person shall from henceforth alter "or change the order and manner of any fasting-day "that is commanded, nor of common prayer or divine "service, otherwise than is specified in these Injunc-"tions, until such time as the same shall be otherwise "ordered and transposed by the King's authority."

During the interval between the 1st Edward VI., cap. 12, and the 2d and 3d Edward VI., cap. 1, the King and his Council by virtue of the Royal supremacy, issued several proclamations and orders relating to matters of doctrine and ritual. For instance, on the 6th February 1547–8, a proclamation was issued with the following title: "A proclamation against "those that do innovate, alter, or have done any rite "or ceremony in the church of their private authority, "and against them which preach without licenses, set "forth the 6th day of February in the second year of "the King's Majesty's most gracious reign."

(*The Dean of the Arches.*) That would be before the first Prayer Book.

(*Mr. Stephens.*) Yes, a few days previously. The extract from the proclamation which I now propose to read to your Lordship will be found in 1 Cardwell's Documentary Annals, page 44: "Provided always, "that for not bearing a candle upon Candlemas Day, "not taking ashes upon Ash Wednesday, not bearing "palm upon Palm Sunday, not creeping to the cross, "not taking holy bread or holy water, or for omitting "other such rites and ceremonies concerning religion, "and the Use of the Church, which the most reverend "father in God, the Archbishop of Canterbury, by His "Majesty's will and commandment, with the advice "aforesaid, hath declared or hereafter shall declare "to the other bishops by his writing under seal, as "heretofore thath been accustomed to be admitted or "changed, no man hereafter be imprisoned nor other-"wise punished."

The Council had likewise authorized, between the same period of time, Archbishop Cranmer to write the following letter, dated January 27, 1547–8, to Bishop Bonner, which will be found in 1 Cardwell's Documentary Annals, page 45. It is entitled "The Archbishop's "letter to the Bishop of London against candles, and "ashes, and palms in churches. This is to advertise "your Lordship, that my Lord Protector's grace, with "advice of others, the King's Majesty's Council, for "certain considerations them thereunto moving, hath "fully resolved that no candles should be borne upon "Candlemas Day, nor also from henceforth ashes or "palms used any longer. Wherefore I beseech your "Lordship to cause admonition thereof to be given in "all parish churches throughout your diocese with all "celerity, and likewise unto all other bishops that be "hereabouts, that they may do the semblable in their "dioceses before Candlemas Day. And as for other "bishops that cannot have knowledge so soon. you "may give them knowledge hereof at more leisure, so "that it be done before Ash Wednesday. Thus fare "your Lordship well, your loving friend, T. Cantuar." That, my Lord, is illustrative of the way in which the Church was governed between the enactment of the 1st Edward VI., cap. 12, and the passing of the first Book of Edward VI.

Mr. Hannen has also cited a passage from the 24th Henry VIII., cap. 12, for the restraint of appeals, which might possibly be supposed to give a parliamentary sanction to the ritual at that time in use in the Church in England: "Also that all spiritual prelates, pastors, "ministers, and curates within this realm, and the "dominions of the same, shall and may use, minister, "execute, and do, or cause to be used, executed, "ministered, and done, all sacraments, sacramentals, "divine services, and all other things within the said "realm and His dominions, unto all the subjects of the "same, as Catholick and Christian men owen to do, "any former citations, processes, inhibitions, suspen-"sions, interdictions, excommunications, and appeals, "for or touching the causes aforesaid, from or to the "See of Rome, or any other foreign prince or foreign "courts, to the let or contrary thereof in anywise not-"withstanding." [1 Stephens' Ecclesiastical Statutes, "p. 144.]

This passage only means that no citations, processes, and so forth, from the See of Rome, or from any other court, are to interfere with the administration of the sacraments, sacramentals, and divine services in England. And if that be the only meaning of the statute it was not interfered with by the statute of Edward VI., cap. 12, repealing all laws relating to "doctrine and "matters of religion." This passage, as I respectfully submit, does not and cannot mean that the like sacraments, sacramentals, and divine services are to be administered in the Church in England, as were in use when this statute passed. Such a construction would make some parts of the Injunctions of 1547, such for instance as the orders of the 21st Injunction for reading the Epistle and Gospel in English, a direct violation of the Act of Parliament. Your Lordship will find in (1) Cardwell's Documentary Annals, page 13, the following Injunction: "Also that no person shall "from henceforth alter or change the order and "manner of any fasting day that is commanded, nor "of common prayer or divine service, otherwise than "is specified in these Injunctions, until at such time "as the same shall be otherwise ordered and trans-"posed by the King's authority."

But if such a construction be put upon the passage in question as is contended for, then so far as it has had that effect, it is repealed by 1st Edward VI., cap. 12, as being an Act of Parliament relating to ritual.

But even if previous regulations had the authority of Parliament, the Acts of Uniformity were made to sweep them away, and to introduce a new order of service complete in itself.

(*The Dean of the Arches.*) What do you say they were intended to sweep away?

(*Mr. Stephens.*) If the previous regulations had the authority of Parliament, then the Act of Uniformity was made to sweep them away.

(*The Dean of the Arches.*) Regulations including the Injunctions do you mean?

(*Mr. Stephens.*) Anything; everything that would interfere with the introduction of a new order of service complete in itself. I think your Lordship remembers the argument I ventured to address to you upon that subject?

(*The Dean of the Arches.*) I have got a very long and careful note of it, besides the advantage of having it all printed, which is a very great advantage.

(*Mr. Stephens.*) In Westerton and Liddell [Moore, page 67], Dr. Lushington says: "I am of opinion that "this statute of Henry VIII., [he is speaking of the "25th Henry VIII. c. 19.] and all that it purports to "confirm and carry into effect, is modified and re-"pealed, *pro tanto*, by what is to be found in the Acts "of Uniformity and in other statutes relating to the "Established Church of this realm,—and by the Book "of Common Prayer, by all therein to be found in-"consistent with those canons, constitutions, and so "forth. And that, by necessary implication, all laws "previously existing opposed to the Church, by pre-"sent law established, are repealed. I will not dwell "on this argument, or the gross absurdities and con-"tradictions which would follow, unless it were "admitted that the establishment of our Church did "repeal all that was repugnant to it."

An affirmative Act may repeal a previous one if it manifest an intention incompatible with it. I will not go into the case which I cite in support of that proposition, but I will give your Lordship the reference. It is O'Flaherty *v.* McDowell, 6 House of Lords, page 142.

(*The Dean of the Arches.*) That is to say, an affirmative Act without words of repeal, being subsequent in date, may by implication have that effect?

(*Mr. Stephens.*) Yes; 1 Elizabeth, cap. 2, sec. 27, says: "All laws, statutes, and ordinances wherein or "whereby any other service, administration of sacra-"ments, or common prayer, is limited, established, or "set forth to be used within this realm, or any other "the Queen's dominions or countries, shall from hence-"forth be utterly void and of none effect." That is perhaps one of the most important provisions of the statute of Elizabeth in reference to the questions, which your Lordship will have ultimately to decide in this case.

The administration of the Holy Communion with lights when not necessary for giving light, or the use of the mixed chalice, is a different administration from that which is prescribed in Elizabeth's Act of Uniformity, consequently all canons or other laws prescribing any such administration were repealed by 1 Elizabeth, cap. 2, sec. 27, and are therefore not now in force.

The only way in which it could be contended, that the pre-Reformation canons or any other Acts of Henry VIII., relating to the ritual of the Church, are now in force, is under the words, "Authority of Par-"liament in the second year of the reign of King "Edward VI." in the Rubric as to ornaments. But

even if it could be established, that any of the canons relating to ritual had statutable authority in the second year of Edward VI., or that any Acts of Parliament relating to ritual were in force in that year, I need hardly observe that the Judicial Committee of the Privy Council in Westerton and Liddell have decided that the word "ornaments" "is confined to those "articles, the use of which in the services and minis- "tration of the Church is prescribed by the first "Prayer Book of Edward VI." As I have before shown, in the St. Alban's case, the Ornament Rubric is only applied to the ornaments expressly mentioned in the first book of Edward VI.; and that even if this were not the case—if the Ornament Rubric extended to ornaments only authorized by implication in Edward's first book, such as the water cruet, or the chrismatory, that rubric would not justify a clergyman in introducing a new ceremony or altering the prescribed form, for the purpose of using such an ornament.

I have now finished that part of the argument which your Lordship requested me to get up yesterday evening; and I will proceed to another subject upon which also I believe your Lordship wished for information; it is as to the use of metrical psalms and hymns during divine service.

(*The Dean of the Arches.*) I shall be happy to hear what you have to say upon that. It is a curious point.

(*Mr. Stephens.*) Your Lordship invited the discussion upon the point.

(*The Dean of the Arches.*) So I did.

(*Mr. Stephens.*) It may be suggested that the use of metrical psalms and hymns in divine service is inconsistent with the construction which I have ventured to place upon the Act of Uniformity; it therefore seems desirable that I should quote a few authorities as to the extent to which metrical psalms and hymns have been used, and how far such use was considered to be authorized. My proposed observations (and I wish to guard myself very carefully upon the point) may not clear up all the obscurity in which this subject is involved, but they will, at any rate, show that this is an isolated exception to the rule I have deduced from the Acts of Uniformity. It does not in the slightest degree justify the introduction of such practices as the elevation of the Elements; the use of lighted candles on the holy table when not required for giving light; or the mixing of water with the sacramental wine.

Lathbury, in his History of the Prayer Book, p. 89, says—"Not unfrequently the metrical psalms and "hymns are mentioned in the Visitation Articles. "In 1547 by the Bishop of London, in 1584 by the "Bishop of Coventry and Lichfield, and in 1599 by "the Archdeacon of Nottingham, an enquiry is made "respecting *two psalters* among the Church books. "One of these must have been the metrical version. "In King's Articles, in 1559, it is specified. He asks "whether they have 'two psalters, in prose and "metre?' It has frequently been asserted that the "version of Sternhold and Hopkins never possessed "any ecclesiastical authority. Synodical authority "cannot be pleaded for it; but the various Visitation "Articles prove that its use was recognized in this "reign. It must have been regarded at this time as "possessing sufficient authority."

These inquiries whether each church was provided with a metrical psalter imply a previous order, that such a psalter should be provided and used. A like inquiry as to the two psalters is in Bishop Andrewe's Visitation Articles in 1619, which are published in Andrewe's Minor Works, page 113; and in Cosin's Visitation Articles, as Archdeacon, in 1627, which will be found in 2 Cosin's Works, page 4.

In the Liturgical services of Queen Elizabeth (Parker Society's edition, page 478) the following form of prayer is given, "A Form to be used in Common "Prayer twice a week, and also an order of public "fasts to be used every Wednesday in the week "during this time of mortality, and other afflictions, "wherewith the Realm at this present is visited. "Set forth by the Queen's Majesty's special com- "mandment, expressed in her letters hereafter fol- "lowing in the next page, xxx. July 1563." And at page 489, which is a continuation, we find "Psalms "which may be sung or said before the beginning or "after the end of public prayer." At page 527, "A "Form to be used in Common Prayer every Sunday, "Wednesday, and Friday, through the whole Realm. "To excite and stir all godly people to pray unto "Godfor the preservation of those christians and "their countries 'that are now invaded by the Turk "'in Hungary, or elsewhere, set forth by the most "'reverend father in God, Matthew, Archbishop of "'Canterbury, by the authority of the Queen's "'Majesty's.'" At page 535 "Psalms which may be "sung or said before the beginning or after the end- "ing of public prayer or before and after sermons." Again, at page 558, this direction will be found, "The "21st Psalm in metre before the sermon unto the end "of the seventh verse, and the 100th Psalm after "the sermon." This form is found in an edition published in 1578, with the following title (page 463), "A Fourme of Prayer with Thankesgiving to be "used of all the Queene's Maiestie's louing subiects "euery yeere, the 17 of Nouember, being the day of "Her Highnesse entry to Her kingdome. Set forth "by authoritie."

Heylin, in his History of the Reformation (p. 271), speaking of Sternhold and Hopkins' version of the Psalms, says, "Notwithstanding being first allowed "for private devotion they were by little and little "brought into the use of the Church to be sung "before and after sermons; afterwards printed and "bound up with the Common Prayer Book, and at "last added by the stationers at the end of the Bible. "For though it be expressed in the title of those "singing psalms that they were 'set forth and al- "'lowed to be sung in all churches before and after "'morning and evening prayer, and also before and "'after sermons,' yet this allowance seems rather to "have been a connivance than an approbation; no "such allowance being anywhere found by such as "have been most industrious and concerned in the "search thereof. At first it was pretended only that "the said psalms should be sung 'before and after "'morning and evening prayer, and also before and "'after sermons;' which shews that they were not "to be intermingled in the public Liturgy. But in "some tract of time, as the Puritan faction grew in "strength and confidence, they prevailed so far in "most places [as] to thrust the *Te Deum*, the *Bene- "dictus*, the *Magnificat*, and the *Nunc Dimittis*. "quite out of the Church."

As Sternhold and Hopkins' version of the Psalms contained metrical versions of the Te Deum and other canticles, the conduct of the Puritan faction, of which Heylin complains, probably consisted in substituting the metrical version of a canticle for the prose version, and not in substituting a psalm for the canticle.

(*The Dean of the Arches.*) I do not know that I need weary you with all these things, Mr. Stephens; perhaps it is rather hard upon you. All that I wanted to know was whether there was any authority for them?

(*Mr. Stephens*). Yes, there is. I was proceeding to show your Lordship that they stand in a very different position from the questions now before the Court.

(*The Dean of the Arches.*) That is all that is applicable?

(*Mr. Stephens.*) That is the only way in which this argument is applicable. I want to show that hymns and psalms stand upon a different basis.

(*The Dean of the Arches.*) They are not *ejusdem generis?*

(*Mr. Stephens.*) Precisely.

(*The Dean of the Arches.*) But it is throwing too

much burden upon you to make you argue a thing which is not before the Court?'

(*Mr. Stephens.*) The question as to the introduction of hymns and psalms was pressed upon your Lordship, and I want to show that they stand upon quite a different basis.

(*The Dean of the Arches.*) Then proceed with that, if you please.

(*Mr. Stephens.*) I now hand up to your Lordship two volumes, one of which was printed in 1624, by the Company of Stationers, and the other in 1641, with the privilege of the Crown; and the titles are as follow: "The whole Book of Psalms collected into "English meter by Thomas Sternhold, John Hopkins, "and others, compared with the Hebrew, with notes "to sing them withal, set forth and allowed to be "sung by all people together before and after morn- "ing and evening prayer" (not in the service your Lordship sees) "and also before and after sermons; "and moreover in private houses for their godly "solace and comfort, and the laying aside of ungodly "songs and ballads, which tend only to the encourage- "ment of vice and corruption of youth." Your Lordship will see that both volumes correspond in their title.

I have no wish to go on if your Lordship will concede this proposition to me,—that the use of psalms and hymns in the Church stand upon quite a different basis to the questions submitted for the judgment of this Court.

(*The Dean of the Arches.*) I am afraid I must not express any opinion upon that yet awhile.

(*Mr. Stephens.*) Then, if your Lordship will excuse me, I will proceed with my argument, because it is very important I should establish that proposition.

(*The Dean of the Arches.*) Very; however, I am quite ready to hear you upon that. I shall be glad to hear any argument upon the point that they stand upon a different footing to the questions in this case.

(*Mr. Stephens.*) My Lord, that is the only point they have seemingly made on the opposite side, and a very poor one it is.

Strype, in his Ecclesiastical Memorials (vol. 2, part 1, page 135, Oxford edition, 1822), when discussing Edward's first Act of Uniformity, says, "Let "me, moreover, take notice of a *proviso* in this Act "concerning the singing of psalms in public use then "customarily and probably sung a good while before "this by the gospellers, according as the reformed in "other countries used to do; yet without any autho- "rity. This practice was now authorized by virtue "of the said *proviso* which run in this tenor: 'Pro- "'vided also that it shall be lawful for all men, as "'well in churches, chapels, oratories, or other places, "'to use openly any psalm or prayer taken out of the "'Bible, at any due time; not letting or omitting "'thereby the service, or any part thereof, mentioned "'in the said book.'" From hence it is that the title page of our present books, the Hymns and Psalms in Meter carry these words: "Set forth and allowed "to be sung in all churches of all the people together, "before and after morning and evening prayer; and "also before and after sermons, and, moreover, in "private houses for their godly solace and comfort." (I believe the very words of the titles of the two books I have handed up to your Lordship.) "Which may "serve to explain to us what the ordinary times of "their singing together these psalms were, namely, "before they began the morning service, and after it "was done. Likewise, when there was a sermon, be- "fore it began, and after it was finished. As for the "psalms or hymns thus allowed, they seem to be those "that are yet set before and after our present singing "psalms, done by Dr. Cox, W. Whittingham, Robert "Wisdom, eminent divines in those times, and others; "and some of David's psalms, done by Sternhold, "Hopkins, and others. It is certain that Sternhold "composed several at first for his own solace. For "he set and sung them to his organ. Which music "King Edward VI. some time hearing (for he was "a gentleman of the Privy Chamber) was much "delighted with them. Which occasioned his publica- "tion and dedication of them to the said King. After, "when the whole Book of Psalms (with some other "hymns,) were completely finished in verse, (done as "it seems by Hopkins and certain other exiles in "Queen Mary's reign), this clause in the aforesaid "Act gave them their authority for their public use "in the Church hitherto."

The proviso which Strype refers to was not inserted in Elizabeth's Act of Uniformity or in Charles the Second's, and they are the only Acts now in force, and were the only Acts in force when Strype wrote. He must therefore be wrong in resting the usage of singing psalms upon that proviso. It is likewise observable that Strype, like Heylin, speaks as if there were only one set of hymns and psalms in metre in use when he was writing, shortly before 1721, although besides the old version of Sternhold and Hopkins a new version by Tate and Brady had been allowed to be used in churches in 1696. The use of this latter version was sanctioned by an Order in Council of William III., dated December 3d, 1696. I think this Order has been read to your Lordship; it is dated at the Court at Kensington in 1696.

(*The Dean of the Arches.*) I have got a reference to it somewhere.

(*Dr. Swabey.*) The copy I read was taken from Mr. Stephens' book.

(*Mr. Stephens.*) It will likewise be found in the folio edition of the Book of Common Prayer, printed at Cambridge in 1844.

Bishop Beveridge wrote a public defence of Sternhold and Hopkins' version (8 Beveridge's Works, p. 23). In that defence he quotes the title always prefixed to Sternhold and Hopkins' version, "The "whole Book of Psalms, collected into English Metre, "by Thomas Sternhold, John Hopkins, and others." This title is precisely the same as in the books which I handed up to your Lordship. I therefore need not read it in extenso.

Upon this title Bishop Beveridge makes the following comments, which will be found at page 614: "These psalms were set forth and allowed to be "sung in all churches, which could not be without "royal authority, none having power over all the "churches in the kingdom but the King himself; and "therefore, although his letters patent or his sign "manual cannot be now produced, yet they who first "printed or set forth this book had his order or "licence under his hand cannot be doubted. For "otherwise they durst never have presumed to have "said that it was set forth and allowed to be sung "in all churches. And if they had done it at first "they would soon have been questioned for it, and "those words ordered to be left out in all future "additions; but we see they have been kept in all "the reigns ever since. From whence we may cer- "tainly conclude that this translation of the Psalms "stands upon the same bottom with the last, and all "other translations of the Bible; that is, upon the "royal prerogative and authority."

Bishop Beveridge afterwards quotes (page 652) an order of Charles I., authorizing the singing in churches of another version of the Psalms translated by his father, James I.: "Charles Rex, having caused this "translation of the Psalms (whereof our late dear "father was author) to be perused, and it being found "to be exactly and truly done, we do hereby autho- "rize the same to be imprinted according to the "patent granted thereupon, and do allow them to be "sung in all the churches of our dominions, recom- "mending them to all our good subjects for that "effect."

With reference to the King's giving permission for a particular version being sung, such as Charles I. gave in this case and as William III. had given with reference to Tate and Brady's version, Bishop Beveridge (page 650) says:—"What then is the effect "of the royal permission and allowance? It has "this great effect, that by virtue thereof this new "version of the Psalms may now be used in all [such]

" churches, chapels, and congregations as shall think " fit to receive the same, without their being liable to " be called in question for it in any of His Majesty's " courts, as otherwise they might be, which makes me " sometimes wonder to hear that in some 'places they " publicly use' neither the new version of the Psalms " nor the old, but some other which were never al- " lowed by any prince, who alone could do it. What " they can answer if called to account for it I know " not ; it is well if they themselves do. But the new " version, be sure, may be lawfully used wheresoever " it is thought fit to be received now that His Majesty " hath been pleased to permit and allow it."

It is observable, that throughout the passages I have quoted, there is no reference to anything like the practice of the present day, according to which, each clergyman selects any collection of hymns he chooses for use in his church. On the contrary, in Elizabeth's reign, and down to Heylin's time, there appears to have been only one Metrical Psalter in general use ; and when other versions are introduced, it is considered necessary that their use should be expressly sanctioned by the Crown. Such a use of metrical psalms, with the sanction of the King, and in pursuance of a usage, which has subsisted since the beginning of Elizabeth's reign, is essentially different from such practices as are the subject of the present suit—practices introduced by an individual clergyman without any warrant of authority or permission from the Crown, from the Archbishop of the province, from the Bishop of the diocese, or from any constituted authority.

There is a passage in Bishop Bull's works ; (vol. 2.) I am quoting from Burton's edition, pages 18 & 19 —it will not be found in the Anglo-Catholic Library edition—where Bishop Bull in his charge to the clergy of St. David's speaks thus, " Whereas upon Sundays " and holy days the Church hath appointed a first " and second service to be read one after another, it " is convenient that there be a decent interval be- " tween them. For judge, I pray you, how absurd it " may seem, to conclude the first service with St. " Chrysostom's Prayer and 'The grace of our Lord " Jesus Christ,' and immediately, without any inter- " mission, to enter upon the second service.

" I verily believe the first intention of the Church " was, that these two services should be read at two " several times in the morning ; but now custom and " the Rubric directs us to use them both at the same " time. Yet in cathedral or mother churches, there " is still a decent distinction between the two services ; " for before the priest goes to the altar to read the " second service, there is a short but excellent anthem " sung, in imitation whereof in the churches of London, " and in other great churches of the country, instead " of that anthem there is part of a psalm sung."

It is likewise observable that the old title page of Sternhold and Hopkins, as well as the Rubrics in the occasional services in Elizabeth's reign, only contemplate the use of Psalms at the beginning or end of a service, or at the beginning or end of the sermon. But never in the service, except so far as perhaps the sermon may be considered part of the service ; and whether that is so or not, I will not now stop to consider.

Down to the revision of 1662 the order of Morning Prayer ended where the Rubric is now inserted " In " choirs and places where they sing, here followeth " the Anthem." That Rubric was introduced, as your Lordship is aware, in 1662, and was probably intended to sanction not only anthems in prose, but also metrical psalms. In Elizabeth's Liturgical Services, page 560, we find a hymn in metre spoken of as an anthem.

But such a practice as this would give no sanction to interpolating hymns into the middle of a service, much less to interpolating other practices, such as those which are the subject of the present proceedings.

Mr. Hannen has put the authority of the Injunctions of 1547 upon two grounds: first, the Royal Supremacy, and secondly, the Proclamation Act. That the Injunctions were issued under the Royal Supremacy neither Mr. Droop or myself in our respective arguments disputed. But what I denied, and still deny is, that they were issued under statutable authority. I have shown in my former reply in the St. Alban's case, that if the Injunctions of 1547 derived their authority only from the Royal Supremacy, besides being abrogated in Mary's reign and repealed in general words, they were expressly repealed by the last section of Elizabeth's Act of Uniformity.

The 23rd of Elizabeth's Injunctions, which your Lordship will find in 1 Cardwell's Documentary Annals, p. 221, says, " That they shall take away, utterly ex- " tinct, and destroy all shrines, coverings of shrines, " all tables, candlesticks, trindals, and rolls of wax, " pictures, paintings, and all other monuments of " feigned miracles, pilgrimages, idolatry, and super- " stition, so that there remain no memory of the same " in walls, glass windows, or elsewhere within their " churches and houses." It would be an unjustifiable encroachment upon your Lordship's time if I were to go again into the general question whether the Injunctions of 1547 were issued in conformity with the Proclamation Act in such a manner, as to give them statutory authority.

(*The Dean of the Arches.*) Quite so. You have given me your argument *in extenso* upon that point.

(*Mr. Stephens.*) And therefore, my Lord, I do not wish to repeat it ; all I assert is, that notwithstanding I have had the benefit of hearing my friend Mr. Hannen's argument (and there is no man at the bar for whose learning and research I have a greater respect), my opinion upon the subject, so far from being in the slightest degree altered has been rather confirmed. Mr. Hannen during his argument assumed that Bishop Gardiner was imprisoned under the Proclamation Act by reason of the Injunctions of 1547 having been issued under that Act. If I understood my friend aright that was his argument ?

(*The Dean of the Arches.*) Yes.

(*Mr. Stephens.*) He referred on that subject to the 5th vol. of Collier's Ecclesiastical History ; but Collier's observations on this question, which are to be found at pages 198 to 200, do not favour the view that the Injunctions were issued under the Proclamation Act ; on the contrary, Collier says, (vol. 5, page 199,) " We do not find that the Injunctions of " Edward VI. were either proclaimed in the manner " above mentioned or supported by any proclamation."

There is a very full account of everything connected with Bishop Gardiner's imprisonment in 6 Foxe's Actes and Monuments (pages 42–56), which contains several letters written by Gardiner on the subject, and the account of various proceedings against him before the Privy Council. (Ibid, page 65 *et seq.*) If Bishop Gardiner's imprisonment, as Mr. Hannen has contended, had been founded upon the Proclamation Act, this could not fail to appear from those letters upon the proceedings ; but I believe the only reference to the Proclamation Act is an extract I am going to read from a letter from Gardiner, or, as Foxe calls him, Winchester, to the Lord Protector Somerset : " Now, whether the King may command " against an Act of Parliament and what danger they " may fall in that break a law with the King's consent, " I daresay no man alive at this day hath had more " experience of what judges and lawyers have said " than I. First I had experience in mine old master " the lord cardinal, who obtained his legacy by our " late sovereign lord's request at Rome ; and in his " sight and knowledge occupied the same, with his " two crosses and maces borne before him many " years. Yet because it was against the laws of the " realm the judges concluded the offence of the præ- " munire, which conclusion I bear away, and take " it for a law of the realm, because the lawyers so " said, but my reason digested it not. The lawyers " for confirmation of their doings, brought in a case

" of the Lord Tiptoft, as I remember, a jolly curlian " (he was chancellor to the King), who, because in " execution of the King's commission he had offended " the laws of the realm, suffered on Tower Hill. They " brought in examples of many judges that had fines " set upon their heads in like case, for doing against " the law of the realm by the King's commandment. " And then was brought in the judge's oath, not to " stay any process or judgment for any command- " ment from the King's Majesty. And one article " against my lord cardinal was that he had granted " injunctions to stay the common laws. And upon " that occasion Magna Charta was spoken of, and it " was made a great matter—the stay of the common " law. And this I learned of that case (since that " time being of the council) when many proclamations " were devised against the carriers out of corn, at " such time as the transgressors should be punished, " the judges would answer it might not be by the " laws ; whereupon ensued the Act of Proclamations, " in the passing of which Act many liberal words " were spoken, and a plain promise, that by the " authority of the Act for proclamations nothing " should be made contrary to an Act of Parliament or " common law. When the Bishop of Exeter and " his chancellor were by one body brought in a " præmunire (which matter my lord privy seal cannot " forget), I reasoned with the Lord Audley, then " chancellor, so far as he bade me hold my peace for " fear of entering into a præmunire myself. Where- " upon I stayed ; but concluded it seemed to me " strange that a man authorized by the King (as, since " the King's Majesty hath taken upon him the supre- " macy, every bishop is such a one), could fall in a " præmunire. After I had reasoned the matter once " in the Parliament House, where was free speech " without danger ; and there the Lord Audley, then " chancellor, to satisfy me familiarly, because I was " in some secret estimation as he then knew,—' Thou " art a good fellow, bishop,' quoth he (which was the " manner of his familiar speech), 'look at the Act " of Supremacy, and there the King's doings be " ' *restrained to spiritual jurisdiction* ; and in another " ' Act it is provided, that no spiritual law shall have " ' place contrary to a common law or Act of Parlia- " ' ment. And if this were not,' quoth he, 'you " ' bishops would enter in with the King, and, by " ' means of his supremacy, order the laity as ye " ' listed. But we will provide,' quoth he, ' that the " ' præmunire shall ever hang over your heads ; and " ' so we laymen shall be sure to enjoy our inheritance " ' by the common laws and Acts of Parliament.' "

In this letter, which is dated 14th October 1547, Gardiner is arguing that the Injunctions cannot order anything contrary to the doctrine of Parliament, that is, " the necessary doctrine and erudition for any christian man," which was authorized by the 34 & 35 Henry VIII., c. 1.

This case has been throughout argued on the other side as if Edward's Injunction of 1547 expressly enjoined that there should be two lights upon the high altar ; but in fact the words of the Injunction are, " Ye shall suffer from henceforth no torches nor can- " dles, tapers, or images of wax to be set afore any " image or picture, but only two lights upon the " high altar, before the Sacrament "—this is merely a prohibition of any lights except the two, and not a positive order for two lights—(1 Cardwell's Documentary Annals, page 7).

Cranmer's Visitation Articles in the next year, used the like language (1 Cardwell's Documentary Annals, page 51). This, again, is in terms an inquiry whether there were more than two lights, not an Injunction that there shall be always two lights.

Dr. Deane, in support of his contention, that ceremonies mean whole services, quoted the 6th canon of 1603, against affirming that the rites and ceremonies of the Church in England were such, that men may not with good conscience approve them, use them, or as occasion requireth subscribe them ; and then my friend inquired how men could be asked to subscribe to such things as the manual acts ?

Well, it is a pity ! when my friend was upon the 6th canon, that he did not read the 36th canon as to subscription, which does not require any separate subscription to rites and ceremonies but merely a promise " to use the form in the said book prescribed of public " prayer and administration of the sacraments, and " none other." I will read the second section to your Lordship, " That the Book of Common Prayer and " ordering of bishops, priests, and deacons containeth " in it nothing contrary to the Word of God, that it " may lawfully be so used, and that he himself will " Use the form in the said book prescribed, in public " prayer and administration of the sacraments, and " none other." This canon likewise shows that the rites and ceremonies to be subscribed were parts of the public prayer and administration of the sacraments, and not distinct services.

Comments have been made respecting the omission of the prohibition of elevation, inserted in Edward's first book, and also upon the absence of any prohibition of the practice of mixing water with the sacramental wine. But all this criticism seems to be based upon a misconception of what is meant by the words, or by the expression, " order or form of service." It is in the very nature of a " form or order of service " that it should consist of a series of positive directions, which are to be carried out in succession one after the other, without any omission, alteration, or addition. In such " order or form," as a general rule, prohibitions are out of place ; and accordingly we find that in the first book of Edward VI. there are, I believe, only one or two prohibitions.

(*The Dean of the Arches.*) I think only one.

(*Mr. Stephens.*) Only one I believe. With reference to our present Prayer Book I do not remember at the present moment that it contains one prohibition, and why ? Because the " order and form " consists of a series of positive directions. The 27th section of Elizabeth's Act of Uniformity repealed all laws as to Divine service except the Act of Uniformity ; and if the words of the Acts of Uniformity are not sufficient to enforce the use of the prescribed order or form of service without any addition, the only alternative is, that any clergyman is at liberty to make any additions he may think fit.

Our contention in this case is that the First Prayer Book of Edward VI. was intended to be a complete Directory of public worship. This view is strongly confirmed by the passage in the preface of Edward's first Book [Liturgies of Edward VI., page 19, Parker Society's edition]. " Furthermore, by this order, the " curates shall need none other books for their public " service, but this book and the Bible." If it had been still intended that the candles should have been lighted upon the altar—I will make use of the word " altar " now because we have never heard the word communion table or holy table used throughout the entire of this argument by the other side——

(*The Dean of the Arches.*) But, Mr. Stephens, you know the word " altar " is used in many of the Church Building Acts ?

(*Mr. Stephens.*) I am speaking of the Prayer Book ; and as to the Church Building Acts, they are the most incongruous and discreditable mass of legislation I have ever met with. At any rate in discussing the Book of Common Prayer the word " altar " is not to be found.

(*The Dean of the Arches.*) It is not to be found in the Book of Common Prayer, no doubt ; and the proper expression is holy communion table.

(*Mr. Stephens.*) I think I have kept as much as possible to the language of the statutes in this case, while the opposite side have evaded the statutes as much as possible.

If it was the intention of the Legislature that there should be lighted candles upon the holy communion table, or if your Lordship pleases, upon the " altar," positive directions would have been given upon the subject. The candles require to be lighted before

each service at which they were to be used, and they must be removed from time to time. There are no such directions, and what is more extraordinary, the word candlestick is not to be found in either of the Prayer Books of Edward VI., of Elizabeth, or of Charles II.

Our contention is further confirmed by the destruction of all the old service-books in the following year. Under the authority of 3 and 4 Edward VI., cap. 10, "the recitals of which Act state, that these old service books being permitted to remain undefaced, do "not only give occasion to such perverse persons as "do impugn the order and godly meaning of the "king's said Book of Common Prayer to continue in "their old-accustomed superstitious service, but also "minister great occasion to diversity of opinions, rites, "and ceremonies and services. The destruction of the old service books must have included the Consuetudinary of the Church of Sarum, and the other books, whatever they were, which contained directions for the lights on the altar. They were all destroyed, and it became illegal for any person to have them in his possession.

At the beginning of Elizabeth's reign the like policy was resorted to, as regards the destruction of the service-books, which had been re-introduced in Mary's reign. The result was, that the knowledge of the old services was altogether lost. As one proof of this (your Lordship will correct me if I am wrong), that with one exception, no author of eminence since the Reformation, until within the last 30 years, has written any work illustrating the pre-Reformation ritual—I mean, of course, in our own Church. The exception to which I have alluded is Johnson's Edition of the Canons, which contains a certain amount of information upon the pre-Reformation ritual.

The intention of Edward VI. and his legislature is clear. It was to start altogether afresh and to have a new service book, complete in itself, and to be interpreted, where ambiguous, by the ordinary.

It has been erroneously supposed our contention is, that the clergy cannot go back, as regards ritual, to the pre-Reformation law, and that we are a mere Act of Parliament Church, a creature of the 16th century. But that is not so. When the Church of England reformed herself from the many corruptions in doctrine and practice which had grown up during the dark ages, one part of the Reformation was, the making of a complete and self-contained code of ritual, to be construed by itself, independently of all previous law or custom. The Church in England remained the same Church in all respects, *except ritual*, after the first Act of Uniformity as she was before. Edward VI. continued to be supreme head of the Church with the like authority that he had before, except that of course he could not order any rite or ceremony or do anything inconsistent with the Act of Uniformity. So Bishop Ridley, when he succeeded Bonner as Bishop of London, succeeded to all the powers which Bonner had possessed previously to the Act of Uniformity, and proceeded to issue Visitation Articles and Injunctions in like manner as previous bishops had done. The only change made by the first Act of Uniformity of Edward VI. was, that thenceforth the first Prayer Book was to be the sole code of ritual, and nothing was to be done in the service, with a religious signification, that was not expressly or by implication directed in that book.

The substantial question in this case is, whether rites and ceremonies can be used in the performance of divine worship that are not expressly prescribed by the Book of Common Prayer. According to the decision of Westerton and Liddell, there must be either express direction or implied permission; as, for example, in cases in which something is expressly prescribed, but the way in which it is to be performed is left open. And in dealing with implied permission, there must be no inconsistency with any part of what is prescribed. I submit to your Lordship no other addition is suggested in that decision.

There is no express direction, nor implied permission, in the Acts of Uniformity by which the Defendant can defend the practices charged in the Articles. Assuming, which I am not called upon to admit, that the rites and ceremonies in question might be defended or excused, as customs continued after the Reformation, no evidence of the slightest value has been adduced of any continuing custom in favor of any of the rites and ceremonies which are the subject of the present contention. All the Prayer Books have been established by statutes, and each statute has prohibited any addition or omission. Consequently, the 26th section of 1 Elizabeth, cap. 2, was necessary to give the Queen and the Commissioners together, or the Queen and the Archbishop of Canterbury together, the power to add any rites and ceremonies to those that were prescribed by the Book of Common Prayer. If the Queen and the Primate; or if the Queen and the Commissioners; required the enactment of a statute for the purpose of adding any rite or ceremony to the rites or ceremonies prescribed by the Book of Common Prayer,—how can any parochial clergyman, *ex mero motu*, be allowed to add anything either in matter or form to the statutable ritual of our Church?

In conclusion, my Lord, I wish to make a few observations upon the question of religious persecution,—especially as a very amusing amount of misconception has arisen upon the subject. The question in this case is not one of religious persecution. What is persecution? According to my definition, persecution in religious matters is an unjust punishment inflicted upon a person for adhering to a creed or mode of worship, either by way of penalty or by compelling him to renounce his principles. But what does that proposition necessarily import? Why, freedom of action. Such freedom has no place here, because a clergyman upon institution promises in the most solemn manner that he will obey the laws of the Church, and upon the faith of that promise he receives preferment; upon the faith of that promise he receives emolument; upon the faith of that promise he receives social status, and acquires legal rights and powers. To profess, then, or even entertain principles at variance with such promise, violates every definition, every idea of fair dealing, of honesty, and of truth:—And the man who, under these circumstances, attempts to carry such inconsistent principles into action, and in so doing violates his pledge and is punished for so doing, is not persecuted. He is justly visited with those consequences of his guilt which are dependent, not upon this or that custom, not upon this or that religious system, but upon the universally received distinction between truth and falsehood: and he is justly punished for obtaining and holding preferment under false pretences.

(*The Dean of the Arches.*) The Court must take time to consider its judgment in this case, and it would be only due to the very elaborate and able arguments which have been addressed to it by counsel on both sides, that it should take a reasonable time to do so; but the Court will be anxious, upon all grounds, that the judgment should not be delayed beyond that period which is requisite for doing justice to those arguments.

JUDGMENT delivered by the Right Hon. Sir ROBERT PHILLIMORE, D.C.L., Official Principal of the Court of Arches, on the 28th day of March 1868, in the Cases of —the Office of the Judge promoted by—Martin *v.* Mackonochie and Flamank *v.* Simpson.

Preliminary Observations.

This case of Martin *v.* Mackonochie was brought before my predecessor in this chair, by Letters of Request from the Bishop of London, under the provisions of the 3rd and 4th Victoria, c. 86. That Statute, passed in the year 1840, enables any bishop within the Province of Canterbury either to try the case of a clerk for a criminal offence before himself with certain assessors, or to send it to the Court of the Archbishop for trial in the first instance. Since the passing ofthis Statute, bishops have very generally availed themselves of the latter provision, and this Court has now before it several cases so sent from several suffragan dioceses of the Province of Canterbury.

Under the old law, when these cases were triable in the Consistorial Court of each bishop, if they were sent by Letters of Request to the Court of Arches, these letters contained an averment that the lack of counsel, and difficulty of obtaining proper legal assistance, rendered it expedient, for the ends of justice, that the case should be tried in the first instance in the Court of Appeal, that is, in this Court. It is not to be wondered at, therefore, that this is, I believe, the only case but one which has been sent by Letters of Request from the great Diocese of London, amply furnished as it is with all means and appliances requisite for the administration of justice, to the Court of Appeal; and I much regret that I am deprived of the great assistance which I should have derived from the judgment of the Bishop of London upon the important matters now before me, if the case had been brought to this Court in the regular course of appeal.

The Letters of Request were accepted by Dr. Lushington my learned predecessor in this chair, and in an early stage, of these proceedings, before evidence had been taken, or argument heard upon the merits of the case, I was counsel for the accused clerk, and took objections to the manner in which the offence was charged in the criminal articles. When the Archbishop of Canterbury was pleased to confer upon me the Judgeship of his Grace's Court, I proposed to hear the case, with the assistance of two learned persons well skilled in ecclesiastical law, the Vicar-General of the Archbishop, and the Chancellor of Rochester (to whom I take this opportunity of publicly expressing my thanks), but this arrangement was demurred to on behalf of the promoter of the Bishop of London's office, that is the accuser; and I then appointed, as my patent gave me full power to do, those two learned persons to be my surrogates for the hearing of this cause. They held one Court, and in consequence of arguments addressed to them touching the validity of their appointment, they adjourned the hearing of the cause until an opportunity had been afforded for an application to the Temporal Court for a prohibition. The counsel for Mr. Mackonochie applied to the Court of Queen's Bench for a rule *nisi* to show cause why the prohibition should not go to these surrogates, upon the ground that I had exceeded my power in appointing them.

The promoter or accuser did not appear to show cause against the prohibition, and the rule, upon an *ex parte* statement, was perhaps almost necessarily made absolute.

But I think if the rule had been opposed, and the powers given by my patent, and also the fact of the invariable usage of this Court, as proved by its earliest records, to appoint surrogates, been duly brought to the attention of the Court of Queen's Bench, it would have refused the rule. I mention this circumstance, in order to prevent any inconvenience which might ensue from it being supposed that this Court had no power to appoint surrogates. After these proceedings in the Court of Queen's Bench, the surrogates whom I had appointed, by a formal instrument entered upon the records of this Court, resigned the powers which I had conferred upon them.

I then proceeded to hear this cause, and the other, that of Flamank *v.* Simpson, brought before this Court by Letters of Request from the Bishop of Exeter, in which almost the same questions were raised. The arguments in both cases have occupied the attention of the Court for 16 days. The learning, ability, and industry of the counsel have greatly assisted the Court in the execution of the difficult task which it has to perform, namely, to give judgement upon the charges preferred against Mr. Mackonochie and Mr. Simpson.

A good deal has been said by the counsel on both sides respecting the motives of the accuser and the accused in this suit, but upon this subject the Court need say but very little.

Mr. Martin has been allowed by the Bishop of London to promote his Lordship's office in this case, and I must, of course, presume that his Lordship was satisfied upon good grounds, both that it was proper that his office should be promoted, and that Mr. Martin was a proper promoter; because his Lordship, who has the advantage of having a very learned legal adviser, was, no doubt, aware, from the decision of the Queen's Bench in "Regina *v.* Bishop of Chichester," (2 El. & El., 209,) as well as from the decision of the Privy Council in "Ray *v.* Sherwood," (1 Moore P.C. Reports, 397,) that it was competent to him to exercise his discretion as to whether his office should be promoted or not. I must, therefore, consider Mr. Martin as having obtained full sanction for the course which he has adopted and wholly decline to impute to him any unworthy motive whatever for the part which he has taken in this suit. It is, however, a matter of fact, admitted or proved before me that Mr. Martin is not, legally speaking, a parishioner of St. Alban's, nor, of course, a churchwarden, a part of whose office it is to represent to the Ordinary any misconduct on the part of the incumbent.

This fact, however, if it should prove to be of any importance at all in this case, can only relate to the subordinate question of costs, and in no way affects my judgement upon the principal questions before me. Upon the other hand, it is only fair to Mr. Mackonochie to state, that it appears from the documents in the cause, that having the cure of souls in one of the worst and most neglected districts of London, and receiving moderate temporal emolument, he has devoted himself to the discharge of his holy office, and evangelizing an almost heathen population.

It is hardly necessary to say that he is not on this account entitled to conduct the services of the Church (if he has done so) in a manner not authorized by the law.

There are two modes of procedure in the Ecclesiastical Courts, one of a civil, and the other of a criminal, character. There have been, in recent times, two leading judgments delivered upon the lawfulness of certain ornaments (to which word a precise legal meaning has been attached) used during the celebration of Divine worship and certain decorations of churches.

In both these judgements the questions for judicial decision were raised in the civil form of procedure.

The "Stone Altar Case" (as it has been commonly called) arose on an application for a faculty in the Consistory of Ely, and was brought on appeal to this Court.

The causes relating to the Knightsbridge Churches* were instituted in a similar way in the Consistory of London, from the decision of which Court an appeal was prosecuted, first to the Court of Arches, and ultimately to the Judicial Committee of the Privy Council, which last tribunal recommended Her Majesty to reverse, upon many points, the decision of the Courts below. As the Archbishops and the Bishops, who are Privy Councillors, are only members of the Judicial Committee in cases of criminal proceedings against clerks in holy orders, the prelates who did sit on this last occasion sat only as assessors and not as members of the Court.

The proceedings taken in this case are of a criminal character, and the sound of them, so to speak, is harsher than that of those in the cases to which I have referred, but substantially the same end is sought, and the same remedy pursued; and, with an exception to be hereafter stated, I am not prepared to say,—inasmuch as not only certain ornaments, but also the use of them in the services of the Church, are complained of,—that it would have been competent to the promoters to have brought before me in a civil form all the matters contained in these criminal articles.

They are comprised under the following heads:—

(1.) The elevation of the Blessed Sacrament of the Lord's Supper, accompanied in Mr. Mackonochie's case by kneeling "or excessive kneeling" at times not prescribed by the Rubrics.

(2.) The use of incense during the celebration of the Eucharist.

(3.) The mixing of water with wine at the time of the administration of the Lord's Supper.

(4.) The use of lighted candles upon the Holy Table.

It will be necessary presently to enter into a fuller and more detailed statement of each of these charges, and of the answers to them. I will only observe that, with one exception to be noticed hereafter, there is no dispute in the case as to the facts to which the law is to be applied.

Statutes of Uniformity.

The law principally, though not exclusively, relied upon by the counsel for the promoter is contained in the Statutes of Uniformity. I must refer to these statutes.

The first Statute is that of 2nd and 3rd Edward VI., c. 1., which accompanied the first Prayer Book. The second is that of 5th Edward VI., c. 4., which accompanied the second Prayer Book, and has been repealed. The third is that of 1st Eliz., c. 2., the penal sections of which are in force.

The additions made to the Prayer Book by James I. were not accompanied by a separate Statute, but were made under the powers conferred upon the Crown acting with the Metropolitan, under a clause of the Statute of Elizabeth.

Fourthly, the present Statute of Uniformity, the 13th and 14th of Car. II., c. 4., which embodies so much of the Statute of 2nd and 3rd Edward VI., c. 1., and of 1st Eliz., c. 2., as were necessary for "the establishing and confirming" of the new Prayer Book.

It is necessary to refer somewhat at length to the Statutes now in force.

The 2nd and 3rd Edward VI., cap. 1., which is the first Act of Uniformity of Edward VI., begins by reciting that there had been in England "different forms of prayer; that is to say, the use of "Sarum, of York, of Bangor, of Lincoln, and besides the same now of late, much more divers and "sundry forms and fashions have been used in the cathedral and parish churches of England and "Wales, as well concerning matins or morning prayer and evensong, as also concerning the Holy "Communion, commonly called the Mass, with divers and sundry rites and ceremonies concerning "the same, and in the administration of the other sacraments of the Church; and as the doers and "executors of the said rites and ceremonies in other form than of late years they have been used "were pleased therewith, so others not using the same rites and ceremonies were thereby greatly "offended; and, albeit, the King's Majesty, with the advice of His most entirely beloved uncle, the "Lord Protector, with others of the council, hath heretofore divers times assayed to stay innovations "or new rites, yet the same have not had such good success as His Highness required in that behalf; "whereupon His Highness, by the most prudent advice, being pleased to bear with the frailty and "weakness of His subjects in that behalf, of His great clemency hath not been only content to "abstain from punishment of those that have offended in that behalf, (for that His Highness taketh "that they did it of a good zeal,) but also to the intent that uniform quiet and godly order shall be "had concerning the premises, appointed the Archbishop of Canterbury and certain distinguished

* These cases are afterwards referred to as Liddell *v.* Westerton, &c.

" men to consider and ponder the premises, and thereupon having as well eye and respect to the most " sincere and pure Christian religion taught by the Scriptures as to usages in the Primitive Church, " should draw and make one convenient, meet, and definite order, rite, and fashion of common and " open prayer, and administration of the sacraments, to be had and used in His Majesty's realm of " England and Wales, the which at this time, by the aid of the Holy Ghost, with one uniform " agreement is thus concluded, set forth, and delivered to His Highness, to His great comfort and " quietness of mind, in a book entitled 'The Book of Common Prayer and Administration of the " Sacraments, and other Rites and Ceremonies of the Church, after the use of the Church of England:' " Wherefore the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, " considering as well the most godly travel of the King's Highness, of the Lord Protector, and of " other His Highness' council, in gathering and collecting the said Archbishop, Bishops, and learned " men together, as the godly prayers, orders, rites, and ceremonies in the said book mentioned, and " the considerations of altering those things which he altered, and retaining those things which he " retained in the said book, but also to the honour of God, and the great quietness which by the " grace of God shall ensue upon the one and uniform rite and order in such common prayer, and " rites and external ceremonies, to be used throughout England and in Wales, at Calice, and " the marches of the same, do give to His Highness most hearty and lowly thanks for the same."

Then it goes on and says, " That all and singular the ministers in any cathedral or parish church " shall be bounden to say and use matins, evensong, celebration of the Lord's Supper, commonly " called the Mass, and administration of each of the sacraments and all their common and open prayer, " in such order and form as is mentioned in this book, and none other or otherwise."

It then enacts, " That if any manner of parson, vicar, other whatsoever minister that ought or " should sing or say the common prayer mentioned in the said book, or minister the sacraments, " shall refuse to use the said common prayer or to minister the sacraments in such cathedral or " parish church, in such order and form as they be mentioned and set forth in the said book, or shall " use, wilfully and obstinately standing in the same, any other rite, ceremony, order, form, or " manner of mass openly or privately, or matins, evensong, or other open prayer, than as mentioned " and set forth in the said book," he then becomes liable to certain penalties.

The seventh section of this Act states, " That it shall be lawful for all men, as well in churches, " chapels, oratories, or other places, to use openly any psalm or prayer taken out of the Bible at any " time, not letting or omitting thereby the service or any part thereof mentioned in the said book."

The eighth section of this Act provides, " That the books concerning the said services shall, at the " costs and charges of the parishioners of every parish and cathedral church, be attained and gotten " before the Feast of Pentecost next following, or before; and that all such parishes and cathedral " churches, or other places where the said books shall be attained and gotten before the said Feast of " Pentecost, shall, within three weeks next after the said books so attained and gotten, use the said " service, and put the same in use according to this Act."

The present Act of Uniformity, passed in the year 1662, the 13th & 14th Car. II., c. 4., is entitled " An Act for the Uniformity of public Prayers, and Administration of Sacraments, and other Rites " and Ceremonies; and for establishing the Form of making, ordaining, and consecrating Bishops, " Priests, and Deacons in the Church of England."

The first section gives the following title to our present Prayer Book:—" The Book of Common " Prayer and administration of the Sacraments, and other rites and ceremonies of the Church, according " to the use of the Church of England; together with the psalter or psalms of David, pointed as they " are to be sung or said in Churches; and the form and manner of making, ordaining, and consecrating " of Bishops, Priests, and Deacons."

The second section, after reciting " that nothing can conduce more to the settling of the peace of " the nation, nor to the honour of our religion and the propagation thereof, than a universal agreement " in the worship of Almighty God, and to the intent that every person in this realm may certainly " know the rule to which he is to conform in public worship and administration of sacraments, and " other rites and ceremonies of the Church of England," enacts, " That all ministers shall be bound " to say and use the morning prayer, evening prayer, and celebration and administration of both " sacraments, and all other the public and common prayer, in such order and form as is mentioned in " the book annexed and joined to the present Act, intituled the Book of Common Prayer, and " administration of the Sacraments, and other rites and ceremonies of the Church, according to the " use of the Church of England."

And by the 24th section it is further enacted, " by the authority aforesaid, that the several good " laws and statutes of the realm, which have been formerly made, and are now in force, for the " uniformity of prayer and administration of the sacraments within this realm of England and places " aforesaid, shall stand in full force and strength, to all intents and purposes whatsoever, for the " establishing and confirming of the said book," (intituled as aforesaid) " herein-before mentioned to " be joined and annexed to this Act, and shall be applied, practised, and put in use for the punishing " of all offences contrary to the said laws, with relation to the book aforesaid, and no other."

By the 17th section it is further enacted, " by the authority aforesaid, that no form or order of " common prayers, administration of sacraments, rites, or ceremonies, shall be openly used in any " church, chapel, or other public place, or in any college or hall in either of the Universities, the " colleges of Westminster, Winchester, or Eton, or any of them, other than what is prescribed and " appointed to be used in and by the said book."

By the Statute 1st Elizabeth, cap. 2., sec. 27., it is enacted, that all laws, statutes, and ordinances " wherein or whereby any other service, administration of sacraments, or common prayer is limited, " established, or set forth to be used within this realm, or any other the Queen's dominions or countries, " shall from henceforth be utterly void and of none effect."

The main proposition upon which the alleged unlawfulness of all the matters contained in the criminal articles has been rested by the counsel for the promoter is, that they are all, in effect, rites and ceremonies other than and additional to those which are prescribed in the Prayer Book and the Act of Uniformity.

The answer to this charge is twofold: first, it is averred that the matters complained of are not rites or ceremonies; secondly, that if they fall within either category they are not "other than or additional to" those prescribed in the Book of Common Prayer, in the sense of being at variance with or repugnant to them, forasmuch as they are in accordance with and subsidiary to them.

Under the first position they maintain that the terms "rites and ceremonies" mean an entire service, such as Masses for the Dead, or services for particular festivals; or customs, such as creeping to the Cross, and the like, which were abolished at the time of the Reformation.

That the elevation of the Blessed Sacrament, excessive kneeling, the use of incense, the mixing water with the wine, the lighting of candles, are elements or ingredients of a rite or ceremony, and not a rite or a ceremony *per se*.

The terms rite and ceremony, as used in the first Prayer Book, and from thence imported into our present Prayer Book, are terms, so to speak, of ecclesiastical and ritual art, and must be construed with reference to their use in contemporaneous and other works of writers upon ritual, unless they receive a different meaning from a comparison of other passages or parts in the Prayer Book or Statute in which they are found.

I must, therefore, refer at length to the preface in our Prayer Book, entitled,—

"Of rites and ceremonies.

"Of such ceremonies as be used in the Church, and have had their beginning by the institution of "man, some at the first were of godly intent and purpose devised, and yet at length turned to vanity "and superstition; some entered into the Church by indiscreet devotion, and such a zeal as was "without knowledge; and for because they were winked at in the beginning, they grew daily to more "and more abuses, which not only for their unprofitableness, but also because they have much "blinded the people, and obscured the glory of God, are worthy to be cut away, and clean rejected: "other there be, which although they have been devised by man, yet it is thought good to reserve "them still, as well for a decent order in the Church (for the which they were first devised), as "because they pertain to edification, whereunto all things done in the Church (as the Apostle "teacheth) ought to be referred."

"But now as concerning those persons, which peradventure will be offended, for that some of the "old ceremonies are retained still: If they consider that without some ceremonies it is not possible to "keep any order, or quiet discipline in the Church, they shall easily perceive just cause to reform "their judgements. And if they think much, that any of the old do remain, and would rather have "all devised anew: then such men granting some ceremonies convenient to be had, surely where the "old may be well used, there they cannot reasonably reprove the old only for their age, without "bewraying of their own folly. For in such a case they ought rather to have reverence unto them "for their antiquity, if they will declare themselves to be more studious of unity and concord, than "of innovations and new fangleness, which (as much as may be with true setting forth of Christ's "religion) is always to be eschewed. Furthermore, such shall have no just cause with the ceremonies "reserved to be offended. For as those be taken away which were most abused, and did burden "men's consciences without any cause: so the other that remain, are retained for a discipline and "order, which (upon just causes) may be altered and changed, and therefore are not to be esteemed "equal with God's law. And moreover, they be neither dark nor dumb ceremonies, but are so set "forth, that every man may understand what they do mean, and to what use they do serve. So that "it is not like that they in time to come should be abused as other have been. And in these our "doings we condemn no other nations, nor prescribe anything but to our own people only: for we "think it convenient that every country should use such ceremonies as they shall think best to the "setting forth of God's honour and glory, and to the reducing of the people to a most perfect and godly "living, without error or superstition; and that they should put away other things, which from time "to time they perceive to be most abused, as in men's ordinances it often chanceth diversely in divers "countries."

"Some are put away, because the great excess and multitude of them hath so increased in these "latter days, that the burden of them was intolerable; whereof Saint Augustine in his time com-"plained, that they were grown to such a number, that the estate of Christian people was in worse "case concerning that matter, than were the Jews. And he counselled that such yoke and burden "should be taken away, as time would serve quietly to do it. But what would Saint Augustine "have said, if he had seen the ceremonies of late days used among us; whereunto the multitude used "in his time was not to be compared? This our excessive multitude of ceremonies was so great, "and many of them so dark, that they did more confound and darken, than declare and set forth "Christ's benefits unto us. And besides this, Christ's Gospel is not a ceremonial law (as much of "Moses' law was), but it is a religion to serve God, not in bondage of the figure or shadow, but in "the freedom of the spirit; being content only with those ceremonies which do serve to a decent "order and godly discipline, and such as be apt to stir up the dull mind of man to the remembrance "of his duty to God, by some notable and special signification, whereby he might be edified. Further-"more, the most weighty cause of the abolishment of certain ceremonies was, that they were so far "abused, partly by the superstitious blindness of the rude and unlearned, and partly by the unsatiable "avarice of such as sought more their own lucre than the glory of God, that the abuses could not "well be takn away, the thing remaining still."

"And whereas in this our time, the minds of men are so diverse, that some think it a great matter "of conscience to depart from a piece of the least of their ceremonies, they be so addicted to their

" old customs; and again on the other side, some be so new-fangled, that they would innovate " all things, and so despise the old, that nothing can like them, but that is new; it was thought " expedient, not so much to have respect how to please and satisfy either of these parties, as how " to please God, and profit them both. And yet lest any man should be offended, whom good reason " might satisfy, here be certain causes rendered, why some of the accustomed ceremonies be put " away, and some retained and kept still."

" And although the keeping or omitting of a ceremony, in itself considered, is but a small thing; " yet the wilful and contemptuous transgression and breaking of a common order and discipline is " no small offence before God, *Let all things be done among you*, saith Saint Paul, *in a seemly and due* " *order:* the appointment of the which order pertaineth not to private men; therefore no man ought " to take in hand, nor presume to appoint or alter any publick or common order in Christ's Church, " except he be lawfully called and authorized thereunto."

Perhaps it would be difficult to deduce from this language any certain conclusion as to the precise sense in which the terms Rites and Ceremonies are used.

In the first Prayer Book, at the close of the dissertation, which is at the end of the services, " Of " ceremonies, why some be abolished and some retained," are " certain notes for the more explication " and decent ministration of things contained in this book," one " note " is " as touching kneeling, " crossing, holding up of hands, knocking upon the breast, and other gestures, they may be used or " left as every man's devotion serveth without blame."

This note does not appear in the subsequent Prayer Books, but, nevertheless, at the Hampton Court conference in the year 1604, the Bishop of Winchester, replying to the objections made by the Puritans to the use of the Cross in baptism and ceremonies generally, said,—

" In prayer, the kneeling on the ground, the lifting up of our hands, the knocking of our breasts, " are ceremonies significant: the first, of our humility coming before the mighty God; the second, " of our confidence and hope; the other, of our sorrow and detestation of our sins; and these are and " may lawfully be used."

" Mr. Dean of the Chapel remembred the practice of the Jews, who, unto the institution of the " Passeover, prescribed unto them by Moses, had, as the rabbins witnesse, added both signes and " words, eating soure herbs, and drinking wine, with these words to both, 'Take, and eat these in " remembrance,' &c.; 'Drink this in remembrance,' &c. Upon which addition and tradition of theirs, " our Saviour instituted the Sacrament of his last Supper, in celebrating it with the same words and " after the same manner; thereby approving that fact of theirs in particular, and generally, that a " Church may institute and retain a signe significant," which, says the reporter of the conference, satisfied His Majesty exceeding well.—(*Cardwell; Conferences on the Book of Common Prayer*, p. 197.)

These gestures appear to me to have been considered as ceremonies wisely left to every man's discretion.

In the first " order of the Communion " which preceded the first Prayer Book the Rubric says, " The time of the Communion shall be immediately after that the Priest himself hath received the " Sacrament, without the varying of any other *rite* or *ceremony* in the Mass (until other order shall be " provided), but, as heretofore, usually the Priest has done with the Sacrament of the Body," &c.

Here, again, rite and ceremony seem to be used for elements or portions of a service.

Let us consider the construction put upon the Latin terms (from which, of course, the English terms are borrowed) *ritus* et *cæremoniæ* by high Latin authorities.

Bona (*Opera Omnia*, p. 562), writing, *De Disciplina psallendi*, § III., says,

Cæremoniæ quid sint, et quæ hujus nominis origo. Earum efficacia, et utilitas ad divinum cultum. Veræ a falsis, et superstitiosis discernendæ. Exteriores ceremonias sine interno spiritu parum prodesse.

. . . . . Sunt autem ceremoniæ, si propriè loqui velimus, ritus sancti in sacrificiis, et divinis officiis ad Dei cultum adhibiti: sed migravit vocabulum in usus etiam profanos; nam cum homines instituissent sibi invicem inclinare, genua flectere, manus osculari: hæ et aliæ honoris exhibitiones, cum proprio nomine carerent, cœptæ sunt etiam ceremoniæ dici.

Van Espen (*Jus Eccles. Universum*, p. 410, t. v., cap. 1, *de celebratione Missarum*) speaking of the celebration of the Eucharist, says: " Certum tamen est ipsum apostolis suis, 'totique Ecclesiæ, in " eorum personâ, potestatem auctorita temque dedisse ea omnia in augustissimi hujus mysterii *ritibus* " seu *cæremoniis* addendi, demendi, immutandi quæ illius dignitati et populorum devotioni pro " temporum et locorum diversitate magis congruere judicarent."

Here, *ritus* and *cæremoniæ* are not separate services, but certain ingredients or accompaniments of one service, that of the Eucharist.

Gavanto (Vol. 1. p. 3. ed. 1823, Venice), a great Roman ritualist, says, that Bona and Suarez both define *cæremonia* as " actio religiosa ad cultum et decentiam sacrificii ab ecclesiâ instituta."

He quotes Quarti's opinion as follows:

" Procedit Quarti ad dividendas cæremonias in eas, quæ sunt intrinsecæ ipsi missæ, et partes " ejusdem, et consistunt, dicit ipse, tum in verbis, tum in gestibus celebrantis, de quibus late " Suarez, *disp.* 83 *et* 84, et in eas, quæ sunt circumstantiæ extrinsecæ ejusdem sacrificii, ut locus, " tempus, vasa, et vestimenta sacra, &c. Dicit præterea, quod illæ cæremoniæ, quæ consistunt in " gestibus, quædam inductæ sunt propter decentiam operandi, nec habent aliam significationem, ex. gr. " quod sacerdos dum signat seipsum, ponit sinistram sub pectore; et aliæ inductæ sunt propter " significationem moralem, vel mysticam, verb. grat. *mixtio aquæ cum vino*," (observe these words,) " digitorum ablutio, crucis signa, de quibus Divus Thomas 3 *part. quæst.* 83, *artic.* 4, § 5.

" Verum, pace tanti viri, ego distinguerem cæremoniam sacram a ritu, dicendo, ritussacros consistere " in illis precibus, epistola, evangelio, &c., quæ juxta ecclesiæ dispositionem recitari debent in " missâ; cæremoniam autem consistere in solis gestibus, quibus prædictæ preces juxta ejusdem ecclesiæ " præscriptum peragi debent ad majorem ornatum, et decentiam sacrificii, quod celebratur; et revera

" Cæremonialia, seu libros cæremoniarum vocamus illos, qui non orationes et preces dicendas præscri-
" bunt, sed modum, quo illæ dicendæ sunt; e contra Rituales nuncupamus illos, qui continent preces,
" seu alias orationes, quas recitandas præscribunt.

" Ritus, quoniam in verbis regulariter consistunt, vel sunt partes missæ ordinariæ, quia scilicet
" semper ingrediuntur ejus compositionem; vel sunt extraordinariæ, sive mobiles, quia non semper ejus
" compositionem ingrediuntur, sed ad majorem quandoque adduntur solemnitatem, atque ornatum."

(*Gavanto, Thesaurus Sacrorum Rituum, Vol. I., p. 4. Pars I., in Rubricâ Generali.*)

The Council of Trent, in the 22d session, the 5th chapter, "*De Missæ Ceremoniis et Ritibus,*" speaks as follows:

" Quumque natura hominum ea sit, ut non facile queat sine adminiculis exterioribus ad rerum
" divinarum meditationem sustolli, propterea pia mater ecclesia ritus quos dam ut scilicet quædam
" submissa voce alia vero elatiore in missâ pronuncierentur, instituit, ceremonias item adhibuit; ut"
(these are the instances of ceremonies) "mysticas benedictiones, *lumina, thymiamata,* vestes, aliaque id
" genus multa ex apostolicâ disciplinâ et traditione, quo et majestas tanti sacrificii commenderetur,
" et mentes fidelium per hæc visibilia religionis et pietatis signa ad rerum altissimarum, quæ in hoc
" sacrificio latent, contemplationem excitarentur."

Whatever authority this passage may have, it would appear to include under the title *Ceremoniæ,* among other things, the use of lights, of incense, and of vestments.

There is no doubt that the terms Rites and Ceremonies are sometimes used in the sense contended for by the Defendants; but on the whole, the result of this examination of authorities leads me to the conclusion that there is a legal distinction between a Rite and a Ceremony; the former consisting in services expressed in words, the latter in gestures or acts preceding, accompanying, or following the utterance of these words.

Applying this principle to the charges before me, I am of opinion, that the matters complained of must be considered in law as ceremonies.

Before I proceed to consider the greater question, whether they are ceremonies forbidden by the ecclesiastical law of England, and more especially by that part of it which consists of the provisions of the Prayer Book and the Statute of Uniformity, I think it right to draw attention to the judgement of the Church Universal, and especially of "that pure and apostolical branch of it established in this realm" upon the general subject of ceremonies.

And from that judgement it will, I think, appear that an essential distinction is drawn between those which are from their origin immutable, and those which it is competent to the proper authorities to mould according to the varying necessities and exigencies of each particular Church.

The only orders given in the New Testament with respect to the ritual of the Church are of the most general kind, and are to be found in the following passages: Saint Paul in his first epistle to the Corinthians directs,

πάντα πρὸς οἰκοδομὴν γενέσθω

and again,

πάντα εὐσχημόνως καὶ κατὰ τάξιν γενέσθω

which we render,

" Let all things be done to edification,"

and

" Let all things be done decently and in order."

Saint Augustine, whose authority our Church so highy regards, observes, (Ep. 36, tom. ii. p. 101,) " In his rebus de quibus nihil certi statuit Scriptura Divina, mos populi Dei vel instituta majorum
" pro lege tenenda sunt."

And St. Jerome, to whom our articles refer, says (Ep. xxviii ad Lucinium Bæticum), " Ego illud
" te breviter admonen dum putot raditiones ecclesiasticas præsertim " (remark the caution) " quæ
" fidei non officiant ita observandas ut a majoribus traditæ sunt: nec aliorum consuetudinem aliorum
" contrario more subverti. Sed unaquæque provincia abundet in suo sensu, et præcepta majorum leges
" apostolicos arbitretur."

When Augustine, the missionary of Gregory the Great (to whom this country is so much indebted), found the ancient British Churches in possession of a ritual in accordance with the Gallicaneus and that of the Eastern Church, he became perplexed what course to pursue, and wrote for advice on the subject to the Pope. From our old historian Bede we learn how wise an answer he received:

(Beda, Hist. i. 27, II. Interrogatio Augustini.) " Cum una sit fides," wrote Augustine, " cur
" sunt ecclesiarum diversæ consuetudines, et altera consuetudo missarum in sanctâ Romanâ ecclesiâ,
" atque altera in Galliarum tenetur? Respondit Gregorius Papa. Novit fraternitas tua Romanæ
" ecclesiæ consuetudinem, in qua se meminit nutritam. Sed mihi placet, sive in Romanâ, sive in
" Galliarum, seu in qualibet ecclesiâ aliquid invenisti quod plus Omnipotenti Deo possit placere,
" sollicitè eligas, et in Anglorum ecclesiâ, quæ adhuc ad fidem nova est, institutione præcipua, quæ
" de multis ecclesiis colligere potuisti, infundas. Non enim pro locis res, sed pro bonis rebus loc
" amanda sunt. Ex singulis ergo quibusque ecclesiis, quæ pia, quæ religiosa, quæ recta sunt elige, et
" hæc, quasi in fasciculum collecta, apud Anglorum mentes in consuetudinem depone."

According to a later historian of our Church, the learned Field, Dean of Gloucester:

" Ceremonies are outward acts of religion, having institution, either from the instinct of nature, as
" the lifting up of the hands and eyes to heaven, the bowing of the knee, the striking of the breast,
" and such like; or immediately from God, as the sacraments; or from the Church's prescription:
" and either only serve to express such spiritual and heavenly affections, dispositions, motions, and

" desires as are or should be in men; or else to signify, assure, and convey unto them such benefits " of saving grace as God in Christ is pleased to bestow on them. To the former purpose and end " the Church hath power to ordain ceremonies; to the later, God only." (*Field, of the Church, Vol. II., p.* 527.)

And Burnet in his History of the Reformation (Ed. Pocock, Vol. II., p. 155), expressing himself with greater accuracy than usual, in speaking of the use of a ceremony in relation to the belief " of the Church, says, " This seems more necessary to be well explained, by reason of the scruples " that many have since raised against significant ceremonies, as if it were too great a presumption " in any Church to appoint such, since these seem to be of the nature of sacraments. Ceremonies " that signify the conveyance of a Divine grace and virtue are indeed sacraments, and ought not " to be used without an express institution in Scripture; but ceremonies that only signify the " sense we have, which is sometimes expressed as significantly in dumb shows as in words, are of " another kind; and it is as much within the power of the Church to appoint such to be used, " as it is to order collects and prayers, words and signs being but different ways of expressing " our thoughts."

The language of our Church in her articles on this subject is expressed as follows: In Article XX.—

" Of the Authority of the Church.

" The Church hath power to decree rites and ceremonies, and authority in controversies of faith: " And yet it is not lawful for the Church to ordain anything that is contrary to God's Word written, " neither may it so expound one place of Scripture, that it be repugnant to another. Wherefore, " although the Church be a witness and a keeper of Holy Writ, yet, as it ought not to decree " anything against the same, so besides the same ought it not to enforce anything to be believed " for necessity of salvation."

And in the XXXIVth Article,—

" Of the Traditions of the Church.

" It is not necessary that traditions and ceremonies be in all places one, or utterly like, for at " all times they have been divers, and may be changed according to the diversities of countries, " times, and men's manners, so that nothing be ordained against God's Word. Whosoever through " his private judgment, willingly and purposely, doth openly break the traditions and ceremonies of the " Church, which be not repugnant to the Word of God, and be ordained and approved by common " authority, ought to be rebuked openly (that others may fear to do the like), as he that offendeth " against the common order of the Church, and hurteth the authority of the magistrate, and woundeth " the consciences of the weak brethren."

" Every particular or national Church hath authority to ordain, change, and abolish ceremonies or " rites of the Church ordained only by man's authority, so that all things be done to edifying."

Bishop Beveridge (few higher authorities could be invoked) in his " Ecclesia Anglicana Ecclesia " Catholica, or the Doctrine of the Church of England consonant to Scripture, Reason, and Fathers, " in a Discourse upon the Thirty-nine Articles," (Oxford Edition, 1840,) Vol. II., p. 119, thus comments upon Article XX. " Of the Authority of the Church:"—

" First, (he says) it hath power to decree rites and ceremonies, so that it is lawful for the Church " to decree and appoint what rites or ceremonies shall be used in the public worship of the great " God; not as parts of that worship, for then they would not be rites and ceremonies. And " therefore it is in vain objected by the adversaries to this truth, that herein we give the Church " power to add anything to God's worship which is not commanded in his Word; as if rites and " ceremonies were in themselves any part of worship. Whereas what is any part of God's worship " cannot be a mere rite or ceremony, neither can that which is a mere rite or ceremony be any part " of his worship. For rites and ceremonies, in that they are nothing but rites and ceremonies, " be in themselves indifferent, neither good nor bad, until determined by the Church; after which " determination also they still remain indifferent in themselves, and are good and bad only in " reference to their decree, who had power and authority to determine them. Whereas every the " least part of God's worship can be by no means omitted without sin, and therefore when it is here " said that the Church hath power to decree rites and ceremonies, we must always by the words " rites and ceremonies understand nothing else but the particular circumstances and customs to be " observed in the service and worship of God, not as any cause or part thereof."

. . . . . .

Again the Bishop says, (p. 121)—

" We must needs grant that the Church of Corinth (and so other Churches) had power and autho- " rity to determine and order these things. Or, if they had no such power before, yet St. Paul, or " rather the Most High God by St. Paul, did in these words grant them such a power and authority, " in the decreeing these and the like circumstances and ceremonies for the more decent and orderly " worshipping of the Glorious Jehovah, giving them this one general comprehensive rule, ' Let all " things be done to edifying, and in order;' out of which one general rule, that, and all Churches " whatsoever, according to the variety of times and places they live in, were to frame other particular " rules and canons for the edifying and orderly performance of God's worship; who being a God, " not of confusion, but of order in himself, he requires such worship as is done in order, not in " confusion, from us."

. . . . . .

(p. 123)—

" Neither can I see in reason how this power in ceremonies and controversies should be denied the " Church. For first, as for ceremonies, they cannot but be acknowledged to be indifferent, neither in

" themselves good nor bad; and if they be in themselves either good or bad and not indifferent. " they are not merely ceremonies, especially if they be in their own nature bad and sinful, they are " not the ceremonies intended in this place. For this same Article, in the following part of it, doth " determine that the ceremonies here intended are only such as are not against the Scripture, and " by consequence not unlawful. Now such rites and ceremonies as are in themselves indifferent, " it can be no sin to determine them to either part; for which part soever they are determined " to, they cannot be determined into sin. I mean, what is in itself indifferent, and so may be used " or not used without sin whether it be decreed to be used, or not to be used, it cannot be any " sinful decree, especially when, after as well as before the decree, they are still acknowledged to be " in themselves indifferent, though not as to our use. Which things of indifferency also, as all " ceremonies are, cannot be supposed to come within the command of God, for then they would not " be indifferent; and seeing God hath not left any particular command, but only a general rule about " all things of indifferency, that they be so ordered that they be done decently and to edifying, the " Church cannot be thought to sin in determining them, so as she thinks the most edifying and " decent, as we shall by the blessing of God see more fully in the Thirty-fourth Article. And if it be " no sin thus for the Church to determine ceremonies, it must needs be granted that she hath power " to decree them."

And on Article XXXIV. "Of the Traditions of the Church," the Bishop observes, (p. 322)—

" But there being many circumstances required to the performance as well of religious as civil " actions, and so to the worship of God as well as anything else, as, for example, the time when, " the place where, the habit in which His public service shall be performed, and the like, it being " impossible it should be performed without these and the like circumstances, and seeing the all-wise " God hath thought good not to determine these in His Word, but to leave it to the discretion of " the Church to determine them as it shall see fit, only giving them this general rule to square all " these their determinations by—

" Let all things be done decently and in order."

" Hence it is that every particular Church hath still thought fit to exercise this her power and autho- " rity in determining these circumstances, according to that manner as seemeth to herself orderly " and devout, so that there is no necessity that one Church should determine them after the same " manner that another doth; nay, it is often necessary that one Church should not follow another in " this case; for it often so falls out that what is decent in one place is unseemly in another, and " every Church is bound to model circumstances according to that order which is the most seemly " and decent in the place where it is settled."

. . . . . .

(p. 335)—

" And if we should descend down to after councils, we shall find there was scarce ever a Pro- " vincial Church met together in council since our Saviour's time but did not ordain some ceremonies " or other to be observed by her children. It would be an endless thing to reckon up all the " ceremonies that were ordained or altered by Provincial Churches; or indeed, all the Provincial " Churches that ordained or altered ceremonies in the primitive times. I shall, therefore, instance " only in such ceremonies as our Church hath thought good still to retain, that so we may see both " how Provincial Churches have still looked upon themselves in all ages to have power to ordain " ceremonies, and also, that the ceremonies retained and ordered by our Church are no new-fangled " ceremonies, nor Popish superstitions, but that most of them were ordained and used in the Primitive " Church before the Pope had forged his superstitions."

This very learned prelate then recites a great number of instances in which the Provincial Councils of different countries have made ordinances with respect to their own ritual observances, and adds, " And thus we see how many, even of the very rites and ceremonies which are still in use amongst " us, were long ago ordained by Provincial Churches met together in council. Many more might " I heap up to the same purpose, but these may be enough to show how the Provincial or National " Churches of Christ, in all ages, since His Incarnation, have still exercised this power in ordaining, " altering, and abolishing ceremonies, which certainly they would never have done if they had not " believed they had power to do it."

Bishop Jeremy Taylor, (Vol. XIV., Heber's edition,) in his "Rule of Conscience" (p. 21), lays down as Rule XII., *All those Rituals which were taught to the Church by the Apostles concerning Ministries, which were of Divine institution, do oblige all Christendom to their observation.*

And on this rule he observes,—

" (1.) I instance in the Holy Sacrament first of all; concerning which the Apostles delivered to " the Churches the essential manner of celebration, that is, the way of doing it according to Christ's " commandment, for the words themselves, being large and indefinite, were spoken indeed only to the " Apostles, but yet they were representatives of all the whole ecclesiastical order in some things, and " of the whole Christian Church in other; and, therefore, what parts of duty, and power, and office " did belong to each, the Apostles must teach the Church, or she could have no way of knowing " without particular revelation.

" (2.) Thus the Apostles taught the Bishops and Priests to consecrate the symbols of bread and " wine before they did communicate; not only because by Christ's example we were taught to give " thanks before we eat, but because the Apostles knew that the symbols were consecrated to a " mystery. And that was done from the beginning, and in all Churches, and in all ages of the " Church; by which we can conclude firmly in this rule, that the Apostles did give a canon or rule " to the Churches to be observed always, and that the Church did never believe she had authority or " reason to recede from it. For in those rights which are ministries of grace, no man must interpose

" any thing that can alter any part of the institution, or make a change or variety in that which " is of Divine appointment. For the effect in these things depends wholly upon the will of God, " and we have nothing to discourse or argue: for we know nothing but the institution, nothing " of the reason of the thing, and therefore we must in these cases, with simplicity and obedience, " apply ourselves to practise as we have received, for we have nothing else to guide us. Memory " and obedience, not discourse and argument, are here in season."

. . . . . .

The Bishop then proceeds to distinguish between alterable and unalterable rites, as follows (p. 23):—

" But where the Apostles did not interpose, there the Churches have their liberty; and in those " things also, which evidently were no part of the appointed liturgy or ministration, in those things, " though it be certain the Apostles did give rules of order and decency, yet because order is as " variable as the tactics of an army, and decency is a relative term and hath a transient and changeable " sense, in all these things there is no prescription to the Church, though we did know what the " Churches apostolical did practise, for they did it with liberty, and, therefore, we are not bound; the " Churches are as free as ever; though the single persons in the Churches can be bound, yet the " Churches always have liberty."*

Luther in the "Formula Missæ et Communionis" for the Church of Wittemberg, which appears to have been written in 1523, speaking of the ceremonies of Divine worship which he recommends, says:—

"Sexto, requitur Evangelii lectio. Ubi nec candelas neque thurificationem prohibemus, sed nec " exigimus, esto hoc liberum."†

The same spirit of true liberality is exemplified in the writings of the late most distinguished American Prelate, the Bishop of Vermont. Speaking of ornaments used in the services of the Church, he observes:—

" The same liberty exists with regard to lights upon or behind the altar, the use of chrism and " incense, the mixing of water with the wine of the Holy Eucharist, and the representation of figures " and emblems in stained glass windows; for all of these were established by usage in the second year " of Edward VI., and our Church has uttered no *prohibition* concerning any of them, but has merely " *omitted* to notice them, directly or indirectly, in her whole legislation. It is certain that none of these " things interfere with our liturgy, because they may be used without deviating in the slightest degree " from our prescribed forms.

" And the plain result would seem to be, that their introduction, whether expedient or not, can " never be justly considered unlawful."—(*Law of Ritualism, by Bishop of Vermont, p.* 84.)

Great variety of usage is to be found in the Greek, the Roman, the Gallican, and the English Churches upon this subject. All persons moderately acquainted with Ecclesiastical history are aware with what zeal and tenacity the Church of Milan‡ has clung to its Ambrosian rite;—of the various liturgies of the Greek Church, and the different uses in England which, though much reconciled by the famous use of Sarum, were ultimately merged in our present Prayer Book.

I will close my citations on this subject with one from the Great Roman Ritualist, Bona:

" Quarto tanquam verissimum, et apud omnes indubitatum habendum est id quod sæpius in hoc libro " repetendum fuit, quædam esse in ecclesia, quæ ad fidem ut dogmata, quædam quæ ad ritus ut mores " pertinent. Quæ fidei sunt, sancta inviolabilia, immutabilia semper, et ubique manent; Deumque " solum auctorem agnoscunt. Ad ea credenda cæco quodam obsequio captivum ducimus intellectum; " ut si quis ea turbare, vel quovis modo immutare aut iis contradicere ausus fuerit, diro anathemate " perculsus extra ecclesiam fit, nec locum deinceps habet inter Orthodoxos. Ritus et ea quæ morum, " ac disciplinæ sunt ab hominum arbitrio pendent, et cum tempore variantur rerumque statu immutato

---

* The Bishop continues (p. 109) thus:—

" This rule is to be understood positively and affirmatively, that is, the Church in all her constitutions must take care that " the Church be edified and built up in some grace or other; but not so, that whatsoever is for edifi cation, she hath power to " command. The measures and limits of her legislative power I have already described; it must be within those circles: and " though other things without them may be useful and fit for instruction, or to promote the interest of a virtue, yet Christ hath " left them at liberty, and His Church hath no power to bind beyond His commission. They can exhort and persuade, and, by " consent, they can prescribe, but to the making of a law there is something else required besides that it be apt to edify or to " instruct. For (besides that it must be of something placed in her power) it must edify, and not destroy; it must build up, and " not pull down; that is, it must build with all hands, and not pull down with one.

" I instance in the institution of significant ceremonies, that is, such which are not matters of order and decency, but merely " for signification and the representment of some truth or mystery. Those which are prudently chosen are in their own nature apt " to instruct. Thus, the use of pictures in the Greek and in the Lutheran Churches is so far useful, that it can convey a story, and " a great and a good example to the people that come thither, and so far they may be for edification. But because these can also, " and do too often degenerate into abuse, and invade religion, to make a law of these is not safe; and when that law does prevail " to any evil that is not easily by any other means cured, it does not prevail upon the conscience, and, indeed, to make a law " for the use of them, is not directly within the commission of the ecclesiastical power."

† The note of the learned editor, Daniel, in his edition of the Codex Liturgicus, (Leipsic, 1848,) on this, is:

" Sunt quibus thuris odor tam luculentum sit documentum Romanismi, ut, si navibus ducant bonos odores thymiatum, statim " clament, se odorari ecclesiam Romano-Catholicam. Vident, thuris oblationem Luthero esse ἀδιάφορον. Hoc tamen certum " est, thurificationis vestigia in ecclesiâ Lutheri exstare vestigia fere nulla (cf. p. 24.) In hâc urbe nostrâ Halensi sæpius vidi in " ecclesiis tribus majoribus, si summæ celebrabantur festivitates, pueros, cum acerris fumigantibus ecclesiæ navim percurrentes: " sed hæc cærimonia magis ad εὐωδίαν quandam respicere videtur, quam ad cultum divinum."

‡ The writer speaking of the reforms of the Roman Liturgy about the time of, and after the Council of Trent, ascribes the preservation of the Use of Milan to the energy of the great Archbishop San Carlo Borromeo:

" Or dirò di quanto ha fatto S. Carlo per la difesa e per la ristorazione dei riti e delle ceremonie Ambrosiane. Se un uomo di " debole tempra avesse a quei tempi tenuta la seda Arcivescovil e di Milano, l'antichissima nostra liturgia, espressione e " conservazione di più riti primitivi, era forse per subire quelle sorti, che toccarono, già son più secoli, alla gallicana poi alla " mozarabica . . . . . .

. . . . . .

" Ora non è più a temersi alcun pericolo per la continuità del rito Ambrosiano immobilmente stabilito sul possesso e sulla pratiae di " presso a diciotto secoli, e tenuto in conto di caro e prezioso deposito che i presenti han ricevuto dai maggiori e devono tramandare " ai posteri intatto ed illibato."—(Esposizione delle Ceremonie della Messa Privata giusta il Rito Ambrosiano, p. 18 e 20.)

" veteres consuetudines abrogantur, et novæ succedunt, illæsa fidei unitate."—(*Bonæ, Opera Omnia,* " *Rerum Liturgicarum,*" Lib. i., cap. xxiii., p. 265.)

" Moribus autem immutatis sacros quoque ritus variari consequens fuit."

" Distinguendæ igitur ætates disquirenda mutationis ratio et omnia ad sua principia revocanda sunt " ut certa rerum notitia habeatur."—(*Bona, Rer. Lit.,* Lib. i., c. 18, s. 1, p. 242.)

(IX.) Ritus ac cærimoniæ non in æternum permanent tollique possunt ac mutari sine fidei ac unitatis dispendio.—(*Ib.* § 9, p. 247.)

I have thought it expedient to recite the foregoing authorities upon the nature of Rites and Ceremonies in order to fortify my position, that the questions now pending before me in no way affect the relations of the Church of England to the Church Catholic, but have reference solely to matters of detail and order in her ministrations, which every independent Church has at all times claimed and exercised; and having thus, I trust, divested the issue of the case before me of that importance which has been, not unnaturally perhaps, ascribed to it by the excited feelings of both parties, I return to the consideration of the charges contained in these criminal articles.

I am not called upon to pronounce in the judgment which I am about to deliver any decision upon any question of doctrine. If, indeed, the law had cast so grave a responsibility upon me, I should have much considered whether it would not have been right and proper to have invoked the aid of spiritual assessors, competent from their position and learning in the Church, to have assisted and guided me in the discharge of such a duty. I thank God, however, that no such consideration embarrasses me on the present occasion.

Criminal Articles in the Ecclesiastical Court distinguished from an Indictment.

Two conclusions result from the premises which I have stated: first, that the matters in dispute are Ceremonies; and secondly, that they belong to that category of Ceremonies which are designated " mutable."

There is also a proposition of fact which should be mentioned in this place, that none of the ceremonies complained of are expressly directed to be used either in the Prayer Book or the Act of Uniformity.

The promoter avers, and undertakes to prove, that with respect to these matters of charge, Mr. Mackonochie has violated the Statutes of Uniformity, certain specified canons of those enacted by the Convocation and Crown in 1603, and the general ecclesiastical law.

The counsel for Mr. Mackonochie have contended, that inasmuch as a breach of the Statutes of Uniformity rendered Mr. Mackonochie liable to be proceeded against criminally in a court of common law, as well as in this court, I am bound to apply the same rules and observe the same strictness required by the common law courts in a matter of indictment. I am of a different opinion, having regard both to principle and to precedent; nor do I admit the proposition that unless Mr. Mackonochie be proved to have committed a breach of the Statutes of Uniformity, although he should be proved to have offended against the law ecclesiastical, that he is entitled to an acquittal from the charges now laid against him. I deem it to be my duty to consider whether the defendant be or be not proved to have offended against the laws ecclesiastical in the matter of one or more, or all, of these criminal charges, and to give my decision accordingly.

I have been referred to a case (R. *v.* Sparkes, 3 Mod. Rep., 79; Cripps, Laws of the Church, 626; 2 Burn's Eccl. Law, 429). This was an indictment in the first year of James II. against a clergyman, at the Quarter Sessions in Devonshire, for using *alias preces* in the Church, and *alia modo* than mentioned in the Book of Common Prayer; and the indictment concluded *contra formam statuti,* &c. He was found guilty, and fined 100 marks. Upon writ of error, it was admitted that offences against these statutes might be inquired of by the justices, but the indictment was held bad, for that it ought to have alleged that the defendant used other forms and prayers instead of those enjoined, which were neglected by him; for that otherwise any person might be indicted who used prayers before his sermon other than such as are required by the Book of Common Prayer; and Mr. Cripps observes, that although this decision established that justices had jurisdiction in such cases, and that indictments, properly framed for offences against these statutes, might be inquired of by them, yet it is probable that indictments of this nature have been very rarely, if ever, preferred; for the jurisdiction of the ecclesiastical court was in no way taken away by those statutes. And wherever it may have been necessary to institute any penal proceedings against clergymen for the omission of, or addition to, anything contained in the Book of Common Prayer, the proceeding has probably been always in the ecclesiastical court; and, indeed, prosecutions in the temporal courts upon those statutes seem to have been discouraged by the judges; for in a case at the Thetford Lent Assizes in 1795, a clerk was indicted upon these statutes, but the evidence was not that he left out or added any prayers, or altered the form of worship, but that he did not read prayers twice on a Sunday, but alternately one Sunday in the morning and the next in the evening, and omitted to read them at all on certain saints' days. Mr. Baron Perryn, who tried the indictment, observed, that it was *primæ impressionis,* and being of opinion that the offence complained of was purely of ecclesiastical cognizance, and not the subject of prosecution in the temporal courts, directed the jury to acquit the defendant, which they accordingly did.

Looking at all the circumstances it does not appear to me that the case of Rex *v.* Sparkes is worthy of much attention, and it will in no way influence my judgement.

The principal heads under which the argument of the Counsel for the Promoter may be ranged appear to me to be the following:

First. That as by each and all of the practices charged in these articles, a new rite or ceremony has been added by Mr. Mackonochie to those which are prescribed by the Statutes of Uniformity, such practices are unlawful.

Secondly. That these particular additions are expressly prohibited.

Thirdly. That they are by necessary implication prohibited, inasmuch as they are connected with Roman or Popish doctrines.

Fourthly. That as such they have, as a matter of fact, been disused ever since the Reformation.

Now it appears to me necessary to examine, in the first instance, these two last grounds of objection, inasmuch as a consideration of the weight due to them must affect the general application of the law,—wherever it be obscure or ambiguous, or silent as to positive precept,—to the particular subject of these criminal charges.

Identity of the Status of the Church before and after the Reformation.

I will, therefore, consider in the first instance what weight is to be ascribed to the proposition—"That they are by necessary implication prohibited, inasmuch as they are connected with Roman "or Popish doctrines."

The counter proposition appears to be that the similarity of these ornaments and practices with those legality in the Church of Rome does not furnish a safe criterion whereby to try the question of their in the Church of England. That the true criterion is conformity with primitive and catholic use, and not antagonism to Rome.

A great part of the arguments addressed to me by the Counsel on both sides was founded upon one or the other of these propositions.

I am very far from complaining of these arguments, or of the length to which they extended, for in my opinion a careful consideration of these propositions, however large, grave, and difficult, is a necessary preliminary to the due construction of the laws, formularies, and usages involved in the present inquiry.

They must, if this construction be doubtful, receive, so to speak, a colour and complexion from the judgement which is formed upon the spirit and principles which governed the Reformation of our Church.

It is my duty to form this judgement upon an historical examination—however unequal my powers may be to the task—into the principal acts of the State and the Church which, since the great epoch of the Reformation, have introduced, accompanied, and settled the ecclesiastical establishment of this kingdom.

It is scarcely necessary to say that where the language of a Statute is plain I must obey it, or that where the Court of Appeal has laid down a principle applicable to this case, I must follow it. But, where I have no such guide, I must seek the exposition of the law from the general language of the cardinal statutes, the public and authoritative declarations which accompanied and illustrated them, the judicial construction which they have received, the formularies which these Statutes ordered, whether with or without the concurrent sanction of the Church, though happily the latter alternative is of rare occurrence; I must also consider the canons which bind the clergy, and the opinions of the Bishops and great divines of our Church, who were not unfrequently also the councillors of the State and the authors of the formularies.

A.—*Identity in Law.*

I propose to pursue my investigation in the following order: first, I will consult the law; secondly, I will have recourse to historical and theological statements.

The inquiry into the law admits of the following subdivisions: the statute law; the canons enacted since the Reformation; and the general common law of the Church.

* In the history of no kingdom is the independence of the National Church written with a firmer character than in that of England, in the Statutes of the Realm, in the decisions of Judicial Tribunals, and the debates of Parliament.

The Constitutions of Clarendon, in Henry the Second's reign (A.D. 1164), though directly aimed at the repression of the inordinate claims and privileges of the National Church, were, no doubt, in directly "calculated," as Hume observes, "to establish the independency of England on the Papacy;" and therefore, when the King sought Pope Alexander's ratification of them, that Pontiff annulled and rejected all but six out of the sixteen memorable articles.

The resistance of Beckett, and, still more, the general feeling excited by the wicked and impolitic murder of that prelate, procured the practical abrogation of the articles objected to, by the enactments of Edward I. and III., of Richard II., of Henry IV. and V., and of Edward IV.

But in the severe penalties attached to the Statutes of *Provisors* and *Præmunire* may be read the steady determination of the English people to maintain an independent National Church, and to resist the ultramontane doctrines which had taken root in some other countries.

The Statute of Provisors (25th Edw. III., St. 6., A.D. 1350) recites that "the Holy Church of England" was founded in the "estate of prelacy within the realm of England" by the King and nobles of England, and forbids the prevalent abuses of the Pope's bestowing benefices upon *aliens*, "benefices of England which be of the advowry of the people of Holy Church," the reservation of first-fruits to the Pope, and the *provision* or reservation of benefices to Rome. By 38th Edward III., St. 2., c. 1. (A.D. 1363), persons receiving citations from Rome in courts pertaining to the King, &c., are liable to the penalty of 25th Edw. III.

The Statute (A.D. 1392) 16 Richard II. c. 5., renders the procuring of Bulls from Rome liable to *præmunire*, and it recites a variety of Papal aggressions upon the privileges of the Crown; among other matters, as to the translation of Bishops out of the realm, or from one bishopric to another within the realm; and the carrying of treasure out of the realm; and so the realm, destitute as well

* Phillimore's International Law, Vol. 2, pp. 412, 416.

of counsel, as of substance, to the final destruction of the said realm, and so the Crown of England, which hath been so free at all times that it hath been in no earthly subjection, but immediately subject to God in all things touching the regality (*la regalie*) of the same Crown, and to none other, should be submitted to the Pope, and the laws and statutes of the realm by him defeated and avoided at his will, in perpetual destruction of the sovereignty of the kingdom of the King and Lord, his Crown, his royalty, and of all his realm, which God defend.

This statute before the Reformation, and the subsequent enactment of 24 Henry VIII. c. 12., and the great case of Cawdry* as reported by Lord Coke and corrected by Bishop Stillingfleet, may be said to contain a treatise on constitutional law of England upon the subject of the usurpation of the Papal See upon the liberties of the National Church, and in regard to the authority and privilege of the English Crown. It would be difficult to conceive a clearer or more dignified exposition of the law upon this subject than is contained in the prefatory part of the statute of Henry VIII. "Where by divers sundry old authentick histories and chronicles it is manifestly declared and "expressed, that this realm of England is an empire, and so hath been accepted in the world, "governed by one supreme head and king, having the dignity and royal estate of the imperial Crown "of the same, unto whom a body politic, compact of all sorts and degrees of people, divided in "terms, and by names of spiritualty and temporalty, been bounden and owen to bear next to "God a natural and humble obedience; he being also institute and furnished, by the goodness and "sufferance of Almighty God, with plenary, whole, and entire power, pre-eminence, authority, "prerogative, and jurisdiction, to render and yield justice, and final determination to all manner of "folk, resiants, or subjects within this his realm, in all causes, matters, debates, and contencions, "happening to occur, insurge, or begin within the limits thereof, without restraint or provocation "to any Foreign Princes or Potentates of the world; the body spiritual whereof having power, when "any cause of the law divine happened to come in question, or of spiritual learning, then it was "declared, interpreted, and showed by that part of the said body politic called the spiritualty, now "being usually called the English Church, which always hath been reputed, and also found of that "sort, that both for knowledge, integrity, and sufficiency of number, it hath been always thought, "and is also at this hour sufficient, and meet of itself, without the intermeddling of any exterior "person or persons, to declare and determine all such doubts, and to administer all such offices and "duties as to their rooms spiritual doth appertain; for the due administration whereof, and to "keep them from corruption and sinister affection, the King's most noble progenitors, and the "antecessors of the nobles of this realm, have sufficiently endowed the said Church both with "honour and possessions; and the laws temporal for trial of property of lands and goods and "for the conservation of the people of this realm in unity and peace, without rapine or spoil, was "and yet is administered, adjudged, and executed by sundry judges and ministers of the other part "of the said body politic, called the temporalty; and both their authorities and jurisdictions do "conjoin together in the due administration of justice, the one to help the other."

At the period of the Reformation the National Church introduced an express denial of the authority of the Pope,—henceforth called in all public acts and documents the Bishop of Rome,—into her articles and canons, and an acknowledgment of the temporal supremacy of the Crown over the ecclesiastical as well as the civil state. Henry VIII. was excommunicated, and in the Bull his subjects were commanded to renounce their allegiance, and the nobles were ordered "sub ejusdem excommunicationis ac perditionis bonorum suorum pœnis," to unite with all Christian princes in expelling Henry from England. Elizabeth was excommunicated in pretty similar terms, but not until twelve years after her accession. In answer to a request from the Emperor and other Roman Catholic princes, that she would allow the Roman Catholic places of worship, she replied that she would not allow them to keep up a distinct communion, alleging her reasons in these remarkable words, "for there was no new faith propagated in England; no religion set up but that which was "commanded by Our Saviour, practised by the primitive Church, and unanimously approved by the fathers of the best antiquity." The Roman Catholics, both in England and Ireland, appear to have outwardly conformed to the services of the Church for about ten years.

The peculiar character of the English people and the English Church, is also strongly shown in their determination not to admit the general body of the Canon Law into these realms, but only such portions of it as were consistent with the Constitution, the Common Law, and the peculiar usages of the Anglican Church. The rules of the general Canon Law were principally introduced into this country, and considerably modified in their introduction through the medium of provincial constitutions passed by the authority of the Metropolitans of England. It is true that the Pope endeavoured to maintain his authority in this matter by sending legates from time to time, and by the device of creating the Archbishop of Canterbury "legatus natus" of the Holy See.† But England possesses in her provincial constitutions, collected by Lyndewode, a body of domestic ecclesiastical law, upon which, before the Reformation, a national independent character was in many respects impressed. The common law was always disposed to recognize these constitutions, while to the general canon law it always manifested considerable averseness.

But it has always been the doctrine of the temporal and ecclesiastical courts since the Reformation that the constitutions contained in Lyndewode, and the general usages of the Church, and certain portions of the canon law admitted by those usages, are still binding upon the Church this of realm.

---

* 3 Coke, 1. Stillingfleet's Eccles. Cases, "Of the Foundation of Ecclesiastical Jurisdiction," Vol. 2. p. 49.

† "Thus much is evident, as Gervasius, in the life of William, at this time (anno 1125) Archbishop of Canterbury, well observes, that the legatine power was looked upon as a breach of the law of England, and an invasion of the ancient liberties of the English Church and Nation, as well as the rights of the Sees of Canterbury and York in particular, and that the minds of men were scandalized and offended at it."—Inett's "Origines Anglicanæ," Vol. II. p. 223.

I will give some instances:

So late as the year 1848 criminal articles were preferred against a clerk in holy orders for accepting a benefice with cure of souls whilst in possession of another benefice with a cure of souls without dispensation. The articles alleged that by the 29th canon of the 24th Council of Lateran, A.D. 1215, he was *ipso jure* deprived of the first living. Sir H. Jenner Fust observed "The first of the articles "sets forth the law, namely, that by a decree of the Council of Lateran, when any person in possession "of a benefice with cure of souls shall accept another like benefice, the former becomes void, that is, "he loses that benefice, and that is the law of this country at this time. The Statute of Henry VIII. "does not affect this law, except that it makes the other living voidable; that is, by sentence, or void "by presentation of the patron."

* * * * * * *

"Under these circumstances, the facts being proved, the Court is bound to sign a sentence, declaring "the perpetual curacy of Forest Hill void by Mr. Mavor's acceptance of another benefice with cure "of souls."

In the case of Saunders *v.* Head (3 Curteis's Rep. 577,) Sir Herbert Jenner Fust, said, "It has "been made a subject of complaint, on behalf of Mr. Head, that the articles do not contain any "specification of the law relied on to establish them; that the first article is merely general, and "that, under such general pleading it is difficult for a defendant to know how to address himself to "the question of law applicable to his case; that the Canon law has been referred to generally "without particular specification."

* * * * * * * *

(p. 579)—

"Now the objection taken in this case is not taken for the first time, it has been frequently "taken in this Court, and, as often, overruled. The answer always given to the objection is, that "where the general law ecclesiastical is relied on, it is not necessary to plead specifically; that "where the offence is one generally cognizable in the Ecclesiastical Court it is not necessary "to point out the particular Canon or Statute on which the proceedings are founded."

In the case of Kemp *v.* Wickes, Sir John Nicholl said,—"The law of the Church of England, and "its history are to be deduced from the ancient general Canon law, from the particular constitutions "made in this country to regulate the English Church, from our own Canons, from the rubric, "and from any Acts of Parliament that may have passed upon the subject; and the whole may be "illustrated, also, by the writings of eminent persons."—(Kemp *v.* Wickes, 3 Phillimore's Rep. 276.)

In the year 1866 a Royal licence was granted to Convocation to alter certain Canons of 1603; the licence recited the 25th of Hen. VIII. c. 29. restraining the meeting of Convocation, and continued as follows:—

"And further, by the said Act it is provided that no canons, constitutions, or ordinance should "be made or put in execution within this realm, by authority of the Convocation of the Clergy, "which shall be contrariant or repugnant to the King's prerogative royal, or the customs, laws, or "statutes of this realm, anything in the said Act to the contrary thereof notwithstanding; and, lastly, "it is also provided by the said Act that such Canons, Constitutions, Ordinances, and Synodals "provincial which then were already made, and which were not contrary or repugnant to the laws, "statutes, and customs of this realm, nor to the damage or hurt of the King's prerogative royal, should "then still be used and executed as they were upon making of the said Act, till such time as they "should be viewed, searched, or otherwise ordered and determined by the persons mentioned in the "said Act, or the more part of them, according to the tenor or form and effect of the said Act, as by "the said Act amongst divers other things more fully and at large it doth and may appear."

B.—*Historical and Theological Statements as to Identity.*

Having made these observations with regard to the connection that subsists between the law as to the Church before and after the Reformation, I will now advert to the evidence of identity furnished by our history and theology since the Reformation.

In 1549, Edward the Sixth's government in their message to the Devonshire rebels state, "It "seemeth to you a new service, and indeed is none other but the old; the self-same words in English "which were in Latin, saving a few things taken out."*

Constant references are made in the Homilies, which were produced under the auspices of Cranmer early in the reign of Edward VI., to the "usages of the primitive Church," and the sentence "and judgements of the most ancient, learned, and godly doctors of the Church."

Collier,† speaking of the various influences at work during this reign, says, "Peter Martyr "concurred with Bucer in his animadversions upon the Common Prayer Book, as appears by his letter "to him upon that subject.

"However, from what has been observed, the reader may perceive Bucer was somewhat "overcharged with scruples, and carried his censure too far. Neither are his remarks at all recon-"cileable with his concessions in the beginning of his discourse. And, amongst other things, his "setting aside antiquity with so much ease is particularly remarkable. There is a great deference, "without doubt, due to the authority of the first centuries. It was then the apostolical traditions "were fresh, miracles were frequent, and the Church under the conduct of a distinguishing illumi-"nation. Then secular views and projects of ambition were foreign to inclination. Under such "opportunities and qualifications what room is there for suspicion of ignorance or foul dealing

* Foxe, Acts and Mon., v. p. 734. Note to Procter on the Book of Common Prayer, p. 25, 26.
† Ecclesiastical History of Great Britain, Vol. V., Book IV., p. 406.

" To reject the usages of the ancient Church, because we do not meet with them in Scripture, " is no good logic. It is plainly not the design of the New Testament to furnish liturgies and " rituals. The converts to St. Peter's sermon continued stedfastly in breaking of bread;* that is, " administering the Holy Eucharist; and in prayers. But what the prayers were at this solemnity is " nowhere delivered in Scripture. Where the extraordinary effusions of the Holy Ghost were " not supplied, things of this nature were left to the discretion of the spiritual directors, who were " to govern themselves by St. Paul's general rule, ' Let all things be done decently and in order.' (1 Cor. xiv.)

" It is true, if the religious customs of antiquity were plainly inconsistent with the doctrine of " the inspired writings, we ought to stand off from them; but in other cases our Saviour's saying " is applicable to the present purpose, ' He that is not against us, is for us.' And whenthe gover- " nors of the Church are under no restraint as to ceremonies and compositions, what should hinder " them from following their judgements, and directing as they think fit? ' For where there is " no law, there can be no transgression.' What should hinder them in this case from enlarging " the circumstances of worship, from assisting the memory, raising the affections, and explaining the " mysteries, with additional ceremonies and devotions? His objection against primitive usages, " because they have been overvalued and misapplied by the Church of Rome, goes upon a mistaken " ground; for, granting the alle gations hold good, there is no consequence in the reasoning. To " argue from the abuse against the use of things is the way to take our bibles from us; for what " book has been more abused than the inspired text? By this topic almost everything in religion " and nature must be contraband and prohibited. Bucer was formerly sensible of this fallacy; he " saw the danger of disputing at this rate, and determines against it. To quit antiquity in any " custom because it is continued in the Church of Rome has neither reason nor charity in it. " It is a peevish principle, and helps to keep up a spirit of division. We ought rather to lament " the breaches in the Church than make them wider. All reproachful language, humoursome " distance, and unnecessary squabbles, serve only to exasperate one part of Christendom against " another, and make our common religion the jest of infidels and atheists."

The same author ‡ thus introduces the subject of the Apology of Jewel, which is referred to in the 36th of the Canons of 1603.

" The next remarkable occurrence is Bishop Jewel's sermon at Paul's Cross. It was preached in " Lent this year upon these words of the apostle Paul, " I have received of the Lord that which " also I deliver unto you." From this text he took occasion to make that remarkable challenge in " defence of the Reformation. The Church of England was reproached with novelty by the Papists, " and charged with departing from primitive doctrine and practice. To wipe off these aspersions the " Bishop put the case upon a bold issue, and declared in the pulpit, ' That if any learned men of all " ' our adversaries, or if all the learned men that are alive, are able to bring any one sufficient " ' sentence out of any old Catholic octor or father, or out of any general council, or out of the " ' Holy Scriptures of God, or any one example of the primitive Church, whereby it may be plainly " ' and clearly proved that for the six hundred years after Christ there was any private mass in the " ' world; or that there was any communion administered under one kind; or that the people had their " ' common prayer in a language which they did not understand; or that the Bishop of Rome was " ' then called universal bishop or head of the universal church; or that the people were then taught " ' to believe that Christ's body is really, substantially, corporally, carnally, or naturally in the " ' sacrament,' &c. &c. . . . . " ' If any one of his adversaries were able to make good but a single proposition amongst all these, " ' either by sufficient declarations in Scripture, or by the testimony of the ancient fathers and councils, " ' he was ready to give up the contest and subscribe himself a proselyte.' "

It is not unworthy of remark that in the Canon of 1571, concerning preachers, it is ordered, " In " primis videbunt concionatores, nequid unquam doceant pro concione quod à populo religiosè teneri " et credi velint, nisi quod consentaneum sit doctrinæ Veteris aut Novi Testamenti, quodque ex illâ " ipsâ doctrinâ Catholici patres et veteres episcopi collegerint."

The Puritans did not dispute the lawfulness of set forms of prayer, but they were to be such as were used in Geneva and Scotland (*Neale's History*, p. 236. *Madox*, p. 78.) But Bishop Burnet observes, speaking of the year 1548‡: " It being resolved to bring the whole worship of God under set " forms; they (our Reformers) set one general rule to themselves (which they afterwards declared) " of changing nothing for novelty's sake, or merely because it had been formerly used. They " resolved to retain such things as the primitive Church had practised, cutting off such abuses as the " latter ages had grafted on them, and to continue the use of such other things which, though they " had been brought in not so early, yet were of good use to beget devotion, and were so much recom- " mended to the people by the practice of them that the laying aside these would, perhaps, " have alienated them from the other changes they made; and, therefore, they resolved to make no " change without very good and weighty reason. In which they considered the practice of our " Saviour, who did not only comply with the rites of Judaism himself, but even the prayer he gave " to his disciples was framed according to their forms; and his two great institutions of Baptism and " the Eucharist did consist of rites that had been used among the Jews; and since he who was " delivering a new religion, and was authorized in the highest manner that ever any was, did yet " so far comply with received practices as from them to take those which he sanctified for the use of " his Church, it seemed much fitter for those who had no such extraordinary warrant to give them " authority in what they did, when they were reforming abuses, to let the world see they did it

*Acts ii. 42 † Collier's Ecclesiastical History, Vol. 6., page 303. ‡ History of Reformation, Vol. 2, page 150.

" not from the wanton desire of change or any affectation of novelty, and with those resolutions they " entered on their work."

I now approach an authority to which almost universal homage has been accorded,—the authority of Hooker.*

" They," he says, " which measure religion by dislike of the Church of Rome think every man so " much the more sound by how much he can make the corruption thereof to seem more large; and, " therefore, some there are, namely, the Arians in reformed churches of Poland, which imagine the " canker to have eaten so far into the very bones and marrow of the Church of Rome as if it had " not so much as a sound belief, no not concerning God himself, but that the very belief of the " Trinity were a part of antichristian corruption; and that the wonderful providence of God did " bring to pass that the bishop of the see of Rome should be famous for his triple crown,—a sensible " mark whereby the world might know him to be that mystical beast spoken of in the Revelation, " to be that great and notorious antichrist in no one respect so much as in this, that he maintaineth the " doctrine of the Trinity. Wisdom therefore and skill is requisite to know what parts are sound in " that church and what corrupted.

" Neither is it to all men apparent which complain of unsound parts, with what kind of un- " soundness every such part is possessed. They can say, that in doctrine, in discipline, in prayers, " in sacraments, the Church of Rome hath (as it hath indeed) very foul and gross corruptions, the " nature whereof, notwithstanding because they have not for the most part exact skill and knowledge " to discern, they think that amiss many times which is not; and the salve of reformation they " mightily call for, but when and what the sores are which need it, as they wot full little, so they " think it not greatly material to search. . . . . .

. . " † That the Church of Rome doth hereby take occasion to blaspheme, and to say our " religion is not able to stand of itself unless it lean upon the staff of their ceremonies, is not a matter " of so great moment that it need to be objected, or doth deserve to receive an answer. The name of " blasphemy in this place is like the shoe of Hercules on a child's foot. If the Church of Rome do " use any such kind of silly exprobation, it is no such ugly thing to the ear that we should think " the honour and credit of our religion to receive thereby any great wound. They which hereof " make so perilous a matter do seem to imagine that we have erected of late a frame of some new " religion, the furniture whereof we should not have borrowed from our enemies, lest they relieving " us might afterwards laugh and gibe at our poverty; whereas in truth the ceremonies which we " have taken from such as were before us are not things that belong to this or that sect, but they " are the ancient rites and customs of the Church of Christ, whereof ourselves being a part, we have " the selfsame interest in them which our fathers before us had, from whom the same are descended " unto us. . . . . .

" No man which is not exceeding partial can well deny but that there is most just cause wherefore " we should be offended greatly at the Church of Rome. Notwithstanding at such times as we are " to deliberate for ourselves, the freer our minds are from all distempered affections the sounder and " better is our judgement. When we are in a fretting mood at the Church of Rome, and with that " angry disposition enter into any cogitation of the orders and rites of our Church, taking particular " survey of them, we are sure to have always one eye fixed upon the countenance of our enemies, " and according to the blithe or heavy aspect thereof our other eye showeth some other suitable token " either of dislike or approbation towards our own orders. For the rule of our judgement in such case " being only that of Homer, 'This is the thing which our enemies would have,' what they seem " contented with, even for that very cause we reject; and there is nothing but it pleaseth us much " the better if we espy that it galleth them.

" Miserable were the state and condition of that Church the weighty affairs whereof should be " ordered by those deliberations wherein such a humour as this were predominant. We have " most heartily to thank God, therefore, that they amongst us to whom the first consultations of " causes of this kind fell were men which aiming at another mark, namely, the glory of God and the " good of this His church, took that which they judged thereunto necessary, not rejecting any good " or convenient thing only because the Church of Rome might perhaps like it."

The Puritans at the Hampton Court Conference in the reign of James the First vehemently objected to the sign of the Cross in the sacrament of Baptism, and the reply to their objections incorporated in the thirtieth canon (of 1603) deserves the careful study of those who would thoroughly understand the mind of the English Church upon the subject now under consideration:

" ‡So that for the very remembrance of the Cross, which is very precious to all of them that rightly " believe in Jesus Christ, and in the other respects mentioned, the Church of England hath retained " still the sign of it in Baptism, following therein the primitive and apostolicalChurches. And this " use of the sign of the Cross in Baptism was held in the primitive Church, as well by the Greeks as " the Latins, with one consent and great applause. At what time, if any had opposed themselves " against it, they would certainly have been censured as enemies of the name of the Cross, and conse- " quently of Christ's merits, the sign whereof they could no better endure. This continual and " general use of the sign of the Cross is evident by many testimonies of the ancient fathers.

" It must be confessed that in process of time the sign of the Cross was greatly abused in the " Church of Rome, especially after that corruption of popery had once possessed it. But the abuse of " a thing doth not take away the lawful use of it. Nay, so far was it from the purpose of the Church " of England to forsake and reject the Churches of Italy, France, Spain, Germany, or any such like " Churches in all things which they held and practised, that, as the Apology of the Church of England

* Hooker, Book IV., Chap. VIII. † Hooker, Book IV., Chap. IX.
‡ Canon 30. (The lawful use of the Cross in Baptism explained.)

" confesseth, it doth with reverence retain those ceremonies which doth neither endamage the Church " of God, nor offend the minds of sober men, and only departed from them in those particular points " wherein they were fallen both from themselves in their ancient integrity, and from the apostolical " Churches which were their first founders."

Dr. Jackson who was President of Corpus Christi College and Dean of Peterborough, one of our most learned divines, writing A.D. 1629, in his treatise of the Holy Catholic Faith and Church, says,* " That the title of *Catholic* is proper and essential unto the faith professed by the present visible " Church of England, but cannot truly be attributed to the faith or creed of the *modern visible Romish* " Church.

" Whether the name *Catholic* were first bestowed upon the Church, or upon that faith which is " the life and soul of the Holy Apostolic Church, shall be no part of our inquiry. It sufficeth that " the name *Catholic* itself is univocal in respect both of Church and faith. True faith is therefore " *Catholic* faith because it is the only door or way unto salvation, alike common unto all, without " national or topical respect. Whosoever of any nation have been saved have been saved by this one " and the same faith, and whoever will be saved (as Athanasius speaks) must hold this *Catholic faith*, " and he must hold it *pure and undefiled.* The main question then is, who they be that hold this " *Catholic faith*, and whether they hold it *undefiled or no.* Were Vincentius' rules as artificial as " they are orthodoxal and honest, the issue betwixt us and the Romanist would be very easy and " triable. But let us take them as they are: ' Id Catholicum est quod ab omnibus ubique et semper, " etc.' ' That is Catholic which is held by all, in all places, and at all times.'

" The three special notes of the Catholic faith or church by him required are *universality*, *antiquity*, " and *consent.* Whether these three members be different or subordinate, and ofttimes coincident I " leave it to be scanned by logicians. According to the author's limitation, all three marks agree to " us, not to the Romanist."

. . . . . .

" The fallacy by which the Romanists deceive poor simple people is in making them believe that " our religion and their religion, our faith and their faith, are *duo prima diversa,* or so totally " distinct that part of the one could not be included in the other. But for the *universality* of our " faith we have every member of the Romish Church a suffragant or witness for us. First, nothing " is held as a point of faith in our Church but the present Romish Church doth hold the same, " and confess the same to have been held by all orthodoxal antiquity. So that for the *form* of faith " established in our Church, we have the consent of the primitive Church, of the four first general " councils, of all succeeding ages unto this present day, the consent likewise of the present Romish " Church, and of ourselves. Now, as France is a great deal bigger than Normandy, if we compare " them as distinct and opposite, and yet France and Normandy is bigger than France without " Normandy, so likewise though the present visible Romish Church be much greater than the " Church of England, yet seeing the Romish Church, how great soever, doth hold all the points of " faith which our Church doth for catholic and orthodoxal, our consent and their consent, our " confession and their confession, is more universal than their consent without ours. But if their " consent unto the points of faith believed by us prove our faith to be universal, and our Church by " consequence to be *catholic,* why should not our consent unto the points of faith believed by them " prove their faith to be universal, or their Church to be *catholic?* Because it is not enough to hold " all points of Catholic faith, unless the same points be kept *holy and undefiled.* The Romish Church, " we grant, doth hold all points of Catholic faith, and so far as she hold these points we dissent " not from her; yet dissent from her we do in that she hath *defiled* and polluted the Catholic faith " with new and poisonous doctrines, for which she neither hath the consent of antiquity, nor of " reformed churches."

And again, answering that silly taunt of the Romanists, " Where was your Church before the " Reformation?" he observes: " The question is much the same as if they should ask us, where was " King Henry the Seventh's kingdom, where were his subjects, where was your commonweal " whilst Richard the Third did call parliaments, and sway the sceptre of this kingdom? The " kingdom of Henry the Seventh and of his successors, or the English common weal, was in the " same place then as now it is. The deposition of the tyrant, the dissolution of the tyranny, and " the reducing of English subjects to their true allegiance, did work no essential alteration in the " commonweal of the kingdom, but only a reformation of the government, and reducement of it to " the fundamental laws of the land.

" No more did the rejection of the Romish Church's usurped authority in matters spiritual induce " any substantial alteration in the English Church, but a reformation or reduction of it unto the " fundamental constitution of the primitive Church."†

In the warrant issued by Charles II. for the conference at the Savoy, which preceded the adoption of our present Prayer Book (Cardwell's Conferences, p. 300), a commission of certain persons is appointed to advise upon and review the said Book of Common Prayer, comparing the same with the most ancient liturgies which have been used in the Church in the primitive and purest times.

So careful were the compilers of this great treasure of the Church that it should speak the Catholic language, to which Christian ears and hearts had been accustomed, while the apostolical spirits and doctrine still guided the undivided Church.

Hear on this subject the erudite and eloquent Donne: " If they (the Roman Catholics) say, we " are perplexed with differences of opinions amongst ourselves, let this satisfy them, that we do agree " all in all fundamental things; and that in things much nearer the foundation than those in which

---

* Works, Vol. XII. Chap 21, p. 161, ed. 1845. † Vol. 12., p. 131.

"our differences lie they differ amongst themselves, with more acrimony and bitterness than we do. "If they think to perplex us with the fathers, we are ready to join that issue with them; where the "fathers speak unanimously, dogmatically, in matters of faith, we are content to be tried by the "fathers. If they think to perplex us with councils, we will go as far as they in the old ones; "and, as far as they for meeting in new councils, if they may be fully, that is, royally, imperially, "called, and equally proceeded in, and the resolutions grow and gathered there upon debatements, "upon the place, and not brought thither upon commandment from Rome."—*Donne's Works*, vol. iii. p. 11.

Bishop Cosin, an authority of special significance and weight, because he largely assisted in the compilation of our Prayer Book,* says: "In truth we have continued the old religion; and the "ceremonies which we have taken from them that were before us are not things which belong to this "or that sect, but they are the ancient rites and customs of the Church of Christ, whereof ourselves "being a part, we have the selfsame interest in them which our fathers before us had, from whom "the same descended to us. To abrogate those things without constraint of apparent harm thence "arising had been to alter unjustly the universal practice of the people of God and those general "decrees of the fathers, which (in St. Augustin's language) is madness and insolence to do, both in "respect of the universal authority of the Church, which no particular Church has power to control, "and also in regard of reasons before mentioned."

Archbishop Bramhall, who wrote in 1677 his "Just Vindication of the Church of England," &c., says: "But it is not enough to charge the court of Rome unless we can discharge ourselves, "and acquit our own Church, of the guilt of schism which they seek to cast upon us. First, they "object that we have separated ourselves schismatically from the communion of the Catholic Church. "God forbid! Then we will acknowledge, without any more to do, that we have separated ourselves "from Christ, and all His holy ordinances, and from the benefit of His passion, and all hope of "salvation.

"But the truth is, we have no otherwise separated ourselves from the communion of the Catholic "Church than all the primitive orthodox fathers, and doctors, and churches did long before us, that is, "in the opinion of the Donatists, as we do now in the opinion of the Romanists; because the "Romanists limit the Catholic Church now to Rome in Italy, and those Churches that are subordi-"nate to it, as the Donatists did then to Cartenna in Africa, and those Churches that adhered to "it. We are so far from separating ourselves from the communion of the Catholic Church that we "make the communion of the Christian Church to be thrice more catholic than the Romanists "themselves do make it, and maintain communion with thrice so many Christians as they do. By "how much our Church should make itself, as the case stands, more Roman than it is, by so much it "should thereby become less catholic than it is."—(*Works, folio, Dublin*, Chap. IX.)

"As for my religion," said the holy Ken, with almost his latest breath, "I die in the holy "catholic and apostolic faith, professed by the whole Church before the disunion of east and west; "more particularly I die in the communion of the Church of England, as it stands distinguished "from all papal and puritan innovations, and as it adheres to the doctrine of the Cross."

Bishop Beveridge compiled, with infinite labour and accuracy, a *Codex Canonum Ecclesiæ Primitivæ vindicatus ac illustratus:*—in his preface to which are these words (s. 6.), "For when this our English "Church, through long communion with the Roman Church, had contracted like stains with her, "from which it was necessary that it should be cleansed, they who took that excellent and very "necessary work in hand, fearing that they, like others, might rush from one extreme to the other, "removed indeed those things, as well doctrines as ceremonies, which the Roman Church had newly "and insensibly superinduced, and, as was fit, abrogated them utterly. Yet notwithstanding what-"soever things had been at all times believed and observed by all Churches in all places, those things "they most religiously took care not so to abolish with them. For they well knew that all particular "Churches are to be formed on the model of the Universal Church, if indeed, according to that "general and received rule in ethics 'every part which agreeth not with its whole is therein base.' "Hence, therefore, these first reformers of this particular Church, directed the whole line of that "reformation which they undertook, according to the rule of the whole or Universal Church, casting "away those things only which had been either unheard of, or rejected by the Universal Church, "but most religiously retaining those which they saw, on the other side, corroborated by the consent "of the Universal Church. Whence it had been brought to pass, that although we have no "communion with the Roman, nor with certain other particular churches, as at this day constituted, "yet have we abiding communion with the Universal and Catholic Church, of which evidently ours, "as by the aid of God first constituted, and by his pity still preserved, is the perfect image and "representation."

Observe how Barrow speaks in his Treatise on the Pope's Supremacy of the Council of Trent. "Their new creed," he says, "of Pius IV. containeth these novelties and heterodoxies; (1) Seven "sacraments; (2) Trent doctrines of justification and original sin; (3) Propitiatory sacrifice of the "mass; (4) Transubstantiation; (5) Communicating under one kind; (6) Purgatory; (7) Invocation "of Saints; (8) Veneration of reliques; (9) Worship of images; (10) The Roman Church to be the "mother and mistress of all Churches; (11) Swearing obedience to the Pope; (12) Receiving the "decrees of all synods and of Trent."†

Bishop Sanderson‡ believed that "§all men would be found much mistaken who account all Popery "that is taught or practised in the Church of Rome. Our godly forefathers, to whom (under God) "we owe the purity of our religion, and some of whom laid down their lives for the defence of the

* Preface to his Notes on the Common Prayer.
† Barrow's Treatise on the Pope's Supremacy ad finem.
‡ Died in 1663.
§ Preface to fourteen sermons.

" same, were, sure, of another mind, if we may, from what they did, judge what they thought. " They had no purpose (nor had they any warrant) to set up a new religion, but to reform the old, " by purging it from those innovations, which on tract of time (some sooner, some later) had mingled " with it, and corrupted it both in the doctrine and worship. According to this purpose they " produced, without constraint or precipitancy, freely and advisedly, as in peaceable times, and " brought their intentions to a happy end, as by the results thereof contained in the articles and " liturgy of our Church, and the prefaces thereunto, doth fully appear. From hence chiefly, as I " conceive, we are to take our best scantling, whereby to judge what is, and what is not, to be " esteemed Popery. All those doctrines then held by the modern Church of Rome, which are " either contrary to the written Word of God, or but superadded thereunto as necessary points of " faith to be of all Christians believed under pain of damnation ; and all those superstitions used in " the worship of God which are either unlawful as being contrary to the Word ; or being not " contrary and therefore arbitrary and indifferent, are made essentials, and imposed as necessary " parts of worship : these are, as I take it, the things whereunto the name of Popery doth properly " and peculiarly belong. But as for the ceremonies used in the Church of Rome which the Church " of England at the Reformation thought fit to retain, not as essential or necessary parts of God's " service, but only as accidental and mutable circumstances attending the same, for order, comeliness, " and edification's sake ; how these should deserve the name of popish, I so little understand, that " I profess I do not yet see any reason why, if the Church had then thought fit to have retained " some other of those which were then laid aside, she might not lawfully have so done ; or why " the things so retained should have been accounted popish. The plain truth is this : the Church of " England meant to make use of her liberty and the lawful power she had (as all the Churches of " Christ have, or ought to have) of ordering ecclesiastical affairs here ; yet to do it with so much " prudence and moderation that the world might see by what was laid aside, that she acknowledged " no subjection to the See of Rome ; and by what was retained, that she did not secede from the " Church of Rome out of any spirit of contradiction, but as necessitated thereunto for the " maintenance of her just liberty. The number of ceremonies was also then very great and thereby " burdensome, and so the number thought fit to be lessened. But for the choice which should " be kept and which not, that was wholly in her power and at her discretion."

Bishop Smalridge, the accomplished friend of Addison, wrote a sermon on the authority of the governors of our Church, to prescribe rites and ceremonies (vol. 1, p. 145), in the course of which he said :—

" But because those who allow some rites to be lawful may entertain some doubts concerning the " use of ours, as apprehending them to have some particular faults which do not belong to all " ceremonies in general, I shall proceed to clear those which we of this Church are required to " observe, from such objections as are brought to prove them unlawful and unwarrantable. Those " who scruple the use of them allege it as one main ground of their scruples, that those ceremonies " which are used in our Church are also used in the Church of Rome, and they are therefore cautious " of observing them, lest they should thereby countenance the errors and corruptions of that Church. " Now this would be a good argument against the usage of such rites, if it could be proved that " those who err in some things do certainly err in everything ; or, that we ought to show our abhor- " rence of the corruptions of a Church by condemning and abolishing even those usages which " have nothing in them but what is innocent and incorrupt. But we have not declared war against " those of that Church as they are Christians, but as they are perverters of the Gospel of Christ ; " we do not profess to differ from them in everything, but only in such things wherein we apprehend " them to have degenerated from the pure and undefiled Church of Christ.

" We think that we should not be able to vindicate ourselves from the charge of schism, which " they bring against us, if whatever doctrine they held, whatever rite they practised, that we should, " for no other reason but because they held and practised it, forthwith condemn and reject.

" The ablest champions for the cause of the Reformation have always thought it the best answer " against the charge of schism, to allege and prove that we have no further departed from them than " they departed from the pure and primitive Church of Christ. What is contrary to the purity " of the Gospel, that we reject ; not because popish, but because repugnant to the laws and " doctrines of Christ : what is noways contradictory to the simplicity of the Gospel, what may be " subservient to piety, that we retain ; not because practised by the Church of Rome, but because " agreeable to the rules of the Gospel. If there be anything in our ceremonies that is sinful, they " ought presently to be abolished, though there was nothing of the same kind practised by those of " the Roman communion.* What is decent and laudable in them cannot lose its worth and value, " because others have them in common with us. If it be laid down as a good rule of reformation " that we must depart as far as possible from Rome, we must renounce the articles of our creed, " because they of that Church profess to believe them ; we must declare ourselves Socinians that we " may be thought staunch Protestants ; and we must renounce the doctrine of the Trinity, because " it is held by those who do also hold that of transubstantiation. In the Romish religion there are " some things evil, some things good, some things wholly indifferent. Whatever is sinful in that " communion we are bound to reject, and have, we think, accordingly rejected ; what is good we " ought to retain, and therefore do retain ; what was indifferent, it was at the discretion of our " reformers either to keep or change, as they thought should be more expedient. Private persons " may, according to the variety of their judgments, think some things might have been kept which " were left off, or some things might have been dropped which are still kept ; but unless they can

* About this time Archbishop Tenison wrote a remarkable " Discourse of Idolatry " (Chap. XII., p. 279), and upon this principle vindicated the use of images and pictures in the Church of England.

" prove those that have been abolished to be necessary, or those that are reserved to be unlawful, " they are bound quietly to submit to the abolition of the former, and to the usage of the latter."

Bishop Bull writing in 1705 on " *The Corruptions of the Church of Rome*, in answer to the Bishop " of Meaux' queries," thus maintains the true position of our Church:

" I proceed to the bishop's questions: He asks me what I mean by the Catholic Church? I " answer, What I mean by the Catholic Church, in the book, which he all along refers to, I have " already shown, and the very title of the book sufficiently declares. If he asks me what I mean by " the Catholic Church, speaking of it as it now is? I answer, By the Catholic Church, I mean " the Church Universal, being a collection of all the Churches throughout the world, who retain " the faith (ἅπαξ) once delivered to the Saints (Jude 3.); that is, who hold and possess in the sub- " stance of it, that faith and religion which was delivered by the Apostles of Christ to the first " original Churches, according to Tertullian's rule before mentioned. Which faith and religion is " contained in the Holy Scriptures, especially of the New Testament, and the main fundamentals " of it comprised in the canon or rule of faith, universally received throughout the primitive " Churches, and the possession thereof acknowledged to be a sufficient tessera or badge of a Catholic " Christian. All the Churches at this day which hold and profess this faith and religion, however " distant in place, or distinguished by different rites and ceremonies, yea, or divided in some extra- " fundamental points of doctrine, yet agreeing in the essentials of the *Christian* religion, make up " together one Christian Catholic Church under the Lord Christ, the supreme head thereof. The " Catholic Church under this notion is not a confused heap of societies separated one from " another."—These are important words.—" But it seems, no other union of the Church will satisfy " the bishop, but an union of all the Churches of Christ throughout the world, under one visible " head, having a jurisdiction over them all, and that head the Bishop of Rome for the time being. " But such an union as this was never dreamed of amongst Christians for at least the first six " hundred years, as shall be shown in its due place."

In addition to this mass of evidence derived from the writings of English Divines, I may cite the following testimonies to the same effect from the works of three distinguished foreigners, who watched with deep interest the form which the Reformation of the Church took in England, Isaac Casaubon, Hugo Grotius, and Saravia:

Casaubon [ad Salmas Epist. 837, p. 489, A.D. 1612:] " Quod si me conjectura non fallit, " totius Reformationis pars integerrima est in Anglia, ubi cum studio veritatis viget studium " antiquitatis."

Casaubon [Epist. ad Cardinal Perron, p. 494]: " Parata est Ecclesia Anglicana fidei suæ reddere " rationem, et rebus ipsis evincere, auctoribus Reformationis hìc institutæ non fuisse propositum " novam aliquam ecclesiam condere, ut imperiti et malevoli calumniantur; sed quæ erant collapsa, " ad formam revocare quàm fieri pòsset optimam; optimam autem judicarunt nascenti Ecclesiæ ab " Apostolis traditam, et proximis seculis usurpatam."

Hugo Grotius [Epist. ad Boetsaeler, Ep. 62, p. 21, ed. 1637]: " Certum est mihi λειτουργίαν " Anglicanam, item morem imponendi manus adolescentibus in memoriam Baptismi, auctoritatem " Episcoporum, et Presbyteria ex solis Pastoribus composita multaque alia ejusmodi satis congruere " institutis vetustioris Ecclesiæ, a quibus in Galliâ et Belgio recessum negare non possumus."

[Epist. ad Corvinum, Epist. p. 434]: " Qui illam optimam antiquitatem sequuntur ducem, iis non " eveniet ut multum sibi ipsis sint discolores. In Angliâ vides quam bene processerit dogmatum " noxiorum repurgatio; hâc maxime de causâ, quod qui id sanctissimum negotium procurandum " suscepere, nihil admiserint novi, nihil sui, sed ad meliora secula intentam habuere oculorum aciem."

Hadrian Saravia, the friend of Hooker: " Among others that have reformed their churches, I have " often admired the wisdom of those who restored the true worship of God to the Church of " England,—who so tempered themselves, that they cannot be reproved for having departed from " the ancient and primitive customs of the Church of God; and that moderation they have used, " that by their example they have invited others to reform, and deterred none."—(*Wordsworth, Theophilus Anglicanus, p.* 171.)

In 1851 the Archbishops of Canterbury and York and twenty bishops published a statement in which they set forth " the undoubted identity of the Church before and after the Reformation;" and that at the Reformation the English Church rejected certain corruptions and established " one " uniform ritual," but " without in any degree severing her connexion with the ancient Catholic " Church."—(*Phillimore's International Law, vol.* ii., *p.* 422, *and the Guardian, April* 2, 1851.)

In 1867, eight primates and sixty-eight bishops assembled from all parts of the globe, under the presidency of the Metropolitan of Canterbury.

The resolutions of this conference were prefaced by the following introduction:

" We, Bishops of Christ's Holy Catholic Church, in visible communion with the United Church " of England and Ireland, professing the Faith delivered to us in Holy Scripture, maintained by " the Primitive Church, and by the Fathers of the English Reformation, now assembled, by the good " providence of God, at the Archiepiscopal Palace of Lambeth, under the presidency of the Primate " of all England, desire, first, to give hearty thanks to Almighty God for having thus brought us " together for common counsels and united worship; secondly, we desire to express the deep sorrow " with which we view the divided condition of the flock of Christ throughout the world, ardently " longing for the fulfilment of the prayer of our Lord, ' That all may be one, as Thou, Father, art " ' in me, and I in Thee, that they also may be one in Us, that the world may believe that Thou " ' hast sent me;' and, lastly, we do here solemnly record our conviction that unity will be most " effectually promoted by maintaining the Faith in its purity and integrity, as taught in the Holy " Scriptures, held by the Primitive Church, summed up in the Creeds, and affirmed by the undisputed " General Councils."

But after all no argument for the continuity of the Church of England can be stronger than that which is derived from the structure, order, and contents of the Prayer Book. It contains the Breviarium, in which towards the end of the 11th century had been inserted all the offices of the canonical hours, called also Portiforium and in England Portuary, the Missale or the service for the Holy Communion, and the Ordinale, which is referred to under the name of the "Pie" in the preface. There were various "Uses" or Prayer Books in England, known as the Salisbury, the York, the Bangor, and the Hereford Uses, and others. The most celebrated appear to have been the *Portiforium* or Breviary of Sarum, which contained the Daily Services,—the Sarum Missal, which contained the Holy Communion Service,—and the Sarum Manual, a book of occasional offices. These books of devotion seem to have been compiled by Osmund, Bishop of Salisbury, about the time of the Conquest; and in 1531 a reformed edition of the Sarum Portiforium was reprinted, and shortly afterwards a reformed Missal was published. There were also Primers, which contained, in the vulgar tongue, large portions of the Service in use amongst the people. In 1536 the Roman Breviary was reformed, and published by a Spanish Bishop, Cardinal Quignonez; and in 1544 Hermann, Archbishop of Cologne, whom the Pope during the early sittings of the Council of Trent deprived,* published a reformed ritual.†

In 1542 Henry VIII. directed convocation to consider the revision of the books of devotion then in use in this country. It is probable that the fruit of their labours, as well as the other works to which reference has been made, were laid before the royal visitors appointed by Edward VI. in January 1546–7, and the Committee of Convocation, to whom the preparation of the Prayer Book of 1549 was intrusted.

The whole Prayer Book in fact, with very inconsiderable exceptions, consists of a translation of the ancient liturgies, and especially of the liturgy used by the Western Church. And we learn from the preface to the Prayer Book that the object was to restore that "godly and decent order of the "ancient fathers" which had been broken, and to introduce an order of prayer and reading of Holy Scripture "agreeable to their mind and purpose;" and that all suggested alterations which "secretly struck at some laudable practice of the whole Catholic Church of Christ" were rejected; and that the calendar contained a "table of feasts, vigils, fasts, and days of abstinence," which were in accordance with primitive and catholic use; while the ornaments of the Church and the vestments of the ministers were such as to present to the people some of the most prominent features of the ancient service, and were for this reason the ground of unceasing attack from the Puritans, and the disciples of the Genevan school. And it is the observation of Mr. Hallam, while speaking of the Roman Catholics, "that it was always held out by our Church, when the object was "conciliation, that the liturgy was essentially the same with the mass book."—(*Constitutional History, vol.* i., *p.* 86.)

These premises, which I have stated at some length, lead me to the conclusion that no sound argument against the lawfulness of the matters objected to in these articles can be deduced from the mere fact of their identity with the ceremonies in use before the Reformation.

Argument from Disuse.

I will next consider the argument founded on the alleged *de facto* disuse, since the Reformation, of the ceremonies or ornaments complained of in these articles.

It assumes this kind of shape:

"If these things were legal they would have been in use; their non-usage is almost fatal to their "claim of legality; the presumption of law is strongly against them; and in order to refute that "presumption a continuous usage must be established by those who maintain their lawfulness."

This argument seems to have been in the mind of the Judge of the Consistory of London in the Knightsbridge Church cases, though at the same time he strenuously asserted that no provision of statute or lawful canon could be abrogated by non-user. The doctrine of desuetude he repudiated, as unknown to the law of England.

This argument from the long disuse of ornaments and observances recently revived cannot be altogether passed over.

The fact of disuse raises a practical prejudice, if not a legal obstacle to all such revivals. The consideration of the causes which have induced it has a bearing upon the discussion of the questions which I am to adjudicate.

The argument appears to me to admit of two distinct answers.

In the first place it proves too much; for perhaps there is no historical fact more certain than this, namely, that the law derived from the rubrics and canons has never, at any period since the Reformation, been universally and duly obeyed. The proposition is startling, but I think unquestionably true. The instances of disobedience are striking, if not many; take, as one example, the vestments of the clergy.

The rubric of our present Book of Common Prayer provides:—

"And here is to be noted, that such ornaments of the Church, and of the ministers thereof, "at all times of their ministration, shall be retained, and be in use, as were in this Church of "England, by the authority of Parliament, in the second year of the reign of King Edward the "Sixth."

And the Judicial Committee of the Privy Council, in Westerton v. Liddell, most deliberately and emphatically decided that—

"The rubric to the Prayer Book of January 1st, 1604, adopts the language of the rubric of "Elizabeth; the rubric to the present Prayer Book adopts the language of the Statute of Elizabeth;

* Istoria del Concil. Trident.—Sarpi, lib. II. § 59. † See Preface to Annotated Book of Common Prayer.

" but they all obviously mean the same thing, that the same dresses and the same utensils or articles " which were used under the first Prayer Book of Edward VI. may still be used." Their lordships say, " No difficulty will be found in discovering amongst the articles of which the use is there " enjoined, ornaments of the Church, as well as ornaments of the ministers. Besides the vestments " differing in the different services, the rubric provides for the use of an English Bible," &c.—(*Liddell v. Westerton, Moore's Report, p.* 156–9.)

The dresses of which the use is prescribed in the first Prayer Book of Edward VI. are thus ordered:—

" Upon the day, and at the time appointed for the ministration of the Holy Communion, the priest " that shall execute the holy ministry shall put upon him the vestures appointed for that ministration; " that is to say, a white albe plain, with a vestment or cope."

" And whensoever the bishop shall celebrate the Holy Communion in the Church, or execute " any other public ministration, he shall have upon him, beside his rochette, a surplice or albe, and " a cope or vestment, and also his pastoral staff in his hand, or else borne or holden by his chaplain."

The canons of 1603 could not alter or affect the positive provisions of a Statute; but, on the supposition that they alone were to be consulted, the use of the surplice in parish churches is distinctly enjoined by them (canon 58). Nevertheless I well recollect that when Bishop Blomfield published his celebrated Charge in 1842, the expression therein of his opinion, that the preacher ought to wear the surplice rather than the gown in the morning service, raised a storm of religious controversy and excited feeling upon which a sober-minded man now looks back with surprise and regret. And I cannot but agree with his biographer, that " it will hardly be denied, that the great " principle for which Bishop Blomfield contended, that in Divine service all things should be done " *decently*, but *in order*, is now acted upon in the Church of England to an extent, which, twenty " years ago, would hardly have been expected by men of calm judgment, and which, thirty years ago, " would by most have been pronounced impossible."*

The same canons enjoined the use of copes in cathedrals (canon 24), a special prayer called the bidding prayer to be used by all ministers before every sermon (canon 55), a passing bell to be tolled for every dying parishioner (canon 67); that "upon every Sunday or Holyday" the minister shall "under pain of suspension and excommunication, for half an hour or more, examine and instruct the " youth and ignorant persons in his parish in the Ten Commandments, the Articles of the Belief, and " in the Lord's Prayer; and shall diligently hear, instruct, and teach them the Catechism set forth in " the Book of Common Prayer" (canon 59); that a particular dress, minutely specified, shall be worn by ecclesiastical persons on a journey (canon 74); that the Litany shall be said or sung wherever appointed by the Prayer Book, more particularly upon Wednesdays and Fridays, though they be not holydays (canon 15).

The rubric directs that the holy elements shall be placed upon the Table of the Lord at a particular part of the service; but till lately, and before the decision of the Privy Council in favour of the use of the credence table, this rubric was generally disobeyed. The rubric is express in its directions, that "unless the minister be otherwise reasonably hindered," he shall perform daily service; that " the feasts shall be observed," in which category are included all Sundays, and certain feasts and saints' days; and there is also a careful table of the vigils, fasts, and days of abstinence to be observed throughout the year; that "so many as intend to be partakers of the Holy Communion " shall signify their names to the curate at least some time the day before." Private baptism, which was only to be allowed for "great cause or necessity," had so generally superseded public baptism, that the late Bishop of London was compelled expressly to forbid his clergy to baptize privately except in cases of necessity; and, indeed, of all these precise orders, of which the catalogue is not exhausted, having for their object the spiritual edification of members of the Church, how very few, till lately, within our own memory, have been obeyed, and how much more common has been the breach than the observance of them.

It is true that Mr. Mackonochie is not charged with any disobedience to the law in these respects; his offence is that of unauthorized addition, of doing too much and not too little in his ministrations in the Church; but I refer to this notorious fact of general disobedience to the law in these respects, because a revived obedience to it, not unnaturally, excites the surprise and sometimes the anger of persons who have been habituated to a more relaxed and less careful system. A compliance with the law has the effect of novelty upon them, and they are apt to consider as illegal not the desuetude of a prescribed usage, but the restoration of it.

This argument of disuse was most strongly urged in the Knightsbridge Church cases as conclusive against the Cross and the Credence Table; and it was truly said that the instances in which any trace of them could be substantiated by evidence, since the Reformation, were very few and inconsiderable,—not half-a-dozen I believe in number, and it was contended that such disuse amounted to a practical rejection of them by the Church. And this argument prevailed with the judges of the Consistory of London and of the Arches Court, who accordingly pronounced these things to be unlawful. But it did not avail before the Judicial Committee of the Privy Council, who, looking to their innocent and primitive use, reversed the sentence of these Courts and pronounced them to be lawful.

The mere fact, therefore, that the practice complained of is novel, furnishes by no means an irrefragable argument that it is unlawful, and it can afford, in truth, but little assistance in solving the question whether the practices charged against Mr. Mackonochie are or are not contrary to the law.

In the second place the alleged disuse or desuetude must be measured by a reference to the history of the institution during the period in which it has prevailed. The questions,—has that institution been

* Memoir of Bishop Blomfield, Vol. 2, p. 64.

during this period in its normal condition? has it been in a state of unconstrained freedom? of undisturbed liberty of action? or has it during this period been from time to time turned aside from its natural course? has it been oscillating between peril and disquiet and the apathy which is so often their reactionary successor? has it manifested, wherever it has been in a state of freedom, peace and vigour, a desire to restore and reserve as much as it could of a lawful inheritance which had been forcibly put in abeyance, and had that desire and endeavour always accompanied a revival of life and energy? These are questions which must be answered before the argument from disuse can be properly estimated. A careful examination of the history of this country, and more especially of that part of it which relates to the Church, affords some explanation of the careless and imperfect compliance with the directions and orders of the Prayer Book to which I have adverted. To enter at length into this history would far exceed the limits of my present judgment, but I will make a very cursory reference to the principal epochs.

From the reign of Edward VI. to the reign of Her present Majesty the intervals during which the Church has been undisturbed by troubles from within or without have been few.

During the short reign of Edward VI. she underwent various trials. Her worship and her ritual were twice dealt with by Parliament, and not only her revenues but the ornaments and treasures within her fabrics were scandalously plundered in order to fill the purses of the corrupt courtiers, of a precocious, well meaning, but prejudiced and narrow minded-boy, who, during the few years of his reign, was little more than an instrument in the unscrupulous hands of the religious and political factions which surrounded and besieged his throne.

I will borrow the language of Fuller in his Church History of Britain (*Book VII., p.* 401).

Speaking of the year 1549, this quaint but faithful historian says—

"Come we now to the saddest difference that ever happened in the Church of England, if we "consider either the time how long it continued, the eminent persons therein ingaged, or the dolefull "effects thereby produced. It was about matters of conformity. Alas! that men should have lesse "wisdome than locusts; which when sent on God's errand, 'did not thrust one another' (Joel ii. 8), "whereas here such shoving, and shouldring, and hoising, and heavings, and justleing, and thronging, "betwixt Clergiemen of the highest parts and places. For now nonconformity in the daies of King "Edward was conceived, which afterward in the reign of Queen Mary (but beyond sea at Frank-"ford) was born, which in the reign of Queen Elizabeth was nursed and weaned, which under King "James grew up a young youth, or tall stripling, but towards the end of King Charles his reign, shot "up to the full strength and stature of a man, able, not only to coap with, but conquer the hierachie "its adversary."

Speaking of the year 1552, the same historian says:—

"Lately information was given to the king's councell, that much costly furniture, which was "embezelled, might very seasonably (such the king's present occasions) and profitably be recovered. "For private men's halls were hung with altar-cloathes, their tables and beds covered with copes, "instead of carpets and coverlets. Many drank at their daily meals in chalices, and no wonder if it "came to the share of their horses to be watered in rich coffins of marble. And, as if first laying of "hands upon them were sufficient title unto them, seizing on them was generally the price they had "payed for them. Now although four years were elapsed since the destruction of colledges and "chanteries, and much of the best Church ornaments was transported beyond the seas, yet the "Privie Councel thought this very gleaning in the stubble, would richly be worth the while, and that, "on strict inquisition, they should retrive much plate in specie and more money for moderate fines "on offenders therein. Besides, whereas parish churches had still many rich ornaments left in the "custody of their wardens, they resolved to convert what was superfluous or superstitious to the king's "use. To which purpose commissions were issued out to some select persons in every county, etc."

It was probably a like spirit of avarice which, using the honest fanaticism of the Geneva divines as its instrument, dictated the destruction of all the ancient service books as well as images, by the Order in Council of December 24, 1549, and the 3rd and 4th of Edw. VI. c. 10.

The bindings and cases of these books of devotion were often studded with gems and of great value; and the images from their costly material, as well as their careful execution, offered a tempting prey to the spoiler.

During the succeeding reign of Mary the Church was altogether driven from her sanctuary. Elizabeth, indeed, exerted the great sagacity which she possessed in laying deep and wide the foundations of the establishment to which the Church was restored. But the foreign element, which the persecutions of Mary had much increased, began to ferment, and to wage a ceaseless war with the principles upon which the Church had been reformed, and though the masculine sense and vigorous hand of this great Queen restrained the attacks of the innovators from Geneva and Germany, she was obliged to tolerate a practical laxity in all that related to the ritual of the Church, in order to secure the maintenance of the Catholic doctrine.

It cannot be doubted from her resolute retention of the ornaments of her Chapel, including lights and a crucifix, from her avowed belief in the Real Presence, as well as from her language and conduct, that her desire and intention were to embrace the Lutheran and the Romanist within the wide and liberal pale of the National Church.*

And I may observe in passing, that it was in the same spirit of liberality and comprehensiveness that our Bishops in 1661, said, "It was the wisdom of our Reformers to draw up such a liturgie as "neither Romanist nor Protestant could justly except against; and therefore, as the first never "charged it with any positive errors, but only the want of something they conceived necessary, so

* The rubric, commonly called the black rubric, after the Communion, in the second Prayer Book of Edward VI., explained that no adoration was due to the *real* and essential presence. Elizabeth struck it out. The rubric reappears in the last Prayer Book with the very material alteration of "or unto any *corporal* presence of Christ's natural flesh or blood."

" it was never found fault with by those to whom the name of Protestants most properly belongs, " those that profess the Augustine Confession; and for those who unlawfully and sinfully brought " it into dislike with some people, to urge the present state of affairs as an argument why the book " should be altered to give them satisfaction, and so that they should take advantage of their own " unwarrantable acts, is not reasonable."—(*Lathbury's History of the Book of Common Prayer, chap.* 13, *p.* 324.)

Bishop Sandys writes to Archbishop Parker: "The last book of service is gone through with a " proviso to retain the ornaments which were used in the 1st and 2nd year of King Edward until it " please the Queen to take further order for these. Our gloss upon this text is that we shall not be " forced to use them, but that others in the meantime shall not convey them away, but that they may " remain for the Queen."—*Strype Ann., v.* 1., *P.* 1., *p.* 122. *Burnet, v.* 1., *P.* 2., *p.* 465.

The Puritans rejected with scorn the toleration which the Queen and Walsingham, with a rare wisdom unknown to their age, were ready to extend to them. Bishop Madox cites a declaration of this party as follows:—

" As for you dear brethren, whom God hath called into the brunte of the battle, the Lord keep you " constant, that ye yield neither to toleration, neither to any other subtil persuasions of dispensations " or licences, which were to fortify their Romish practices; but, as you fight the Lord's fight, be " valiant. The matter is not so small as the world doth take it; it will appear, before all be ended, " what an hard thing it is to cut off the rags of the Hydra of Rome. Let us not make the heritage " of God as a bird of many colours, holding of divers religions; but rather let us take away, if we " can, the names, memories, and all monuments of Popery." The Bishop goes on to say, " Who " were meant by this description in the year 1570 needs no explanation. The bishops and clergy " of the Church of England were then constantly represented as bearing the names and supporting " the monuments of Popery. Agreeably to this exhortation of yielding to no toleration, nor accepting " any indulgence, in all their petitions, admonitions, supplications, etc., we see nothing of a toleration " for themselves only, but their single request or command, in whichever style they speak, is, the " absolute overthrow of the established Government and worship, and the introduction of their own " with penalties, even sharp punishments to be inflicted upon those who did not comply with it."—(p. 289.)

In 1597 Hooker wrote the fifth book of his Ecclesiastical Polity in which he vindicated the rites and ceremonies of the Church of England against the attacks of the Puritans, and pointed out with a prophetic spirit, the confusion which would ensue " if it should be free for men to reprove, to " disgrace, to reject, at their own liberty, what they see done and practised according to order set " down."—(*E. P., Book V., c.* 10.)

In the reign of Elizabeth's successor, the Hampton Court Conference, and the canons of 1603, aided by the disposition of James, and the great power of his prerogative which then rested on the Statute of Elizabeth, and the general tranquillity of the country, enabled the Church to put in force, in some degree at least, the provisions of her ritual.

The leaven of the Puritans, however, was at work, and is well illustrated by the language which they held respecting our Prayer Book at this time. I refer again to Bishop Madox (p. 73):—

"But Mr. Neale tells us, it would have obviated many objections, if the Committee had thrown " aside the Mass Book, and composed an uniform service in the language of Scripture." This was an objection frequently made by the Puritans, with great variety of very severe and very coarse expressions. Thus in their first admonition to the Parliament, "Remove (say they, in great warmth) " homilies, articles, injunctions, and that prescript order of service made out of the Mass Book." In their second admonition to the Parliament they express themselves after this manner: " We must needs " say as followeth, that this book is an imperfect book, culled and picked out of that Popish dunghill, " the Portuise and Mass Book, full of all abominations." Another of them is pleased to deliver his opinion in the following words: " The whole form of the Church Service is borrow'd from the Papists, " pieced and patched, without reason or order of edification." Their famous leader, Mr. Cartwright, likewise declares his and his brethren's displeasure upon this head: "Before I come to speak of " prayers (says he) I will treat of the faults that are committed almost throughout the whole liturgy " and service of the Church of England, whereof one is that which is often objected by the authors " of the admonition, that the form of it is taken from the Church of 'Antichrist.'"

During the early part of the reign of Charles I. the advance in ritual restoration was rapid, and was accompanied by great imprudence and little knowledge of, or attention to, the actual circumstances of the State. The Puritan religious element allied itself with the political element; and so it came to pass that a literal and strictly legal compliance with the rubric formed no insignificant part of the impeachment which brought about the judicial murder of Archbishop Laud, one of the most distinguished writers against the pretensions of the Papacy.*

Then was the wisdom, as well as the piety, of the principles upon which our Church was reformed

* Whitelock. (Memorials of the English Affairs. Folio. Tonson, 1732.)

Anno 1643, p. 75.—The Commons "ordered copes and surplices to be taken away out of all Churches."

Anno 1644, p. 86.—Laud on his trial; objected to him "that he caused superstitious pictures, images, and crucifixes to be set up " in many churches, and in the King's chapel caused a popish crucifix to be hung up over the altar upon every Good Friday, " which had not been there before since the reign of Queen Mary." . . . . . "and his consecrating of churches, tapers, and candle- " sticks, organs, and particular prayers for those purposes."

The Commons "ordered the taking away of all such pictures, images, and crucifixes in the King's chapel at Whitehall."

Page 91.—"The Earl of Newcastle desired a treaty, which was admitted, and he demanded to march away with bag and baggage, " etc., and that all within the town should have liberty of conscience, the prebends to enjoy their places, to have common prayer " organs, copes, surplices, hoods, crosses, etc."

"These things were denied by the Parliament," etc. This was at York, June 1644.

" August 1644, p. 98.—Col. Middleton sent up to the Parliament from Sarum many copes, surplices, tippets, hoods, plate, and the " picture of the Virgin Mary, taken there; other relics being divided among the soldiers."

demonstrated. In Protestant Germany and in Geneva, where the Apostolical order and primitive usages had been, from whatever causes, neglected or abandoned, and in this kingdom during the troubles of the civil wars almost every variety of sect which the vanity, presumption, and ignorance of man, under the influence of unchecked religious excitement could devise, sprang into existence.

All these,

"Who thought religion was intended
For nothing else but to be mended,"

and whom the poem of Butler has rescued from oblivion, have furnished to Rome her strongest weapon for the defence of abuses equally without warrant from Scripture and tradition, and for attack upon the purer branches of the Catholic Church.

At the restoration, the Church, with the full and hearty consent of the people, restored, with few exceptions, the primitive ritual, of which Cranmer and Ridley, the chiefs of a noble army of martyrs, had approved.

But the impoverished condition of the clergy, the dilapidated state of the desecrated Churches, the profligacy (a reaction from Puritanism) and poverty of the landowners, combined to prevent that moderate amount of ritual developement which a strict obedience to the direction of the rubric required.

Lord Macaulay's picture of the miserable status of the parochial clergy during the 17th century (History of England, Vol. I., p. 327) is probably painted in too dark colours: but there is no doubt that it was one highly unfavourable to ritual ornament either in the dress of the priest or in the furniture of the church.

It was seldom that men connected with noble families entered into Holy Orders, and the adoption of that profession by Herbert was a remarkable phenomenon of the time.

Then came the struggle of James II., by God's good providence defeated, to reimpose the yoke of Rome upon the liberties of our Church.

The very learned Cave, in his Epistle Dedicatory to the History of the Fathers of the Church in 1683, observes,—

"The Church of England, incomparably the best part of the Catholic Church at this day visible "upon earth, is miserably torn in pieces, hated, and maligned; secretly undermined by enemies from "abroad, and openly assaulted by pretended friends at home. *Altar* is erected against *altar*, and "private congregations kept up in opposition to the publick constitution. The liturgy and forms of "Divine administration derided, odiously traduced, and run down with nothing but noise and clamour. "The rites and institutions, though the same that were used in the primitive ages of Christianity, "derided as antichristian. The discipline and authority weakened, and, by the obstinacy and "perverseness of men, made ineffectual."

The great defection of the non-jurors, who were much attached to ritual observances, among whom were some of the most pious and learned prelates of the realm, at the beginning of William III.'s reign, must, I think, have been unfavourable to ritual observances in the Church Establishment which they had left.*

As we enter on the 18th century we trace the gradual increase of disobedience to all directions of the Church which had for their object not merely the ornament but the decency of Divine worship.

In 1710 good Bishop Fleetwood, in his charge to his clergy, observed, "that unless the good public "spirit of building, repairing, and adorning churches prevails a great deal more among us, and be "more encouraged, an hundred years will bring to the ground an huge number of our churches."

During the reigns of the two first Georges, and the beginning of the third, a decay of piety and learning, with brilliant exceptions indeed, went hand in hand with slovenliness of ritual and habitual indifference to rubrical injunctions upon this subject; and in 1751, that is 40 years afterwards, not many months before his death, that great prelate, Bishop Butler, whose "Divine Philosophy" has charmed educated men of all creeds, referring to these words of Bishop Fleetwood, uttered this lamentation, "This excellent prelate made this observation forty years ago; and no one, I believe, will imagine that the good spirit he has recommended prevails more at present than it did then."

In another part of the same charge he says: "Nor does the want of religion in the generality of the "common people appear owing to a speculative disbelief or denial of it, but chiefly owing to thought-"lessness and the common temptations of life. Your chief business, therefore, is to endeavour to "beget a practical sense of it upon their hearts as what they acknowledge their belief of, and profess "they ought to conform themselves to. And this is to be done by keeping up, as we are able, the form "and face of religion with decency and reverence, and in such a degree as to bring the thoughts of "religion often to their minds; and then endeavour to make this form more and more subservient to "promote the reality and power of it. The form of religion may indeed be where there is little of the "thing itself but the thing itself cannot be preserved amongst mankind without the form.

"That which men have accounted religion in the several countries of the world, generally speaking, "has had a great and conspicuous part in all public appearances, and the face of it has been kept up "with great reverence throughout all ranks, from the highest to the lowest; not only upon occasional "solemnities, but also in the daily course of behaviour. In the heathen world, their superstition "was the chief subject of statuary, sculpture, painting, and poetry. It mixed itself with business,

* Mr. Hallam observes: "Eight Bishops, including the Primate and several of those who had been foremost in the defence of "the Church during the late reign, with about four hundred of the Clergy, some of them highly distinguished, chose the more "honorable course of refusing the new oaths: and thus began the schism of the Non-jurors, more mischievous in its commence-"ment than its continuance, and not so dangerous to the government of William III. and George I. as the false submission of less "sincere men." Having alleged reasons in favour of the imposition of the oath, he adds in a note: "Yet the effect of this expulsion "was highly unfavourable to the new government; and it required all the influence of a latitudinarian school of Divinity, led by "Locke, which was very strong among the laity under William, to counteract it."—(Constit. Hist., Vol. III., p. 108, 7th ed.)

" civil forms, diversions, domestic entertainments, and every part of common life. The Mahometans " are obliged to short devotions five times between morning and evening. In Roman Catholic " countries people cannot pass a day without having religion recalled to their thoughts, by some or " other memorial of it, by some ceremony of public religious form occurring on their way; beside " their frequent holidays, the short prayers they are daily called to, and the occasional devotions " enjoined by their confessors. By these means their superstition sinks deep into the minds of the " people, and their religion also into the minds of such among them as are serious and well-disposed. " Our reformers, considering that some of these observances were in themselves wrong and super- " stitious, and others of them made subservient to the purposes of superstition, abolished them, " reduced their form of religion to great simplicity, and enjoined no more particular rules, nor left " anything more of what was external in religion, than what was in a manner necessary to preserve " a sense of religion itself upon the minds of, the people. But a great part of this is neglected by " the generality amongst us; for instance, the service of the Church, not only upon common days, " but also upon Saints' days, and several other things, might be mentioned. Thus they have no " customary admonition, no public call to recollect the thoughts of God and religion from one " Sunday to another."

. . . . . .

" Indeed in most ages of the Church the care of reasonable men has been, as there has been for " the most part occasion, to draw the people off from laying too great weight upon external things, " upon formal acts of piety. But the state of matters is quite changed now with us. These things " are neglected to a degree which is and cannot but be attended with a decay of all that is good. " It is highly seasonable now to instruct the people in the importance of external religion.

" And doubtless under this head must come into consideration a proper regard to the structures " which are consecrated to the service of God. In the present turn of the age one may observe " a wonderful frugality in everything which has respect to religion, and extravagance in everything " else. But amidst the appearance of opulence and improvement in all common things, which are " now seen in most places, it would be hard to find a reason why these monuments of ancient piety " should not be preserved in their original beauty and magnificence. But in the least opulent places " they must be preserved in becoming repair, and everything relating to the Divine service be, " however, decent and clean, otherwise we shall vilify the face of religion, whilst we keep it up. " All this is, indeed, principally the duty of others; yours is to press strongly upon them what is " their duty in this respect, and admonish them of it often, if they are negligent."—(*Works, Vol.* 2., *pp.* 315, 317.)

Then followed the great schism of which the pious Wesley was unwillingly and unwittingly the leader, but of which the apathy and sloth of the Church was the true cause. A resuscitation of Christian life was afterwards brought about by a school in the Church which, though with little knowledge of or care for ecclesiastical traditions or primitive usage, yet almost within the memory of the present generation represented the earnestness and energy of the establishment. Both these events were unfavourable to the maintenance of ritual observances.

The piety of this school is not incompatible with superior erudition and historical knowledge in persons more susceptible to the influences of external rites and ceremonies. A school has sprung up in our memory, which, having first restored the true ecclesiastical architecture in our churches, proceeded to inquire into the real meaning of the rubrical directions in our Prayer Book, examined them by the light of history and tradition, and arrived at the conclusion that a bare and unattractive service, sordid furniture, and the absence of all that was beautiful in art in the Temple of God, was not a necessary condition of a Church which had thrown off the corruptions and novelties of Rome. The Prayer Book referred them to the custom and usage which prevailed in the second year of Edward the Sixth. In the Lutheran and Swedish services they found crucifixes, incense, lighted candles, and gorgeous dresses. They thought it obvious, therefore, that no necessary connexion subsisted between these ornaments and usages of primitive antiquity, and the mediæval and false claims of the Papacy.

Recognizing the spirit of this movement in the Church, the late Bishop of London, in his charge in 1842, used this emphatic language:—

" Every clergyman is bound by the plainest obligations of duty to obey the directions of the rubric. " For conforming to them, in every particular, he needs no other authority than that of the rubric " itself. We ought not to be deterred from a scrupulous observance of the rights and customs " prescribed or sanctioned by our Church by a dread of being thought too careful about the externals " of religion. If we are not to go *beyond* her ritual, at least we ought not to fall *short* of it; nor to " make her public services less frequent, nor more naked and inexpressive, than she intends them " to be."

Again he says,—

" An honest endeavour to carry out the Church's intentions, in every part of public worship, ought " not to be stigmatized as Popish or superstitious. If it be singular, it is such a singularity as should " be cured, not by *one* person's desisting from it, but by *all* taking it up. When I have been asked, " whether I approved of certain changes in the mode of celebrating Divine service, which were spoken " of as novelties, but which were in fact nothing more than a return to the anciently established order " of the Church, my answer has been, far from questioning the *right* of the clergy to observe the " rubric in every particular, I know it to be their *duty;* and the only doubt is, how far are *we* " justified in not *enforcing* such observance in every instance."—(pp. 30, 31.)

Bishop Stanley, in his charge in 1845, says, " Speaking of the decorations of churches, I am aware " of the reply; they pander, it is said, to idolatry, and may again become the object of superstitious " worship. In a former age, when the minds of men were under the control of a superstitious and

" designing priesthood, such reasoning might have weight, but I must confess I cannot now hear it " without mingled sentiments of pain and surprise." * * * " We need not," he concludes, " like the Puritans of old, banish the influence of art from the sphere of religion, and return to that " rude spirit which went forth as the destroyer of all that was beautiful, glorying in its barbarous " mutilations."

I will conclude my observations on this subject in the words of the oldest and certainly not the least able and learned of our prelates. In 1851 the Bishop of Exeter said, (from Appendix A. to the report of the Ritual Commission, page 122,) " Let me make one general remark. Where the " congregation consists mainly of the poorest orders, there we commonly observe a great love of a " majestic and even elaborate service. The ornaments of their church; the storied glass; the " painted, and it may be gilded, walls; the table of the Lord elevated above the rest, and decked " with sober yet costly furniture; the pealing organ; the chanted psalms; the surpliced choristers; " the solemnity of the whole ritual—gladdens, while it elevates their minds; they recognize in " it their own high privilege as Christians, and rejoice to find themselves equal participants with " their richest neighbours in the homage thus paid to the common Lord and Father of all. In " truth, when we consider the little which the poor man has to delight his heart and touch his " imagination in his own squalid home, we ought to rejoice that he can find enjoyment in the house " of prayer, his Father's house. For this reason few occurrences have affected me more than the " lamentations of the poor worshippers, in one of the districts of the metropolis, when they saw, or " thought they saw, at the dictation of a riotous and lawless mob of strangers, the approaching " surrender of the ritual which they loved, and which was their weekly, to many among them the " daily, solace of that poverty to which the providence of God had consigned them."

It was in this spirit that the Church of St. Alban's was, we know, built. In this spirit we must all hope that its services have been conducted. But it remains to be seen whether they have or have not gone beyond those bounds of ritual observance which the law of our Church has set.

General Principles for the Construction of Rubrics.

In the foregoing observations I have dealt with two heads of the arguments urged by the Counsel for the Promoter, which for the sake of clearness I will repeat; namely,—

That these particular practices are by necessary implication prohibited, inasmuch as they are connected with Roman or Popish doctrines.

And that as such they have, as a matter of fact, been disused ever since the Reformation.

I am of opinion that neither of these arguments can avail to prove that the practices complained of are illegal. I have now to consider the two other heads of their argument; namely,

That, as by these practices a new rite or ceremony has been added to those which are prescribed by the Statutes of Uniformity, such practices are unlawful.

And that these particular additions are expressly prohibited.

The due consideration of these arguments renders it expedient that I should previously determine upon what principles the rubrical directions of the Prayer Book should be construed.

It has been argued on the one side that the legal effect of express directions in the rubric is to shut out every rite, ceremony, utensil, or ornament which is not the subject of such express provision, or by necessary implication directly subsidiary to it. It has been argued, on the other side, that every ancient Catholic rite, ceremony, utensil, or ornament which is not the subject of an express prohibition is lawful. I am not disposed to assent to either of these propositions in their full latitude.

I believe the following rules to be well founded in principle, reason, and law, and I shall endeavour to guide myself by them; namely, that what is expressly prohibited is prohibited altogether, and may not be evaded by any contrivance which, under a different name or appearance, attains the same end; that whatever is expressly ordered may not be evaded by an illusory or partial compliance; that whatever is subsidiary to what is ordered, and whatever being in itself decent and proper in accordance with primitive and catholic use, and which is not by any fair construction necessarily connected with those Roman novelties which the Church " cut away and clean rejected" (to use the language of the Prayer Book) at the Reformation, is, under restrictions to be mentioned, lawful.

There are, in other words, three categories of these things,

(1.) Things lawful and ordered.
(2.) Things unlawful and prohibited.
(3.) Things neither ordered nor prohibited expressly, or by implication, but the doing or use of which must be governed by the living discretion of some person in authority.

Construction of Rubric as to the Discretion of the Ordinary.

I wish to say a word first upon this last category.

The compilers of our Prayer Book, and the Legislature which clothed it with the authority of a Statute, were well aware that such a living discretion was indispensably necessary for the government of the Church in the performance of her Divine service, as well as in the due discharge of her other functions.

In the preface concerning the service of the Church, it is stated that " nothing can be so plainly " set forth but doubts may arise in the use and practice of the same;" accordinlgy the first and every subsequent Prayer Book, including the present one, provided what must have been intended and believed to be a sufficient remedy for the evil which was thus contemplated as of possible, perhaps probable, occurrence.

It is important to notice the nature and character of the remedy proposed. It was one in perfect accordance with the principle upon which the order and discipline of the Church had, in obedience

to the will of Christ, been founded by his Apostles; a principle which recognized the apostolical order of bishops as necessary for the due constitution of the Church; and in perfect accordance with the great principle of the Reformation of the Church in England, that a duly consecrated bishop had a Divine authority, perfect and complete in itself, and wholly independent of the previous consent or subsequent ratification of that authority by the Pope.

The remedy was as follows: "to appease all such diversity (if any arise), and for the resolution "of all doubts concerning the manner how to understand, do, and execute the things contained in this "book, the parties that so doubt or diversely take anything shall alway resort to the bishop of the "diocese, who by his discretion shall take order for the quieting and appeasing of the same; so that the "same order be not contrary to anything contained in this book, and if the bishop of the diocese be "in doubt, then he may send for the resolution thereof to the archbishop."

The words of this order deserve the closest attention; it provides "for the resolution of all doubts "concerning the manner how to understand, do, and execute the things contained in this book;" terms which certainly appear to comprehend every conceivable difficulty or doubt which could possibly arise. The authority which is to resolve these doubts and remove these difficulties, is that officer in whose hands, previously to the statutory enactment of any Prayer Book, the Church had placed a supreme command over all that relates to her ritual.—"The parties that so doubt or diversely take "anything shall always resort to the bishop of the diocese." The mode of resolution is not stated, but the language is such as to render it improbable that any formal proceedings in a court were contemplated. "The bishop by his discretion shall take order for the quieting or appeasing of the same,"—large, and, I think, wise expressions, making reference to a living authority, such as the nature of the thing seems to demand, and the Church had always recognized as having the power to deal with the circumstances of each case as they arose. Was there any limitation to this authority?—One only, it appears; that his order "shall not be *contrary* to anything contained in this book;" leaving, therefore, in my judgment, within the domain of his authority that third category to which I have referred, namely, "things neither ordered nor prohibited expressly or by implication."

Was there any provision for controlling the exercise of this discretion?—Yes, a provision not inserted it is true in the first Prayer Book, but equally in accordance with the discipline of the Catholic Church and with the denial of papal pretension, the provision—"that if the bishop be in "doubt he may send for the resolution thereof to the archbishop."

Some construction must be placed upon this order. There are but three possible constructions which occur to my mind: one, that the order merely means that the minister or "party" may quiet his own conscience by having recourse to the private advice of the Ordinary, which advice, when given, he is conscientiously bound to follow; a second construction is, that the order contemplates formal proceedings in the ecclesiastical courts of the diocese and the province; the third is, that which I have suggested.

It is certainly remarkable that as far as I am aware this order has never yet received any judicial interpretation. I remember very well arguing before a very learned ecclesiastical judge, Sir Herbert Jenner Fust, in "the Stone Altar case;" (it was brought into the Court of Arches by appeal from the sentence of the Court of Ely, which Court had affirmed the legality of the stone altar,) that the question was one to be decided according to the discretion of the Ordinary, according to this order; and, in his judgment, Sir H. J. Fust said, "After much consideration now given, I am of opinion the "matter is *not* one of discretion but of law. Were it otherwise I should be desirous of consulting "the wish of the parish."—(1 Robertson's Reports, p. 255.) It was clearly, therefore, the opinion of Sir H. J. Fust, who was perfectly conversant with ecclesiastical law and practice, that this order was not to be treated as a dead letter, although, after much reflection, he was of opinion the questions as to the material and position of the altar-table did not come within its purview. The structure of a stone altar he conceived to be "contrary" to the provisions of the Prayer Book. And in Westerton *v.* Liddell, the Lords of the Privy Council, after deciding that it was lawful to place upon the holy table cloths of various colours, observed, "whether the cloths so used are suitable or not is a matter to be left to the discretion of the Ordinary."—(*Moore's Report, p.* 188.)

There is a difficulty arising out of this construction, from the consideration of which I must not shrink. It may be said that the bishop, when he had taken order for appeasing the doubt, would have no legal means of enforcing that order, and that for the purpose of such enforcement he must have recourse to his court. But it appears to me that, on the supposition that the matter was one on which he could exercise his discretion, he could clothe his order with the character of a monition, and that a disobedience to such monition would subject the person disobeying to the penalties of contumacy.

I should observe that the canon law unquestionably placed in the hands of the bishop the authority to govern all questions of ritual.

"Et quidem" (Van Espen says) "quia dispares diversarum nationum mores et ingenia diversos "ritus et cæremonias, ut in politicis ita in ecclesiasticis exigunt, hinc in ritibus magna ecclesiarum "varietas; præsertim quia nullo extante de his Christi vel Apostolorum præcepto, libera potestas "episcopis relicta erat, id sentiendi et decernendi quod unicuique salvâ fide magis expediens videbatur."

And citing the decree of a synod he says: "Novæ cæremoniæ nullæ in ecclesiis recipiantur sine "episcopi judicio"—(*Van Espen, vol. i., pp.* 411, 412.)

Upon this construction of this rubrical order, it will be my duty to consider whether any of the charges preferred against Mr. Mackonochie ought to have been dealt with by the discretion of the Ordinary, and not to have been made the subject of a criminal proceeding against him in this or in any other Court.

Construction of Rubrics generally.

With respect to the two other categories of rubrics, namely, those which relate to things lawful and ordered, and things unlawful and prohibited, there is a question *in limine* which must be considered. Is there a *common law* of the Church unwritten, living by usage, though partly expressed, perhaps,

by judicial decisions; but still more, to use a common expression, taken for granted by all authorities in Church and State—filling up the void of positive provision in statute or formulary—a necessary part of an organized religious system and establishment, rendering the practical working of it possible, and, on the whole, harmonious?

That there has been such a usage in the Church at large, from its earliest foundation, is certain. "We know no such "customs, neither we nor the churches of God," was the language which we learn from inspired authority she used as her shield against the earliest assaults upon her integrity. "Let the ancient customs prevail" was the maxim, fatal to the medieval and modern pretensions of Rome, which the Church enunciated in her earliest œcumenical council. The canon law of the Western Church fully recognizes custom and usages as a distinct source of ecclesiastical jurisprudence. Was the branch of this Church, which the constitution and the Legislature have established in this kingdom devoid of this subsidiary aid to her discipline and government?

In the case of Willson *v.* McMath (3 Phillimore, 78) a very curious question was raised, whether the minister, as such, has a right to preside at a vestry meeting.

Sir John Nicholl, the Official Principal of the Archbishop of Canterbury, observed: "The case is "said to be a new one, so far as regards any *express* law, or any judicial decision on the subject. "There is no statute, no canon, no reported judgment, either expressly affirming or expressly "negativing the right. It nevertheless may exist as a part of the common law of the land, as a part "of the *lex non scripta*, which is of binding authority, as much in the ecclesiastical as in the "temporal Courts. Indeed, the whole canon law rests for its authority in this country upon "received usage; it is not binding here *proprio vigore*. Moreover, this Court upon many points is "governed, in the absence of express statute or canon, by the *jus tacito et illiterato hominum consensu "et moribus expressum*."

"It is true that generally the existence of this *jus non scriptum* is ascertained by reports of adjudged "cases; but it may be proved by other means: it may be proved by public notoriety, or be "deducible from principles, and analogy, or be shown by legislative recognitions. Published reports "of the decisions of the Ecclesiastical Courts (with one very recent exception) do not exist; and if "they did, yet the particular right in dispute may never have been so much as doubted or "before." Upon this principle, in the time of James I., the King's Bench refused to prohibit the questioned Ordinary from compelling a woman to be churched in a veil, because it was certified by divers bishops to be the common custom of the Church of England.* There is, therefore, a common law of the Church which runs by the side of the statute law, and which must assist in the construction of it.

It is often said that a rubric should be construed on the same principles as an Act of Parliament; but admitting this to be so, it is obvious that there are peculiar difficulties incident to the construction of a rubric which seldom, or in a much less degree, beset the construction of an ordinary statute. And it will appear from what has been already said, that the right understanding of the rules supplied by the rubric for the regulation of the services may often require a reference to the sources not only of historical, but to a certain extent theological knowledge.

There is one important rule applicable to the construction of all instruments, namely, that the construer should endeavour to place himself in the position of the framer of the instrument, and to gather from all the circumstances which surrounded him at the time when he framed it, and from the context of other portions of the instrument, what the real meaning and intention was, if the language which he has used have left that meaning and intention doubtful or obscure.

In the case of Escott *v.* Mastin (4 Moore's Reports, P. C., p. 323), in which a question as to the lawfulness of baptism, administered by a layman with water and the invocation of the Trinity, was mooted, the Lords of the Privy Council observed as follows:—

"The 68th canon being that upon which this proceeding is grounded, it is necessary to consider "what the law was at the date of the canon, the year 1603. Without distinctly ascertaining this, we "cannot satisfactorily determine what change the rubric of 1661, adopted into the 13th and 14th "Charles II., cap. 4., made, and in what state it left the law on this head; because it is very possible "that the same enactment of a statute, or the same direction in a rubric, bearing one meaning, may "receive one construction when it deals for the first time with a given subject-matter, and have another "meaning and construction when it deals with a matter that has already been made the subject of "enactment or direction; and this is most specially the case where the posterior enactment or direction "deals with the matter without making any reference to the prior enactment or direction. Still "more it is necessary to note the original state of the law, when it is the common law that comes in "question, as well as the statute.

"The words are plainly directory, and do not amount to an imperative alteration of the rule then "subsisting. If lay baptism was valid before the new rubric of 1661, there is nothing in that rubric "to invalidate it. Generally speaking, where anything is established by statutory provisions, the "enactment of a new provision must clearly indicate an intention to abrogate the old, else both "will be understood to stand together if they may. But, more especially, where the common law "is to be changed—and, most especially, the common law which a statutory provision had recognized "and enforced—the intention of any new enactment to abrogate it must be plain to exclude a "construction by which both may stand together. This principle, which is plainly founded in "reason and common sense, has been largely sanctioned by authority. The distinction which "Lord Coke takes in one place between affirmative and negative words, giving more effect to "the latter (Coke, Littleton, 115, a), has sometimes been denied, at least doubted, (W. Jones, 270, "Lovelace's case, before the Windsor Forest Court, in 1632, in which there is a *dictum* of Lord "Chief Justice Richardson,) Mr. Hargrave thinks upon a misapprehension (Note 154). But the

* Vin. Abr. 17, p. 231, tit. "Prerogative of the King." "Ordinary and power of the Ordinary." Burns' Eccles. Law., Ed. Phill., p 318.

" rule which is laid down in 2nd Inst., 200, has been adopted by all the authorities, that 'a statute " 'made in the affirmative, without any negative expressed or implied, doth not take away the " 'common law.' So *Comyn's* Digest, Parliament, R. 23; and he cites the case *De Jure Ecclesiastico*, " in 5th Rep. 5, b, which lays down the rule in terms."

Let me apply this rule to the subject before me. The first Prayer Book of Edward VI. contains only one prohibition, the Elevation of the Blessed Sacrament; but it contains various directions respecting the articles to be used in the administration of the Holy Communion. It has been pointed out that the enumeration of these articles could not be exhaustive, inasmuch as the indispensable article of " a fair linen cloth " is omitted from it.

The argument is, I think, valid; the officiating priest must have supplied this article, and the Legislature must have intended him to supply it.

He must have looked to an unwritten *use*, the foundation of a common law for the Church, not less than for the State. Just as much as it must have intended by the rubric in our present Prayer Book: " The priest shall then place upon the table so much bread and wine as he shall think sufficient," that there should be a table or place from which the elements should be then brought; and therefore the Judicial Committee of the Privy Council, reversing the sentence of the Consistory of London and the Court of Arches, decided that the Credence Table, which supplied this want, was a lawful ornament. Those who compiled the first Prayer Book of Edward VI. were not inventing a ritual for the first time, but were constructing one from the various service books, some English and some foreign, which they had before them. This ritual was to be placed in the hands of persons conversant with the older service books; and it seems highly unreasonable to suppose that it was not competent to the priest to supply any accidental omission in the new ritual by a reference to the previously existing usage and practice. In the same way, in the Sarum Missal no mention is to be found of the two lights to be placed upon the altar, but there is no doubt that the constitution which ordered those two lights was legally binding upon, and that they must have been a part of the furniture of, those churches which adopted the use of Sarum, at least in the province of Canterbury. Another illustration is furnished by the very remarkable fact that the second Prayer Book of Edward VI. omitted all reference to the manual acts, ordered in the first and last Prayer Book, attending the consecration of the Holy Elements; and that during the whole period which elapsed between the date of the second Prayer Book in 1552 and that of the present Prayer Book in 1661, the officiating priest was left without any direction upon this subject in the Prayer Book which he was to use. Now, one of two consequences must follow: either the cup was never taken in the hand, the bread never broken, as at present, or these manual acts were done without any specific order in the Prayer Book, as a matter of recognized usage and custom. No proof has been laid before me, and I can find none, as to the omission of these necessary acts during a period of more than a century, and I think the inference that they must have been still practised is reasonable and sound.

And in this opinion I am strengthened by observing that at the Savoy Conference the Dissenters objected, " that the manner of the consecrating of the elements is not here " (*i.e.*, in the consecration prayer) " explicite and distinct enough, and the minister's breaking of the bread is not so much as " mentioned." The bishops replied by conceding that the manner of consecrating the elements be " made more explicit and express," which was the origin of our present rubric.—(*Cardwell, Conferences, pp.* 321, 363.)

The opinion of Bishop Cosin (vol. 5, p. 65, ed. 1855), a high authority upon this subject, appears to me sound. " The book " (he says) " does not everywhere enjoin and prescribe every little order " that should be said or done, but takes it for granted that people are acquainted with such common " [*sic*] and things always used already. Let the Puritans then here give over their endless cavils, " and let ancient custom prevail, the thing which our Church chiefly intended in the review of this " service." This reasoning, therefore, brings me to the conclusion, that from the mere silence of the rubric a positive prohibition cannot in all cases be inferred.

Something more is required to render the article supplied illegal. For instance, the mention of the article in a former Prayer Book, and the omission of it in the present, may furnish a presumption that it was intentionally rejected, even when it be in itself innocent, or apparently expedient. Or the article must have, as has been already observed, some necessary connection with a use inconsistent with the principles upon which the formularies of the Church are founded.

I must repeat that the rubrics with respect to decorations and furniture of the church are not exhaustive. This point has been decided by the Judicial Committee of the Privy Council. They allowed on this principle the use of the cross and the credence table and the various coloured clothes for the Holy Table. They allowed also the use of a moveable ledge for the purpose of holding candlesticks upon the Holy Table. This question came before their Lordships as a corollary to their principal decision on the Knightsbridge Church cases. It was contended that the monition of the Court with respect to St. Barnabas Church had not been obeyed as to the Holy Table or as to the cross. The act on petition alleged, that the monition was still in part uncomplied with in the following particulars:—First, that the metal cross which was standing in the church or chapel, on or attached to the super-altar, on the stone altar, which formerly stood therein prior to the delivery of the judgment of the Judicial Committee on the 21st of March 1857, was then placed on the sill of the great eastern window of the church or chapel of case of Saint Barnabas, above the table then used as a Communion Table in the church or chapel. Second, that the table which had been substituted in the church or chapel for the stone altar which formerly stood therein was not a flat table, but had an elevation or structure placed thereon, so as to resemble what is generally known and described as a super-altar in Roman Catholic churches or chapels.

The answer on behalf of the Hon. and Rev. Robert Liddell and the then Chapel wardens to this act on petition, denied that the monition was in any part uncomplied with, and pleaded; first, that the metal cross which was on the 27th of March 1857 standing in the church or chapel of

Saint Barnabas (attached to the ledge of wood at the back of the stone altar, which then stood in the chancel of the church or chapel) was at the present time placed on the sill of the centre compartment of the eastern window of the chancel of the church or chapel, five feet ten inches above the surface of the Communion Table standing there, and wholly disconnected therewith; secondly, that the table which had been substituted in the church or chapel for the stone altar which formerly stood therein was a flat moveable table of wood; and that the elevation or structure alleged in the second article of the act on petition as placed thereon was simply a moveable ledge of wood placed in order that two candlesticks might stand thereon at the back of the table, and that the ledge was always raised up before the celebration of the Lord's Supper, in order that the decree of the Court might be complied with, namely, that a fine linen cloth should cover the Communion Table at the time of the ministration of the Lord's Supper, and that the cross was in the church or chapel at the time of the consecration thereof, and then formed one of the ornaments of the church or chapel. Their Lordships were of opinion, "that no disobedience, no impropriety, no irregularity, has been "established; and that the present application, therefore, failed." *

In the same spirit, usages not prescribed by the Prayer Book during the service have been allowed, —such as turning to the east while the creeds are read, the "Glory be to Thee, O Lord" before the reading of the Gospel, and the expression of thanks after the reading of it, the use of hymns —a use perhaps not only not ordered, but contrary to the order of the Prayer Book; and an inscription on a tombstone of "pray for the soul" of a departed person has been, by express judicial decision, pronounced not to be "contrary to the articles, canons, constitutions, doctrine, and discipline of the Church."—(*Breeks* v. *Woolfrey*, 1 Curteis Rep., 880.)

And here I will notice what I may call the churchwarden argument. It has been said that one test of the legality of ornaments is whether the churchwardens can or cannot be compelled to provide them. I am of opinion, however, that this is not a conclusive test. The law upon this subject was well and clearly laid down by Dr. Lushington,†—namely, that there are two classes of expenses for parochial purposes; one, necessary expenses, which the churchwardens may defray of their own authority out of a rate, without the sanction of the vestry; another, expenses not absolutely necessary, a class which requires, if they are to be defrayed out of a rate, the previous sanction of the vestry. Under this latter category would fall all expenses incurred for furniture of a decorative kind, which would also require the sanction of the Ordinary.

The Special Charges considered.

Having thus considered the principles of law which ought to guide me in adjudicating the charges preferred against the Reverend Defendants in the cases before me, I will now consider and pronounce judgment upon each individual charge, which, for the sake of convenience, I will arrange, in the following manner:—

First, the Elevation of the Blessed Sacrament, including the Kneeling;
Secondly, the use of Incense during the administration of the Holy Communion;
Thirdly, the Mixing the Water with the Wine during the administration of the Holy Communion;
Fourthly, the special charges against Mr. Simpson;
Fifthly, the use of Lights during the administration of the Holy Communion.

Elevation; as to Mr. Mackonochie.

3rd Article.—The third of the articles in this suit charges the Defendant, "That he, the Defendant "had in his said Church, and within two years last past, to wit, on Sunday the 23d of December, on "Christmas Day last past, and on Sunday the 30th December, all in the year 1866, during the prayer "of consecration, in the order of the administration of the Holy Communion, elevated the paten in "a greater degree than by merely taking the same into his hands, as prescribed by the Book of "Common Prayer, and in a greater degree than is necessary to conform with the requirements of such "book, and permitted and sanctioned such elevation; and taken into his hands and elevated the cup "during the prayer of consecration aforesaid in a manner contrary to the said statutes, and to "the said Book of Common Prayer, and permitted and sanctioned the cup to be so taken and elevated; "and knelt or prostrated himself before the consecrated elements during the prayer of consecratio, "and permitted and sanctioned such kneeling or prostrating by other clerks in holy orders."

Answer.—To this article the Defendant has answered, That whilst he admits that he, the Defendant, "did on the said two Sundays, and on Christmas Day, during the prayer of consecration, kneel, "and sanction kneeling by other clerks, before the Lord's Table, he denies that his said party did on the "said two Sundays, and on the said Christmas Day, kneel or prostrate himself before the consecrated "elements, or permit and sanction such kneeling or prostration by other clerks in holy orders, as in "the 3rd Article pleaded. And he further alleges that whilst he admits that he did on the said "two Sundays and Christmas Day, in the said 3rd Article mentioned, elevate and sanction the "elevation by other clerks of the paten and cup above his head, as in the said 3rd Article pleaded "yet that such elevation of the paten and cup has been wholly discontinued by the said Defendant "during the administration of the Holy Communion ever since the said 30th December 1866, and long "prior to the institution of this suit; that such practice was discontinued in consequence of legal "advice, and in compliance with the expressed wish of the Lord Bishop of the diocese of London, "and with a resolution of convocation, as was well known to the promoter of this suit before he "instituted the same."

4th Article.—The *fourth* Article alleges "that such elevation of the cup and paten, and such kneeling "and prostrating, are severally unlawful additions to and variations from the form and order prescribed

* Judgment delivered by Lord Justice Knight Bruce, 14th June 1861, on appeal to the Judicial Committee of the Privy Council from the Arches Court of Canterbury. The Hon. and Rev. Robert Liddell, William Parkes, and George Evans, Appellants, and James Beal, Respondent.

† 1 Burns' Eccl. L., p. 388 a.—Ed. Phillimore: "Gathercole v. Wade."

" and appointed by the said statutes, and by the said Book of Common Prayer and administration " of the sacraments and other rites and ceremonies of the Church, and are contrary to the said " statutes and to the 14th, 36th, and 38th of the said constitutions and canons, and also to an Act " of Parliament passed in a session of parliament holden in the 13th year of Queen Elizabeth, cap. " 12., and to the 25th and 28th of the articles of religion therein referred to."

Answer.—The Defendant to this article answers, " That he denies that the elevation of the paten " and the taking and the elevation of the cup so discontinued as aforesaid, and the kneeling and " prostrating charged in the said third article, are severally unlawful additions to and variations from " the form and order prescribed and appointed by the said statutes, and by the said Book of Common " Prayer and administration of the sacraments and other rites and ceremonies of the Church, or that " they are contrary to the said statutes, and to the 14th, 36th, and 38th of the said constitutions and " canons, and also to an Act of Parliament passed in a session of parliament holden in the 13th year " of Queen Elizabeth, cap. 12., and to the 25th and 28th articles of religion therein referred to, as " in the 4th article alleged."

The elevation of the Blessed Sacrament was not incorporated formally into the law of the Western Church before the beginning of the 13th century. The account given by Cardinal Bona is clear and concise (Rerum Liturgicarum, lib. II., cap. 3, § 2): " Latini peractâ consecratione, Græci paulo " ante communionem, ut ex Liturgiis Jacobi, Basilii, et Chrysostomi manifestum est, corpus " Dominicum et calicem elevant, ut a populo adoretur. Idque ab antiquo tempore fieri solitum " indicant scriptores Græci." He then cites a variety of authorities in support of this position, and mentions the introduction of the custom of ringing a bell at the time of the elevation, at first as it should appear in order to excite the devotions of the faithful, and not for the purpose of the worship of the Host (p. 349).

It was not till the year 1217, during the Papacy of Honorius III., that this peculiar doctrine of elevation became part of the canon law.

In lib. III., tit. XLII., Decret. Greg., cap. X., the decree upon the subject is as follows:

" Sane, cum olim (*ut infra*). Ne propter incuriam Sacerdotum divina indignatio gravius exardescat, " districte præcipiendo mandamus, quatenus a Sacerdotibus Eucharistia in loco singulari, mundo et " signato semper honorifice collocata, devote ac fideliter conservetur. Sacerdos vero quilibet frequenter " doceat plebem suam, ut, cum in celebratione missarum elevatur hostia salutaris, se reverenter " inclinet, idem faciens cum eam defert, Presbyter ad infirmum. Quam in decenti habitu superposito " mundo velamine ferat, et referat manifestè ac honorifice ante pectus cum omni reverentia et timore, " semper lumine præcedente, cum sit candor lucis æternæ, ut ex hoc apud omnes fides et devotio " augeatur. Prælati autem hujusmodi mandati graviter punire non differant transgressores: si et " ipsi divinam et nostram volunt effugere ultionem."*

William, Bishop of Paris, soon after the beginning of the 13th century, made an order that, " Sicut " alias statutum fuit, in celebratione missarum, quando corpus Christi elevatur, in ipsâ elevatione vel " paulo ante campana pulsetur, ut sic mentes fidelium ad orationem excitentur."

And Archbishop Peccham, who was consecrated in the year 1278 and died in the year 1292, appears to have first introduced into England this custom by the following constitution†:

" Altissimus," *et infra.* " In elevatione corporis Christi ab una parte ad minus pulsentur campanæ, " ut populares, qui celebrationi missarum non valent quotidie interesse, ubicunque fuerint, sive in agris " sive in domibus, flectant genua, indulgentias concessas a pluribus episcopis habituri."

Lyndwood (writing, it is to be observed, about 1430) has this gloss: " *Elevatione*, quæ fit ut populus illud adoret."

This passage appears to me to dispose of the argument addressed to me by the leading counsel for Mr. Simpson, " that it had been the invariable practice of the Church of England not to connect adoration with elevation."

Nor am I satisfied by the difference between the canon of the Sarum use and that of the Roman Missal upon this point, that at the time of the Reformation the adoration was separated from the elevation of the Host. The true proposition is that the original practice, in England as in other countries, had been to stir up the devotion of the people to God by the elevation of the Blessed Sacrament, until in this, as in so many other instances, the Church, or perhaps more strictly speaking the Curia, of Rome introduced an unwarrantable innovation upon an ancient and laudable usage.

The first prohibition of this custom, of elevating the Host in order that *it* might be adored, is to be found in the Order of the Communion of Edward VI. which was published in 1548, and preceded the first Book of Common Prayer. The last " note " to that order, after providing for the case in which it has become necessary to consecrate more wine than had been originally consecrated, contains these words, " and without any levation or lifting up." This prohibition would seem from the context to be limited to the case of an additional consecration of wine. In the first Prayer Book, after the prayer of consecration, follow these words: " These words before rehearsed are to be said, turning still to the altar, without any elevation, or showing the sacrament to the people."

The Council of Trent, by the 6th canon of the 13th session, passed the 11th of October 1561, decrees: " Si quis dixerit, in sancto eucharistiæ sacramento Christum unigenitum Dei Filium non " esse cultu latriæ, etiam externo, adorandum, atque ideo nec festiva peculiari celebritate venerandum, " neque in processionibus secundum laudabilem et universalem ecclesiæ sanctæ ritum et consuetudinem " solenniter circumgestandum, vel non publice, ut adoretur, populo proponendum, et ejus adoratores " esse idololatras, anathema sit."

---

* The title of the chapter is :—" Eucharistia debet munde servari et in ejus elevatione et delatione populus debet se inclinare: et cum defertur ad infirmum, debet deferri in decenti habitu, et cum lumine, transgressores vero graviter sunt puniendi."

† The title of this constitution is:—" In elevatione corporis Christi pulsentur campanæ, ut officio interesse nequeuntes, saltem genua " flectant. Nec ministretur corpus Domini, nisi eis quos constat confessos esse, et parochianos ejus, in qua recipiant, ecclesia; nisi " permissionem habeant, aut peregrini sint, aut necessitas urgeat."

The liberal mind and strong sense of Luther appear in his treatment of this question of elevation. In the "Formula Missæ et Communionis" for the church at Wittemberg he gives this direction: "(IV.) Finitâ benedictione chorus cantet sanctus et sub benedictus *elevetur* panis et calix, ritu hactenus "servato, vel propter infirmos qui hac repentinâ (mutatione) hujus insignioris in missâ ritûs forte "offendentur, *præsertim ubi per conciones vernaculas docti, fuerint quid eâ petatur elevatione.*" (Cod. Liturg. II. 87, ed. Leipsic, 1848.) Daniel, the learned German editor of the Codex Liturgicus, observes, that the elevation was for a long time not only tolerated but approved of and defended by Luther. He thought it right that when the Sacrament was lifted up a bell should ring; for the priest and the bell spoke the same language, namely, "Hearken, ye Christians, and behold, then take and eat, "take and drink, this is the body and blood of Christ." Afterwards Luther placed the elevation "inter adiaphora quæ possunt servari vel omitti ad habitum ecclesiarum," and discontinued it in the church at Wittemberg. The rite appears to have prevailed during the sixteenth and seventeenth centuries in the churches of Sweden and Denmark.

By the 28th of the Thirty-nine Articles, which became part of the Statute Law in 1571, though passed in Convocation with the consent of the Crown in 1562, it is declared, "That the Sacrament of the Lord's Supper was not by Christ's ordinance reserved, carried about, lifted up, or worshipped."

It is true that these words contain a declaration only, and no specific order; but looking to the spirit as well as to the letter of our present Prayer Book, as well as to this Article, and to the documents which illustrate the early period of the Reformation, it appears to me clear that those who guided the Church of England through this process of restoration to primitive antiquity were of opinion that the elevation was so connected with the repudiated doctrine of Transubstantiation, as distinguished from the Real Presence, that it ought not to be suffered to remain. And I am confirmed in this opinion by the authority of some of the greatest divines in our Church, of whom I will only cite two; one, the learned Grabe; the other, who received the thanks of the Sorbonne for his defence of the Nicene Creed,—Bishop Bull.

The former says, "But if it should be asked, of what use the said form, with such annotations, can "be at present, when it is out of use, I answer, that it will serve, at least to show, to the honour of our "forefathers, the first reformers of this Church, how near they, concerning the celebration of that "most holy Sacrament, kept to the primitive institution of it by our blessed Saviour, and to the prac- "tice of His Holy Apostles and the first Apostolical Churches, although they changed and threw out "many abuses and corruptions of this sacred ordinance which were crept in afterwards, and at last "established by Popish decrees and councils of later ages. Such was, in the whole, the use of an "unknown tongue in this holy office. . . . . And not to mention the *elevation* of the "consecrated elements to be worshipped by priest and all people as Jesus Christ Himself, both God "and man in person, whom the Church of Rome believeth to be substantially and wholly present "under the outward figures of bread and wine."—(*Grabe, M. S. Adversaria.*)

Bishop Bull, in a portion of his answer to the Bishop of Meaux, who had expressed his surprise that he was not a Romanist as well as a Catholic, says, "Come we now to the principal part of the "Christian worship, the holy sacrament of the Eucharist. How lamentably hath the Church of Rome "vitiated the primitive institution of that most sacred rite. She hath taken from the laity the blessed "cup, contrary to our blessed Saviour's express command as expounded by the practice of the apostles, "and of the universal church of Christ for the first ten centuries, as hath been above observed.

"All the learned advocates of the Roman Church, with all their sophistry, have not been able to "defend her in this matter from manifest sacrilege, and a violation of the very essentials of the sacra- "ment, as to the laity administered, nor can they prove it so administered to be a perfect sacrament. "He that would see this in a short compass fully proved, and all the weak evasions of the Romanists "obviated, may consult our learned Bishop Davenant. Besides, the whole administration of it is so "clogged, so metaphorized and defaced by the addition of a multitude of ceremonies, and those some "of them more becoming the stage than the table of our Lord, that if the blessed apostles were alive "and present at the celebration of the mass in the Roman Church they would be amazed and wonder "what the meaning of it was; sure I am they would never own it to be that same ordinance which "they left to the churches.

"But the worst ceremony of all is the elevation of the Host to be adored by the people as very "Christ himself under the appearance of bread, whole Christ, Θεάνθρωπος, 'God and man,' while "they neglect the old *sursum corda*, the lifting up of their hearts to heaven where whole Christ "indeed is."

The kind of elevation which it is charged that at one time Mr. Mackonochie practised, and as to which witnesses were examined before me, amounts upon the evidence to the following acts, that after the consecration, both of the bread and of the wine, he elevated the paten and the cup respectively for an appreciable time, after which there was a pause before the service was continued; this evidence was taken at the beginning of the cause; but during the progress of the argument, at the desire and with the consent of both counsel, Mr. Mackonochie was examined by me upon the single point, whether when the elevation was made his face was or was not towards the people, Mr. Mackonochie said, "I do not turn round to the people, and I never have done so during any time of the consecration prayer."*

This elevation Mr. Mackonochie asserts, and it is not denied, that he discontinued after conference with his diocesan, and upon the other grounds to which I have already referred, before the institution of this suit.

---

* I have said "with the consent and desire of both counsel," because such was the fact; but if Mr. Mackonochie was by law an incompetent witness their consent in a criminal case would not render his evidence admissible; but I venture to think that he was a competent witness, and am emboldened to hold this opinion, though it be at variance with that of my predecessor, in consequence of the observation made by the Lords of the Privy Council in "Berney v. The Lord Bishop of Norwich," a case in which Judgement was delivered on the 28th February 1867.

I am very glad that he did so, because in my judgement that kind of elevation was unlawful, and I must and do admonish Mr. Mackonochie not to recur to it.

His present practice is not complained of, and some elevation the rubrics of the present communion service must contemplate when they order as follows, "Here the priest shall take the paten into his hands;" that is, into both his hands; subsequently to which he is ordered to break the bread. So also when he is directed to take the cup into his hand there must be some elevation from the Holy Table.

Elevation; as to Mr. Simpson.

It is alleged in the 5th article filed against Mr. Simpson in the suit of Flamank *v.* Simpson, that he, Mr. Simpson, has, within two years last past, in the said parish of East Teignmouth, in the public celebration of the Holy Communion, after the Prayer of Consecration, raised the paten with both hands over his head, and the cup in like manner. And that such elevations of the paten and cup are unlawful additions to and alterations of the form and order prescribed and appointed by the said Book of Common Prayer and Administration of the Sacrament, and other rites and ceremonies of the Church, and are contrary to the said statute law, constitutions, and canons.

Mr. Simpson, in the fourth answer filed by him, denies that he has, as in the said 5th article alleged, within two years last past, so raised the paten with both hands over his head, and the cup in like manner. But he says that he has, within the time aforesaid, in the reading the Prayer of Consecration so raised the paten on pronouncing the words "Do this in remembrance of me;" and he has so raised the cup on pronouncing the words "This is my blood of the New Testament which is shed for you and for many, for the remission of sins."

It clearly follows, from what I have said as to Mr. Mackonochie, that the elevation practised by Mr. Simpson is unlawful, and must be discontinued.

Kneeling.

With respect to the charge against Mr. Mackonochie of kneeling or prostration before the Eucharist, I observed during the course of the argument that no charge of adoration of the Holy Sacrament itself, or of our Lord's body being present after a corporal manner in the Holy Sacrament, was contained in these Articles; that if it was intended to charge Mr. Mackonochie with either kind of adoration, the rules of pleading in criminal cases in this Court would have required that such adoration should have been distinctly and plainly averred.

The argument before me was confined to the allegation of improper or excessive kneeling; the evidence as to the fact was very far from being clear; Mr. Mackonochie was asked no question himself upon the subject.

Mr. Beames said, that after the elevation of the cup, Mr. Mackonochie prostrated himself on his knees with his head to the ground, and then that he knelt immediately after the cup was replaced, and that there was the same kneeling after the elevation of the paten. It was clear, however, from the evidence of this witness that Mr. Mackonochie remained on his knees, and that his head did not touch the ground, and that he did not really prostrate himself, supposing that such a gesture of devotion to be, which I do not pronounce it to be, illegal.

The only other witness, the Reverend Henry Malim, deposed that the clergy, already kneeling, threw their bodies forwards, and that the consecrating clerk knelt in the middle of the prayer, and then went on with the prayer. But on further examination he said that he was behind him all the time, that he could not in fact say that he prostrated himself, but to use his own words "there was a somewhat excessive bending forwards." He said he was kneeling himself at the time, and that it was his own practice, when not assisting, to kneel during the prayer of consecration.

It is true that the Rubric does not give precise directions that the celebrant himself should kneel at the times when it appears that Mr. Mackonochie does kneel; but I am very far from saying that it is not legally competent to him, as well as to the other priests and to the congregation, to adopt this attitude of devotion. It cannot be contended that at some time or other he must not kneel during the celebration, although no direction as to his kneeling at all are given by the Rubric.

It is observable that at the Savoy Conference the Puritans asked to have it considered "Whether "it will not be fit to insert a rubrick touching kneeling at the communion, that is, to comply in all "humility with the prayer which the minister makes when he delivers the elements."

No notice of this request was taken by the bishops unless it be considered to be included in their concession, "That the general confession at the communion be pronounced by one of the ministers, "the people saying after him, all kneeling humbly upon their knees."—(*Cardwell's Conferences, pp.* 275, 363.)

Moreover, in my opinion, if Mr. Mackonochie has committed any error in this respect, it is one which should not form the subject of a criminal prosecution, but belongs to the category of those cases which should be referred to the Bishop, in order that he may exercise thereupon his discretion, according to the Rubric to which I have already referred.

Incense.

The charge against Mr. Mackonochie as to the use of incense is twofold; the first part relates to what is technically called "censing persons and things," and is as follows:

7th Article.—The 7th article alleges, "that the said "Defendant has in his said Church, and within "two years last past, to wit, on Sunday the 23rd December, on Christmas Day last past, and on "Sunday the 30th December, all in the year 1866, used incense for censing persons and things in and "during the celebration of the Holy Communion, and permitted and sanctioned such use of incense."

Answer.—And the Defendant in answer to this article says, "that he admits that he (the Defendant) "on the Sunday the 23rd December, on Christmas Day last past, and on Sunday the 30th December,

" used incense for censing persons and things in and during celebration of the Holy Communion and " permitted and sanctioned such use of incense;" but he alleges, " that ever since the 30th December " 1866 he, the said Defendant, as was well known to the promoter of this suit prior to the institution " thereof, desisted from so doing, and has ever since discontinued the said ceremony on being apprized " by the opinion of counsel that such usage was of a doubtful legality, and that he has never since " re-introduced the said ceremony, as appears in the published address of the said Defendant, dated " January 1867, and exhibited and appended to the articles brought in and admitted in the cause."

I should here observe, that an objection was taken on behalf of Mr. Mackonochie that this charge of cending persons and things was not specified in the decree issued under the Letters of Request, and therefore, that according to the practice of this Court, it could not be preferred in the articles. My learned predecessor overruled this objection, and I thought it right, whatever my opinion might be, to abide by his decision.

It appears that Mr. Mackonochie has discontinued, though under protest, this particular use of incense, upon the same grounds and for the same reasons that he discontinued the elevation, and also before the institution of this suit.

The other part of the charge relates to another use of incense, and is laid in the following words:

8th Article.—The 8th article alleges, " that the said Defendant has in his said Church, and within " two years last past, to wit, on Sunday the 13th day of January A.D. 1867, unlawfully used " incense in and during the celebration of the Holy Communion, and permitted and sanctioned such " unlawful use of incense."

Answer.—To this the Defendant has answered, " that he admits that he has in his said Church, to " wit, on Sunday the 13th day of January A.D. 1867, caused and allowed incense to be burnt " during the reading of the prayer of consecration, and afterwards until the time for the administration " of the Communion to the people, and permitted and sanctioned such use of incense, but that he " denies that he used the same unlawfully, or that such use is unlawful."

9th Article.—The 9th article charges, " that such uses of incense as in the two preceding paragraphs " alleged are severally an unlawful addition to and variation from the form and order prescribed and " appointed by the said Statutes, and by the said Book of Common Prayer and administration " of the Sacraments and other rites and ceremonies of the Church, and are contrary to the said " Statutes, and to the 14th, 36th, and 38th of the said constitutions and canons."

Answer.—The Defendant in his plea has answered, " that he denies that such use of incense as in " the 7th and 8th articles alleged are severally an unlawful addition to and variation from the form " and order prescribed and appointed by the said Statutes, and by the said Book of Common Prayer " and administration of the Sacraments and other rites and ceremonies of the Church, and are contrary " to the said Statutes, and to the 14th, 36th, and 38th of the said constitutions and canons, as in the " 9th article alleged."

The objection is not taken to the general use of incense for the purposes of ornament or fumigation of the Church, for which purposes it appears to have been used at various times since the Reformation, and especially by the saintly Herbert to whom Mr. Coleridge referred:

" The country parson," Herbert says, " hath a special care of his church, that all things there be " decent and befitting his name by which it is called. Therefore, first, he takes order that all things " be in good repair, as walls plastered, windows glazed, floor paved, seats whole, firm, and uniform, " especially that the pulpit and desk, and communion table and font, be, as they ought, for those great " duties that are performed in them. Secondly, that the Church be swept and kept clean, without " dust or cobwebs, and at great festivals strewed and stuck with boughs, and perfumed with incense. " Thirdly, that there be fit and proper texts of Scripture everywhere painted, and that all the painting " be grave and reverend, not with light colours or foolish antics. Fourthly, that all the books " appointed by authority be there, and those not torn or fouled, but whole and clean, and well bound; " and that there be a fitting and sightly communion cloth of fine linen, with a handsome and seemly " carpet of good and costly stuff or cloth, and all kept sweet and clean in a strong and decent chest, " with a chalice and cover, and a stoop or flagon, and a basin for alms and offerings; besides which " he hath a poor man's box conveniently seated to receive the charity of well minded people, and " to lay up treasure for the sick and needy. And all this he doth, not as out of necessity, or as " putting a holiness in the things, but as desiring to keep the middle way between superstition and " slovenliness, and as following the Apostle's two great and admirable rules in things of this nature; " the first whereof is 'Let all things be done decently and in order;' the second, 'Let all things " 'be done to edification.' "

(*Works of G. Herbert, vol. II. chap. xiii. p.* 192. *Title*—" *A Priest to the Temple.*")

The burning of frankincense, probably on account of the grateful odour which it emits, and the graceful form which it assumes, may be traced, as an accompaniment of prayer, thanksgiving, and sacrifice, to the very earliest antiquity. All classical readers are aware of the βωμὸς θυήεις of Homer,* and of the " centum aræ Sabæo thure calentes."† The use of incense in the Jewish worship was divinely ordained.‡ Nadab and Abihu were stricken with death because " they took either of them " his censer and put fire therein, and put incense thereon, and offered strange fire before the " Lord."§ And Aaron, when he " made an atonement for himself and his house," was directed to

* Iliad, VIII. 48. † Virg. Æn. I. 420.

‡ Incense.—Dictionary of the Bible. Looking upon incense in connexion with the other ceremonial observances of the Mosaic ritual, it would rather seem to be symbolical, not of prayer itself, but of that which makes prayer acceptable, the intercession of Christ. In Rev. viii. 3, 4, the incense is spoken of as something distinct from, though offered with, the prayers of all the saints (Luke i. 10.), and in Rev. v. 8. it is the golden vials, and not the odours or incense, which are said to be the prayers of saints. Psalm cxli. 2. at first sight appears to militate against this conclusion; but if it be argued from this passage that incense is an emblem of prayer, it must also be allowed that evening sacrifice has the same symbolical meaning.

§ Lev. x. 1.

"take a censer full of burning coals of fire from the altar of the Lord." * Solomon provided censers "of pure gold for the temple of "the Lord." †

And it was truly urged that Zachariah was burning incense according to the custom of the priest's office, in the Temple of the Lord, ‡ when he received the message from the angel; and that in many places in Holy Writ prayer is symbolized by incense. It appears to have been very early in use, though the exact date of it is uncertain, among the Christians; it is mentioned in the apostolical canons, and there is no doubt that it is warranted by the authority of the primitive Church.

It certainly was in use in the Church of England in the time of King Edward the Sixth's first Prayer Book. The visitation articles of Cranmer as to forbidding the censing to certain images, &c., supplies one of the proofs of this fact. On the other hand the use of it during the celebration of the Eucharist is not directly ordered in any prayer book, canon, injunction, formulary, or visitation article of the Church of England since the Reformation. Bishop Andrewes, a very high authority, appears to have used it, though in what way is not clear, in his own private chapel; and probably traces of the use of it may be found in the private chapels of other bishops, and in the Royal Chapels.

It is not, however, necessarily subsidiary to the celebration of the Holy Communion, and it is not to be found in the rubrics of the present Prayer Book, which describe with considerable minuteness every outward act which is to be done at that time.

To bring in incense at the beginning or during the celebration, and remove it at the close of the celebration, of the Eucharist, appears to me a distinct ceremony, additional and not even indirectly incident to the ceremonies ordered by the Book of Common Prayer.

Although therefore it be an ancient, innocent, and pleasing custom, I am constrained to pronounce that the use of it by Mr. Mackonochie in the manner specified in both charges is illegal, and must be discontinued.

Mixing Water with the Wine.

Article 10.—The 10th article against Mr. Mackonochie alleges, "that he, the Defendant, has in "his said church, and within two years last past, to wit, on Sunday the 23rd day of December, on "Christmas Day last past, on Sunday the 30th day of December, all in the year of our Lord 1866, "and on Sunday the 13th day of January A.D. 1867, during the celebration of the Holy "Communion, mixed water with the wine used in the administration of the Holy Communion, "and permitted and sanctioned such mixing, and the administration to the communicants of the "wine and water so mixed."

Answer.—The defendant admits this article to be true.

Article 11.—The 11th article states, "that such mixing and administration of the wine and water is "an unlawful addition to and variation from the form and order prescribed and appointed by the "said statutes, and by the said Book of Common Prayer and administration of the Sacraments "and other rites and ceremonies of the Church, and is contrary to the said statutes, and to the 14th, "20th, 21st, 36th, and 38th of the said constitutions and canons."

Answer.—The defendant has denied in his plea, "that such mixing and administration of the "wine and water, as in the said 10th article alleged, is an unlawful addition to and variation from "the form and order prescribed and appointed by the said statutes, and by the said Book of "Common Prayer, and administration of the Sacraments and other rites and ceremonies of the "Church, and is contrary to the said statutes, and to the 14th, 20th, 21st, 36th, and 38th of the "said constitutions and canons, as in the said 11th article alleged."

There is a similar charge against Mr. Simpson.

It appears that from a very early period—the precise date is uncertain—a custom prevailed amongst Christians of adding a very small quantity of water to the wine which forms one element of the Blessed Sacrament. This custom, whether it arose from a belief that the wine used by the Jews at the Passover, and by our Lord at the last Supper, was mingled with water, or from some reason symbolical of His passion, is wholly unconnected with any Papal superstition, or any doctrine which the Church of England has rejected. It has the warrant of primitive antiquity and of the undivided Church in its favour.

The whole subject will be found discussed with his usual perspicuity and subtilty by Thomas Aquinas in the third part of his Summa Theologica, quæstio 74, "*De materiâ Eucharstiæ quantum "ad speciem;*" which is divided into eight articles; the sixth of which is, "Utrum sit admiscenda "aqua;" the seventh, "Utrum aqua sit de necessitate hujus sacramenti;" the eighth, "De quantitate "aquæ quæ apponitur." With regard to the sixth, he decides that some water shall be mingled "with the wine; with regard to the eighth, that it should be a very small quantity, "paululum "aquæ," and for this reason, "quia si tanta fieret appositio aquæ ut solverentur species vini, non "posset perfici sacramentum." And in accordance with this view, with regard to the seventh, it is important to observe that he decides, that "aquæ admixtio non est de necessitate sacramenti." The mingling of water, therefore, with the sacramental wine is clearly within that category of ceremonies as to the adoption of which each branch of the Church has its own liberty.

In our own Church this custom prevailed before the Reformation; and in the first order of the communion, which preceded the first Prayer Book, the rubric directed that the priest should "bless and consecrate the biggest chalice or some fair and convenient cup or cups full of wine with some "water put unto it;" and the rubric to the Communion Service of the first Prayer Book directs that the minister shall "take so much bread and wine as shall suffice for the persons appointed to "receive the Holy Communion", ... "and putting the *wine* into the chalice or else in some "fair and convenient cup prepared for that use (if the chalice will not serve), putting thereto a little "*pure and clean water,* and setting both the bread and *wine* upon the altar." It is clear, therefore, that under the word "*wine*" might be comprehended the wine and water; and in a subsequent

* Lev. xvi. 12. † 1 Kings vii. 50. ‡ St. Luke c. 1.

rubric at the end of the service the direction is, that the pastors and curates shall find at their costs and charges "sufficient bread and wine for the Holy Communion."

In all subsequent Prayer Books the mention of water is omitted; perhaps from the omission in the second Prayer Book no argument unfavourable to the use of water could fairly be drawn, as no manual acts of consecration are prescribed in that book. But in the present Prayer Book the manual acts are advisedly specified with great distinctness and particularity; exact directions are given when the priest shall take into his hands the bread and the wine, when he shall place them on the table, and how he shall administer them; and I must bear in mind that the compilers of our present Prayer Book had before them the first Prayer Book of Edward VI., and carefully considered the rubrics which it contained; and in my opinion the legal consequence of this omission, both of the water and of the act of mixing it with the wine, must be considered as a prohibition of the ceremony or manual act of mixing the water with the wine during the celebration of the Eucharist.

I am by no means insensible to the very remarkable argument addressed to me by the Admiralty Advocate with respect to the analogy between the blood and water used in the prototypal service of the Passover, and the wine and water in the Eucharist; and, as I have already observed, the mingling a little pure water with the wine is an innocent and primitive custom,* and one which has been sanctioned by eminent authorities in our Church, and I do not say that it is illegal to administer to the communicants wine in which a little water has been previously mixed; my decision upon this point is, that the mixing may not take place during the service, because such mixing would be a ceremony designedly omitted in and therefore prohibited by the rubrics of the present Prayer Book.

Charge against Mr. Simpson of placing the Alms upon a Stool.

The 6th article alleges that Mr. Simpson has, within two years last past, in his said parish church, on receiving the alms collected at the offertory, placed the said alms (and the basin containing them) on a stool instead of on the Holy or Communion Table, and that such placing of the alms on a stool, and not on the Communion Table itself, is an unlawful alteration in and deviation from the form and order prescribed and appointed by the said Book of Common Prayer, &c.

Mr. Simpson, in his answer, admits that he has so placed the said alms, and the basin containing them, on a stool used as a Credence Table instead of on the Holy Communion Table; but he denies that he has done so otherwise than to obtain more room upon the said Holy Communion Table. His counsel very properly stated that Mr. Simpson had done wrong, that he regretted having done so, and submitted himself to the judgement of the Court.

The 7th article filed against Mr. Simpson, namely, that he wilfully omitted the word "all" in saying the last prayer in the Order of Morning and of Evening Prayer, has been abandoned, and I need not again advert to it.

Lighted Candles on the Holy Table.

Article 5.—The 5th article against Mr. Mackonochie alleges, "that the Defendant has in his said "Church, and within two years last past, to wit, on Sunday the 23d December, on Christmas Day "last past, on Sunday the 30th December, all in the year of our Lord 1866, and on Sunday "the 13th day of January in the year of our Lord 1867, used lighted candles on the Communion "Table during the celebration of the Holy Communion at times when such lighted candles were "not wanted for the purpose of giving light, and permitted and sanctioned such use of lighted candles."

The answer to this article alleges, "that such charges are, in part, untruly pleaded, for the party "proponent (the Defendant) alleges that on the said three Sundays and Christmas Day, in the said "5th article mentioned, the said lighted candles were not placed on the Communion Table, but upon "a narrow moveable ledge of wood, resting on the said table, and that the said candles were so placed "and kept lighted, not during the celebration of the Holy Communion only, as falsely suggested in "the said 5th article, but also during the whole of the reading of the Communion Service, including "the Epistle and Gospel, and during the singing after the reading of the Nicene Creed, and during "the delivery of the sermon."

Article 6.—The 6th article alleges, "that the use of such lighted candles is an unlawful addition "to, and variation from, the form and order prescribed and appointed by the said statutes, and by "the said Book of Common Prayer, and administration of the Sacraments and other rites and "ceremonies of the Church, and is contrary to the said statutes, and to the 14th, 36th, and 38th "of the said constitutions and canons."

And the Defendant, in answer to this, "denies that the use of such lighted candles is an unlawful "addition to, and variation from, the form and order prescribed and appointed by the said statutes, "and by the said Book of Common Prayer, and administration of the Sacraments and other rites "and ceremonies of the Church, and is contrary to the said statutes, and to the 14th, 36th, and 38th "of the said constitutions and canons, as in the said 6th article alleged."

A similar charge has been made against Mr. Simpson.

There is no express direction in the Rubrics, or in the Statutes of Uniformity, or in the Canons of 1603 for the use of lights at all on the holy table. Nor is there, in these documents, any express prohibition of this ornament of divine service; and, adhering to the principle which has guided my judgment in the matters of the elevation, the mixing of water with wine, and of the incense, it becomes

*The Poet Spenser thus describes his Fidelia:—
"Shee was arrayed all in lilly white,
"And in her right hand bore a cup of gold,
"With *wine and water* fill'd up to the hight."
F. Q., Book 1, Canto 10, St. 13.

my duty to consider whether the use of lights on the holy table falls under the category of things indirectly, or by necessary implication, prohibited upon the grounds which have been stated, or whether it be lawful either as indirectly ordered or innocently subsidiary to divine worship. But there is also another consideration peculiar to this subject, and which must in some degree distinguish the treatment of this ornament from that which the others have received, namely, the important consideration whether the use of lights has not been ordered by competent authority, and whether that order must not, upon legal principles of construction, be deemed a part of the present law of the church.

The Rubric directs, "that such ornaments of the church and of the ministers thereof, at all times of "their ministration, shall be retained and be in use as were in this Church of England by the authority of "Parliament in the second year of the reign of King Edward the Sixth." The Judicial Committee of the Privy Council have instructed me as to the legal meaning of the word "ornament" in this Rubric.* Their Lordships say as follows: All the several articles used in the performance of the services and rites "of the Church are 'ornaments.' Vestments, books, cloths, chalices, and patens are amongst Church "ornaments; a long list of them will be found extracted from Lyndewood in Dr. Phillimore's edition of "Burn's Ecclesiastical Law (Vol. I. pp. 375, 6,7). In modern times organs and bells are held to fall "under this denomination." Their Lordships go on to say, and I invite particular attention to their language, "When reference is had to the first Prayer Book of Edward the Sixth, with the "this explanation of the term 'ornaments' no difficulty will be found in discovering, amongst "articles of which the use is there enjoined, ornaments of the Church as well as ornaments of "the ministers. Besides the vestments differing in the different services, the rubric provides for "the use of an English Bible, the new Prayer Book, a poor man's box, a chalice, a corporas, a paten, "a bell, and some other things." "That these articles were included in the term 'ornaments "of the Church' at the period in question is clear from two documents nearly contemporaneous, "one before and the other after the establishment of the first Prayer Book.

"In a letter of the council to Cranmer, dated the 30th April 1548, to be found in Strype's "'Memorials of Cranmer,' vol. ii. p. 90, they complain of the conduct of certain churchwardens, "who sent away their chalices, crosses of silver, bells, and other ornaments of the Church; and in "a commission in 1552, 1 Card. Doc. Ann., p. 112, No. xxvii. (Ed. 1844), the commissioners are "enjoined to leave 'in every church or chapel of common resort one, two, or more chalices or "'cups, according to the multitude of people in every such church or chapel, and also such other "'ornaments as by their discretion shall seem requisite for the Divine Service in every such place for "'the time.'"—(*Westerton v. Liddell, Moore* 156–8.)

Edward the Sixth succeeded to the throne on January 28, 1546–7. His Privy Council showed an early intention of carrying much further the Reformation began in the preceding reign. For this object homilies were composed, mixed commissions of clergy and laity were formed, with circuits assigned to them and large visitatorial powers.

These royal visitations superseded and practically inhibited for a time diocesan visitations.

In 1547 the royal injunctions, the subject of so much discussion during the course of the argument, were issued. I refer to a very curious and rare edition with which I have been furnished, printed in London in 1547, contemporaneously therefore with the issue of the injunctions themselves. The injunctions begin as follows:

"The Kynges mooste royal majestie, by the advice of his most dere uncle the Duke of Somerset, "Lorde Protector of all his realmes, dominions, and subjectes, and governor of his most roiall "persone, and the residence of hys moste honorable counsail, inteñdyng the advauncemēt of the true "honor of Almighty God, the suppression of idolatrie, and supersticiō, throughout all hys realms of "dominions, and to plant true religion, to the exterpaciō of all hipocrisy, enormities, and abuses, as to "hys duety apperteineth; doth minister unto his loving subjectes, these godly injunctiōs, hereafter "folowīg: Whereof, parte were geuē unto theim heretofore, by authoritie of his most derely beloved "father, Kyng Henry the eighte, of most famous memorie and parte are nowe ministered and geuen "by hys Majesty; all which injunctions, his highness willeth and cōmañdeth his saied louing sub-"jectes, by his supreme aucthoritie, obediently to receoue, and truely to observe and kepe, euery "mā in their offices, degrees, and states, as they will avoyde his displeasure, and the paynes in the "same injunccions hereafter expressed." . . . . . .

The reference to the injunctions issued by Henry the Eighth is important, in its bearing upon an argument presently to be noticed.

I pass on to the injunctions more immediately affecting the present subject. Their general object it will be seen is to remove all ornaments that relate to superstition or idolatry.

---

* Their Lordships refer to Forcellini's lexicon for the meaning of Ornamentum; it is clearly explained in Lyndwood:
Lyndwood, p. 52. (*Walterus.*) "Sint (sc. Archidiaconi) Ecclesiarum "Rectores;" *et infra.* "Provideant Archidiaconiut "linteamina et alia (m) *ornamenta* altaris, sicut decet, (n) sint honesta; ut libros habeat ecclesia idoneos ad psallendum pariter et "legendum: et ad minus duplicia sacerdotalia vestimenta: et ut honor debitus divinis officiis in omnibus impendatur. Præcipimus "etiam ut qui altari ministrat, suppellicio induatur."
(Gloss.) (m.) *Ornamenta altaris.* Qualia sunt frontilia, cortinæ, et cætera hujusmodi.
(n.) *Sicut decet.* Hæc decentia respici debet secundum qualitatem ecclesiæ et ipsius facultates; ut scilicet secundum quod ecclesia magis abundat in facultatibus, sic meliora et preciosiora habeat ornamenta.
Pp. 49, 50. (Title.) *De Officio Archidiaconi.* Archidiaconi est prospicere ut Sacramenta ritè conserventur et administrentur, "atque potissimùm Eucharistia et sanctum oleum sub clavibus custodiantur. Ornamenta quoque Ecclesiarum ab eodem visitentur "et possessiones recenseantur."
Stephanus. "Habeant etiam Archidiaconi in scriptis redacta omnia ornamenta (t), et utensilia (u), Ecclesiarum. Vestes quoque "et libros, quæ singulis annis suo faciant conspectui præsentari, ut videant quæ fuerunt adjecta per diligentiam personarum; "vel quæ tempore intermedio per ipsarum malitiam vel imperitiam deperierunt."
(Gloss.) (t) *Ornamenta.* Quæ sic dicta sunt, quia eorum cultu Ecclesiæ ornantur et decorantur. Sunt namque ornamenta secundum *Januen.* decus, gloria, laus, dignitas, sive preciosa vestimenta seu jocalia, quorum cultu Ecclesiæ decorantur.
(u.) *Utensilia,* i. e. ad utendùm apta sive necessaria. Hæc autem alibi vocantur Cimelia, sicut legitur *extra de offi. Arch. c. ea quæ et* 12 *q.* 2 *Apostolicos.* Et per hæc Utensilia intelliguntur vasa Ecclesiæ quæcunque, sacrata vel non sacrata.
(*Constitutio Domini Othonis*), p. 52. "De Archidiaconis quoque statuimus ut ecclesias utiliter et fideliter visitent, de sacris vasis, et (c) vestibus, et qualiter diurnis et nocturnis officiis ecclesiæ serviatur, et generaliter de temporalibus et spiritualibus inquirendo."
(Gloss.) (e.) *Vestibus.* Repete *sacris,* dictis vulgariter vestimentis. Supple, et cæteris ecclesiæ ornamentis.

" Besides this, to the intent that all supersticion and hypocrisy, crept into diverse mennes hartes, " may vanysh away, thei shal not set furthe or extolle any images, reliques, or miracles, for any " supersticiō or lucre, nor allure the people be any inticementes, to the pylgrimage of any sainct or " ymage; but reprovyng ȳ same, they shall teache, that al goodnesse, health, and grace, ought to " be both asked and loked for only of God, as of the varye author and gever of the same, and of none other.

Item.—" That they, the persones above rehersed, shall make or cause to bee made in their " churches, and every other cure thei have, one sermō, every quarter of the yere at the least, wherein " they shall purely and syncerely, declare the woorde of God; and in the same, exhorte their hearers " to the woorkes of faythe, mercye, and charitie, specially prescribed and commanded in scripture, " and that woorkes devised by mannes phātasies, besides scripture, as wanderyng to pilgrimages, " offerying of money, cādelles or tapers, to reliques, or images, or kissying and lickyng of the same, " praying upon beades, or such lyke supersticiō, have not only no promise of reward in scripture, for " doyng of thē; but cōtrariwise, great threates and maledicciōs of God, for that they bee thynges, " tendyng to idolatry and supersticiō, which, of al other offences, God Almighty doth most detest " and abhorre for that the same diminishe moste his honor and glory."

The next injunction is the one which affects the question as to the lawfulness of these lights.

Item.—" That suche images as thei knowe in any of their cures, to bee, or have been so abused with " pilgrimage or offrynges, of any thyng made thereunto, or shal bee hereafter censed unto, thei (and " none other private persones) shall for the advoyding of that moste detestable offence of idolotrie, " furthewith take downe or cause to bee taken downe, and destroye the same, and shall suffre from " hensefurthe, no torches, nor candelles, tapers, or images of ware, to bee sette afore any image or " picture, but onely twoo lights upon the high aulter, before the Sacrament, whiche, for the significa- " cion, that Christe is the very true light of the worlde, thei shall suffre to remain still: admonishyng " their parishioners that images serve for no other purpose, but to bee a remembrance, whereby, " man maie bee admonished of the holy lifes and conversacion of them that the said images doo " represent; whiche images, if they doo abuse for any other intent, they commit idolotrie in the same, " to greate daunger of their soules."

A variety of questions arise upon the subject of these injunctions; but they may be all, I think, comprehended under the following heads:—

1. Were these injunctions lawfully issued under statutable authority?
2. If so, were they subsequently abrogated by statutable authority?

It could not have been accurately said, and it has very properly not been contended by the counsel for the promoter that any judgment has been given upon this subject which is binding upon this Court.

In the Saint Barnabas case, the use of lighted candles during the Holy Communion Service, an opinion, which will presently be considered, adverse to their legality was expressed by the learned Judge of the Consistory of London, but during the progress of the suit it appeared that as a matter of fact the candles were not lighted as alleged, and no decree was made by the Court. The legality of lighted candles on the Holy Table therefore was not directly submitted to the judgment of the Court of Arches or of the Privy Council: but it will be seen that the latter tribunal expressed an opinion both in favour of the lawfulness of the Injunctions and of the Candlesticks upon the Holy Table.

First, let me consider whether these injunctions were lawfully issued? The question is one of no mean difficulty. To define with certainty the exact legal limits within which the Crown might in the time of Edward VI. exercise its prerogative in relation to the Church, is a task which no one cognizant of the difficulties which surround the subject would willingly undertake.

It is said in the books that the Crown has power to *visit, reform, and correct* abuses in the Church by the ancient law* of the realm. What this power was, however, is very uncertain. When Henry the Eighth procured from Parliament the title of Supreme Head of the Church (though in fact, whatever servile courtiers might say, he did but regain the position from which the Pope had expelled the Crown) he no doubt asserted that this authority required no sanction of Parliament for its exercise, but it is remarkable that he obtained that sanction as well as that of convocation for almost every important act which he did to the church.

In truth our XXXVIIth Article of the Civil Magistrates fixes the bounds of the Royal authority in matters of religion:—

" The Queen's Majesty hath the chief power in this realm of England, and other her dominions, " unto whom the chief government of all estates of this realm, whether they be ecclesiastical or civil, " in all causes doth appertain, and is not, nor ought to be, subject to any foreign jurisdiction.

" When we attribute to the Queen's Majesty the chief government, by which titles we understand " the minds of some slanderous folks to be offended, we give not to our princes the ministering " either of God's word or of the Sacraments, the which thing the injunctions also lately set forth by " Elizabeth our Queen do most plainly testify, but that only prerogative which we see to have been " given always to all godly Princes in Holy Scripture by God Himself; that is, that they should " rule all estates and degrees committed to their charge by God, whether they be ecclesiastical or " temporal, and restrain with the civil sword the stubborn and evil doers. The Bishop of Rome hath " no jurisdiction in this realm of England."†

* 2 Roll. Abr. 230. Prerogative le Roy. (E.) *Quel person visitera.*

(1) Per l'auncient Ley de Realm le Roy ad power de visit, reform, et correct toutes abuses et enormities en l'Eglise (Davis 1, Proxyes 4.)

(2) Per le statute temps H. 8. le corone fuit lorsque remit et restore a son auncient jurisdiction que fuit usurp per l'Evesque de Rome. (Davis 1, Proxyes 4.)

† The Abbé Fleury quite understood this position. (Disc. sur l'Hist. Eccles., Dissert. IX.) " Le titre de *Chef de l'Eglise* que les " Anglicans ont donné à leur Roi, ne doit pas être pris à la rigueur. En lui donnant cette qualité, il ne prétendent point qu'il " puisse exercer les fonctions ecclésiastiques, donner la mission aux Evêques et aux Prêtres, administrer les sacremens, en un mot,

When Cranmer was persecuted under the form of a trial at Oxford, Dr. Martin, who appeared as his judge, asked him (I take the account from the last volume of the Dean of Chichester's work), "Who was the supreme head of the Church of England?" The Archbishop was glad to have an opportunity of explaining his former rather strong assertions on this point. "Marry," he said, "Christ is head of this member, as He is of the whole of the body—of the universal Church." "Why," quoth Dr Martin, "you made King Henry the Eighth supreme head of the Church." "Yea," said the Archbishop, "of all the *people* of England, as well ecclesiastical as temporal." "And "not of the Church?" asked Martin. "No," said Cranmer, "*for Christ is only* head of this Church, "and of the faith and religion of the same. The King is head and governor of his people, which are "the visible Church.' "What!" quoth Martin, "You never durst to tell the King so?" "Yes, "that I durst," quoth he, "and did, in the publication of his style; *wherein he was named supreme head* "*of the Church there was never other thing meant.*"—(*Hook, Lives of the Archbishops of Canterbury, Vol. II.* (*n.s.*) *p.* 373.)

It is, to say the least, extremely doubtful whether, at any period of our constitution, the Crown had power to issue, of its own authority, injunctions of this kind.

It becomes, therefore, important to consider the language of what is called the Supremacy Act.

The Statute of 26 Hen. VIII. cap. 1. was passed A.D. 1534, and enacts as follows:

"Albeit the King's Majesty justly and rightfully is and ought to be the supreme head of the "Church of England, and so is recognized by the clergy of this realm in the convocations, yet "nevertheless for corroboration and confirmation thereof, *and for increase of virtue in Christ's religion* "*within this realm of England, and to repress and extirp all errors, heresies, and other enormities and* "*abuses heretofore used* in the same, be it enacted by authority of this present Parliament, that the "King our Sovereign Lord, his heirs and successors, kings of this realm, shall be taken, accepted, "and reputed the only supreme head on earth of the Church of England, called *Anglicana Ecclesia*, "(2) and shall have and enjoy, annexed and united to the imperial crown of this realm, as well the "title and style thereof, as all honours, dignities, preheminences, jurisdictions, privileges, authorities, "immunities, profits, and commodities to the said dignity of supreme head of the same Church "belonging and appertaining; (3) and that our said Sovereign Lord, his heirs and successors, kings "of this realm, shall have full power and authority from time to time to *visit, repress, redress,* "*reform, order, correct, restrain, and amend* all such errors, heresies, abuses, offences, contempts, and "enormities, whatsoever they be, which by any manner, spiritual authority, or jurisdiction, ought or "may lawfully be reformed, repressed, ordered, redressed, corrected, restrained, or amended, most to "the pleasure of Almighty God, the increase of virtue in Christ's religion, and for the conservation of "the peace, unity, and tranquillity of this realm, any usage, custom, foreign laws, foreign authority, "prescription, or any other thing or things to the contrary hereof notwithstanding."

There is no doubt that under the authority of this Statute the three royal injunctions in the years 1536 and 1538 were issued. The statute of 31 Hen. VIII. cap. 8., intituled "An Act that "Proclamations made by the King shall be obeyed," commonly called the Proclamation Act, was not passed till the year 1539.—(*Strype's Memorials*, 1 *Pt.* 1. 494–7.)

Strype remarks "that these last injunctions were given out by reason of the negligent observation of the former, which the clergy took little heed to."

There is no reason for surprise, therefore, in finding some of them repeated in the next reign (*see* p. 496 in fine), such especially as that which orders the ministers to preach against "offering candles and tapers to relicks."

It has been argued by Mr. Stephens, adopting the opinion of Sir John Dodson, that this statute, as well as every statute "relating to doctrine or other matters of religion," has been repealed by 1 Edward VI. c. 12., passed in the year 1547. The proposition appeared to me at the time, having regard to the necessary consequences flowing from it, to be of an alarming character; and, after very mature deliberation, I have arrived at the conclusion that it cannot be sustained. The section which it is alleged possesses this great power of abrogation and repeal (section 2.) is as follows:—"And allso be it enacted by thauctoritie aforesaide, that all Actes of Plament and "Estatutes towchinge mencyoninge or in anny wise concernynge religion or opinyons, that is to "saie aswell the Statute made in the first yere of the reigne of the King's noble progenitor "Kinge Richarde the Second, and the Statute made in the second yere of the reigne of King "Henry the Fifthe, and the Statute allso made in the xxvth yere of the reigne of Kinge Henry "theight concerninge punishment and reformacon of Heretykes and Lolardes, and everie provision "therein conteyned, and the Statute made for the abolishment of diversitie of opinions in certaine "artycles concernynge Christian Religion cōmonlie called the Sixe Articles, made in the Plament "begonne at Westmestre the xxviijth daie of Apryll in the xxxjth yere of the reigne of the moste noble "and victorious Prynce of moste famous memorie Kinge Henry theight, father to our saide moste "drad Soveraigne Lorde the Kinge that now is, and allso the Acte of Plament and Statute made at "the Plament begoonne at Westmestre the xvj daye of Januarye in the xxxiijth yere of the reigne of "the saide late King Henry theight, and after that proroged unto the xxijth daye of Januarye "in the xxxiiij yere of the reigne of the saide late King Henry theight, touchinge, mentioninge, or "in anny wise concerninge bookes of the Old and New Testament in Englishe, and the pryntinge, "utteringe, selling, giving, or delivering of bookes or writings, and reteyninge of Englishe bookes or "writings, and reading, preaching, teaching, or expownding of Scripture, or in anny wise touching, "mentionynge, or concerninge anny of the same matters: And allso one other Statute made in the "Plament holden at Westmestre in the xxxvth yere of the reigne of the saide late King Henry

"qu'il soit le principe de la puissance spirituelle. Il ne lui donne point d'autre autorité dans les matières de la religion, que celle "de faire des lois pour maintenir le bon ordre de l'Eglise, de soutenir et appuyer celles qui sont faites par les Evêques, d'assembler "des conciles, de contenir les ecclésiastiques comme des laïques dans la soumission due au Prince, à l'exclusion de toute puissance "étrangère."

See, too, the first canon of 1603.

" theight, concerninge the qualificacon of the Statute of Sixe Articles, and all and everie other Acte " or Acts of Plament concerninge doctryne and matters of religion, and all and everie braunche, " artycle, sentence, and matter, paynes, and forfaitures conteyned, mentioned, or in anny wise declared " in anny of the same Acts of Plament or Estatutes, shall from hensfurthe be repealed and utterlie " voyde, and of none effecte."

It was truly observed by Mr. Hannen that the object of this Statute is to repeal laws which inflicted severe punishments and penalties, imprisonment, fine, and death, on account of opinions entertained " concerning doctrine or matters of religion," such as had been enforced in the reigns of Richard II., Henry V., and Henry VIII., against heretics of various kinds.

If the wider signification which has been contended for be given to this statute, it would in truth repeal the principal statutes enacted during the reign of Henry VIII. for establishing the independence of the Church of England.

It will be difficult to maintain that the statutes against the payment of annates (23 Hen. VIII. c. 20.), the restraint of appeals (24 Hen. VIII. c. 12.), and even the Act of Submission (25 Hen. VIII. c. 19.) would not fall under the category ofenactments concerning " doctrine or matters of religion:" but, in truth the number of Statutes which this construction would repeal might amount to forty-two, and certainly would include a great many of grave importance.* I remember that Sir W. Maule (one of the members of the Judicial Committee) observed, " that if there were anything in Magna Charta " about religion, it would on this construction be repealed."

I am of opinion that the operation of this statute of Edward VI. must be confined within the limits which I have stated, and that it has not repealed any power to issue Royal Injunctions which Henry VIII. derived, either from the Supremacy or the Proclamation Statute.

The legal authority of these Injunctions of Edward VI. was discussed in the " Westerton *v.* Liddell " cases. The judge of the Consistory of London held that the burden of proving their legal authority lay upon those who asserted it, and that the burden had not been discharged, and he treated the Injunctions as invalid; and on that ground, among others, decided that the " Cross " was not a lawful ornament of the Church.

The Court of Arches, however, held that Edward VI. had power to issue these Injunctions under the authority of the Proclamation Act, 31 Henry VIII. cap. 8., and the learned judge decided that the Cross was an illegal ornament beause it was forbidden under the name of an " Image " by these very Injunctions of Edward VI.

When the case of Westerton *v.* Liddell was appealed to the Judicial Committee of the Privy Council they decided that the Cross was a lawful ornament, and that it was not an " Image " forbidden by these Injunctions. (*Moore*, 161 *in fin.*)

In arriving at this conclusion they certainly treated the Injunctions as valid, whether or not they agreed with Sir John Dodson's opinion that their validity was derived from the powers conferred on the Crown by the Proclamation Act: and referring to the 28th section of these very Injunctions, they say, " The section could not mean that all candlesticks should be removed from Churches, for two " were to be retained " (namely, bythe third section) " on the High Altar." (*Moore*, 165, 166.)

If this be so, their decision is binding upon me, and the general question as to the legal validity of these Injunctions has been decided in the affirmative. It may be as well, however, to look a little more closely into this question.

It has been argued that these Injunctions were not lawfully issued under the Proclamation Act, because it related only to temporal and not to spiritual matters, and also because the orders which it prescribed for the preparation and issue of instruments under its authority were indispensable conditions, and had not been complied with.

Mr. Stephens, in his argument upon this subject, laid down four propositions. First, if these Injunctions were issued under the Proclamation Acts, nevertheless, upon the repeal of those Acts in November 1547, they were not in force by the authority of Parliament in the second year of Edward VI. Secondly, if they were intended to be issued under the Proclamation Acts of Henry VIII., they were not issued in accordance with their provisions, (1.) because there is no time limited during which the Injunctions were to continue in force; (2.) because the copies of those Injunctions which were printed and circulated were not signed by 13 members of the King's Council, as required by 31 Henry VIII. cap. 8., and there is no evidence of their having been proclaimed in accordance with the 3rd section of that Statute. Thirdly, that instead of the punishment by fine and imprisonment which the Council, under section 4 of 31 Henry VIII. cap. 8., were empowered to inflict, the Injunctions of 1547 only threatened ecclesiastical punishments, which the Council had no power to inflict under the Proclamation Act; and those ecclesiastical punishments are to be inflicted by the ordinary, and not by the 13 members of the King's Council. Fourthly, it appears from the earliest historians of the Reformation, Fox, Fuller, and Heylin, that the Injunctions, were not issued under the Proclamation Act, but by virtue of the King's supremacy.

From the first of these propositions I have already expressed my dissent. With regard to the second, I think there is every presumption of law, and that a court of justice must, after this distance of time, act upon that presumption, that these Injunctions were signed by the requisite number of members required by this Statute, and the absence of a specified time during which the Injunctions were to be in force would not, in my opinion, invalidate their validity. As to the objection that they were not duly proclaimed in the market place by the sheriff, the clause which requires this seems to me directory only, and to whatever penalty noncompliance with it might render the sheriff amenable, such noncompliance would not invalidate the Injunctions. The contrary position was, indeed, maintained by Bishop Gardner† when he was imprisoned for disobedience to these Injunctions, which he considered to have been issued under the Proclamation Act. It is remarkable, however,

* Perry on Lawful Church Ornaments, App. pp. XI.—XXXV.
† Collier's *Eccl. Hist.*, Vol. V. p 199.

that he does not dispute the power of the Crown to issue the Injunctions, nor that the proper number of counsellors had not signed the instrument, but maintains that he ought not to be imprisoned by virtue of the Proclamation Act; and it might be that the Injunctions were valid under the "Supremacy Act," but that the additional power of secular punishment given by the Proclamation Act could not be put in force a gainst him, and that he was only liable to ecclesiastical punishment under the Injunctions. This was probably the opinion of Fox, Fuller, and Heylin, to whom Mr. Stephens referred in his fourth proposition.

I have made these observations upon the Proclamation Act out of deference to the argument which was addressed to me; but after all, whether these observations are well founded or not is of small moment, because it seems to me impossible to doubt that these Injunctions were recognized by the Legislature, not only because they would derive validity from the Supremacy Act, but also because they are specially recognized in the first Prayer Book, which is part of the first Statute of Uniformity, in the following words: "Upon Wednesdays and Fridays the English Litany shall be said or sung "in all places after such form as is appointed by the King's Majesty's Injunctions, or as is or shall be "otherwise appointed by His Highness."—(*Liturgical Services, p. 97, Rubric after the Communion Service.*)

I should mention that in the year 1548–49 the Visitation Articles for the diocese of Canterbury in the second year of Edward VI. repeat this Injunction in the following inquiry: "Whether they have "not . . . . destroyed in their churches, chapels, and houses all images, all shrines, coverings "of shrines, all tables, candlesticks, trindles or rolls of wax, pictures, paintings, *and all other monuments "of feigned miracles, pilgrimages, idolatry, and superstition,* so that there remain no memory of the "same in walls, glass windows, or elsewhere;" and also the inquiry: "Whether they suffer any "torches, candles, tapers, or any other lights to be in your churches, *but only two lights upon the high "altar.*"—(*Cardwell, Doc. Ann. p.* 49.)

Before I leave this subject let me observe that I cannot find that the legal authority of these Injunctions *per se* was ever seriously questioned before the judgment of Dr. Lushington in the St. Barnabas case. Nor am I aware of any statute,—none has been cited to me,—by which they have been deprived of their original authority. There were many occasions on which those who were adverse to them would gladly have impugned their original validity, and there was no lack of learned advisers versed in legal and constitutional lore to have prompted or maintained such a proposition.

In the interval between 1547 and 1549 no objections whatever appear to have been taken to these Injunctions; but in that year a paper appears, the authority of which is extremely questionable; it was unsigned, and the author is unknown: it is headed "Articles to be followed and observed "according to the King's Majesty's Injunctions and Proceedings;" and the second of these Articles forbad, among a variety of other things, "setting any light upon the Lord's board at any time."—(*Card. Doc. Ann. v.* 1, 75.)

It is clear, however, that these Articles (perhaps Visitation Articles, and only binding, like those of Ridley in 1550, if at all, in a particular diocese,) cannot affect the question of whether lights were an ornament "in use in this Churchof England by authority of Parliament in the second year of the "reign of King Edward the Sixth."

Here I must notice two remarkable letters which throw the light of contemporary history on this subject; the first is a letter written by Martin Bucer and Paul Fagius to the ministers at Strasburg ("Original Letters" published by the Parker Society, p. 535); it is dated April 26, 1549. "We "yesterday waited upon the Archbishop of Canterbury, that most benevolent and kind father of "the Churches, who receives and entertains us as brethren. The cause of religion as far as appertains "to the establishment of doctrines and the definition of rites is pretty near what could be "wished." . . . . . .
"As soon as the description of the ceremonies now in use shall have been translated into Latin "we will send it to you. We hear that some concessions have been made both to a respect for "antiquity and to the infirmity of the present age, such, for instance, as the vestments commonly "used in the Sacrament of the Eucharist and the *use of candles,* so also in regard to the com-"memoration of the dead and the use of chrism, for we know to what extent or in what sort it "prevails. They affirm there is no superstition in these things, and that they are only to be retained "for a time, lest the people, not having yet learned Christ, should be deterred by too extensive "innovations from embracing His religion, and that rather they may be won over."

The second letter is from John Hooper to Henry Bullinger, 7th December 1549 (Original Letters, Parker Society, page 71); it is, "The altars are here in many churches changed into tables. The "public celebration of the Lord's Supper is celebrated three times a day. Where they used heretofore "to celebrate in the morning the Mass of the Apostles, they have now the Communion of the "Apostles; where they had the Mass of the Blessed Virgin, they have now the Communion, which "they call the Communion of the Virgin; where they had the principal or High Mass, they now have, "as they call it, the High Communion. They *still retain their vestments and the candles before the "altars.*"

Surely during the reign of Elizabeth the legal invalidity of these injunctions would have been urged by those who were adverse to the use of lights.

Bishop Cox, writing to Gualter on February 12, 1571, says of the Queen, that she "has always been so exceedingly scrupulous in deviating even in the slightest degree from the laws prescribed." (*Zurich Letters, 1st series, No. XCIV., p.* 234.) And it is an admitted fact that the two lights were used in her Chapel at the celebration of the Holy Communion. It is no less certain that many of her counsellors, temporal and spiritual, pressed her to discontinue the use of these lights, an object they were most anxious to effect, but in no one single instance did they ever allege to Her Majesty that the burning of these lights upon the Holy Table was contrary to the law. I say this with some confidence, not only because I have been unable to find any instance myself, but because

the leading counsel for the promoter, whose industry and whose acquaintance with these subjects no one will gainsay, having been so good, in compliance with my request, as to make search into the authorities upon this point, was unable to find that any such argument had ever been adduced.

The lawfulness of placing these two lights upon the Holy Table appears to me established by these Injunctions, unless they are, as has been contended, by necessary implication abolished, inasmuch as they are significant of a Papal superstition, which was rejected by the Church at the time of the Reformation.

To this argument there are various answers:

First. These lights, in their original institution, were not significant of any rejected Papal superstition, but of the fundamental truth of Christianity, namely, the light of the Gospel. The origin of them in the canon law I will presently refer to.

Secondly. They were suffered to remain because of their strictly Evangelical character; they were for the honour of Christ, not of the Blessed Virgin or of Saints, as lights on bye-altars might be.

About the year 376 (A.D.) Vigilantius spoke with derision of the practice of Christians to burn candles during Divine service at mid-day. Saint Jerome wrote a defence of the Church, and of this practice:

" No diffiteor (he says) omnes nos, qui in Christo credimus, de idololatriæ errore venisse, nō enim " nascimur, sed renascimur Christiani, et quia quondam colebamus idola, nunc Deum colere nō debemus, " ne simili eum videamur cum idolis honore venerari? Illud fiebat idolis, et iccirco detestandum " est; hoc fit martyribus, et iccirco recipiendum est nam et absq; martyrum reliquiis per totas " orientis ecclesias, quando legendum est evangelium, accenduntur luminaria, jam sole rutilante, non " vtiq; ad fugandas tenebras, sed ad signum lætitiæ demonstrandum, unde et virgines illæ evangelicæ " semper habent accensas lampades suas; et ad apostolos dicitur: *Sint lumbi vestri præcincti, ut* " *lucernæ ardentes in manibus vestris.* Et de Joanne Baptista: *Ille erat lucerna ardens, ut lucens:* " ut sub typo luminis corporalis illa lux ostendatur, de qua in psalterio legimus: Lucerna pedibus " meis verbum tuum Domine, ut lumen semitis meis." (*Hieronym. Stridoniensis* " *Opera.*" *Adversus Vigilantium, t.* 1, *p.* 160, *ed. Colon* 1516.)

Dr. Donne, in his defence of the use of lights in the daytime during Divine service relies much upon the early Christian practice:

" I would not (he says) be understood to condemn all use of candles by day in Divine service, " nor all churches that have or do use them, for so I might condemn even the primitive church in her " pure and innocent estate. And therefore that which Lactantius, almost three hundred years after " Christ, says of those lights, and that which Tertullian, almost a hundred years before Lactantius, " says in reprehension thereof, must necessarily be understood of the abuse and imitation of the " Gentiles therein; for that the thing itself was in use before either of these times I think admits " little question. About Lactantius' time fell the Eliberitan Council, and then the use and the " abuse was evident; for in the 34th canon of that council it is forbidden to set up candles in " the churchyard; and the reason that is added declares the abuse . . . . . that the souls " of the faithful departed should not be troubled. Now the setting up of lights could not trouble " them, but these lights were accompanied with superstitious invocations, with magical incantations, " and with howlings and ejaculations which they had learned from the Gentiles, and with these " the souls of the dead were in those times thought to be affected and disquieted. It is in this " ceremony of lights as it is in other ceremonies; they may be good in their institution, and grow " ill in their practice. So did many things which the Christian church received from the Gentiles " in a harmless innocency degenerate afterwards into as pestilent superstition there as amongst the " Gentiles themselves. For ceremonies which were received but for the instruction and edification of " the weaker sort of people were made real parts of the service of God and meritorious sacrifices. " To those ceremonies, which were received as helps to excite and awaken devotion, was attributed " an operation and an effectual power, even to the ceremony itself, and they were not practised, as " they should, *significativè*, but *effectivè*, not as things which should signify to the people higher " mysteries, but as things as powerful and effectual in themselves as the greatest mysteries of all, " the Sacraments themselves. So lights were received in the primitive church to signify to the people " that God the Father of Lights was otherwise present in that place than in any other; and then " men came to offer lights by way of sacrifice to God; and so that which was providently intended " for man, who indeed needed such helps, was turned upon God, as though He were to be supplied " by us. But what then? Because things good in their institution may be depraved in their " practice . . . . . shall therefore the people be denied all ceremonies for the assistance " of their weakness? . . . . . We must not be hasty in condemning praticular ceremonies, " for in so doing, in this ceremony of lights, we may condemn the primitive church that did use " them, and we condemn a great and noble part of the reformed church which doth use them at " this day."—(*Dr. Donne's Sermons, p.* 80, *fol.*, 1640. Vol. I. 15 Oct.)*

---

* Luther allowed the use of these lights, see his Deudsche Messe, 2 Codex Liturgicus, p. 97.

Des Sontags fur die leyen, ib. p. 108.

Da lassen wyr die Messegewand, altar, liechter noch bleyben, bis sie alle werden, oeder uns gesellet zu endern, wer aber hie anders vil faren, lassen wyr geschehen.

Editor's note.—Gerberus, l. c., p. 459. " Die lichter oder wacks-keitzen, die wir bey der handlung des heiligen nachtmals " auzünden, sind auch unter die ceremonien zu rechnen." P. 132.—*Auch sollen die gewonlichen liechter, zu den bovis, messen, und andern empten, auch sonst des winters zur nothinft gebrand werden,* was aber darüber sonst sonderliche liechter des sonderschaften und gülden, oder entzeler personen verhanden, sollen abgethan, und was etwan darauff gewand sol nach befelch der visitation zu hesserm brauch gefurt werden.

Wie man die krancken communiciren sol.

P. 432. Editor's note.—" In dëme alse de Pfarrhere solckes, alse hyr vör hïr steit, mit dem volcke, unde mit dem krancken " rëdet, let ne dorch den cöstes, de alle wëge mit gan schal, bereiden einen disch, mit brodt unde wyn, mit einem reinen doke

Thirdly, as to the averment that the words "before the Sacrament" denote the *reserved Sacrament.*

The practice of reserving the Holy Sacrament, it has been truly said, is unlawful according to the present law of the Church of England.

In the Office for the Communion of the Sick in the Prayer Book of Edward VI. it is provided by the prefatory rubric as follows: "And if the same day there be a celebration of the Holy Communion "in the Church, then shall the priest reserve (at the open Communion) so much of the Sacrament "of the body and blood as shall serve the sick person, and so many as shall communicate with "him (if there be any); and so soon as he conveniently may, after the open Communion ended "in the Church, shall go and minister the same, first, to those that are appointed to communicate "with the sick (if there be any), and last of all to the sick person himself."—(*Liturgical Services. Ed. Camb.*, 1844, *p.* 141.)

In the present Prayer Book it is ordered: "And if any of the bread and wine remain unconse- "crated, the curate shall have it to his own use; but if any remain of that which was consecrated, "it shall not be carried out of the Church, but the priest, and such other of the communicants as he "shall then call unto him, shall, immediately after the Blessing, reverently eat and drink the same." The light which burnt before the reserved Sacrament was generally a lamp.

This light was continually burning, and therefore probably oil was used, whereas these two lights were only burning during the celebration.

The lights before the reserved Sacrament appear to have been always of an uneven number when the light was not, as it usually was, single.

The lights "before the Sacrament" in England were necessarily, for mystical reasons, or more properly fancies, enumerated by Lyndewode, but which it is not necessary to recapitulate here, made of wax.

The words "before the Sacrament" are omitted in Cranmer's Visitation Articles intended to execute the injunction, but that clearly means "tempore quo missarum "solennia peraguntur," while the ceremony was being performed. The candles might be lighted before the elements have been consecrated and before the Sacrament is therefore complete, "accedit verbum elemento et fit sacramentum," as Saint Augustine says, but they are not the less burning before it when it is complete.

The reserved Sacrament was not in the time when Lyndewode wrote his Commentary (in 1430) placed upon the "High Altar." It was one of the usages peculiar to the Church of England to suspend the reserved Sacrament above the altar.

The account given by Lyndewode clearly shows that *two wax* candles (the number and the quality it is important to notice) ought properly to accompany every celebration of the Mass, because Christ is the splendour of eternal light.

In a constitution of Archbishop Walter, under the following title, "Sacerdos curet, ut omnia "Eucharistiæ deservientia sint integra et munda, atque verba consecrationis debite pronunciet, nec "celebret antequam matutinas primam et tertiam perlegerit, nec sine clerico superpellicio induto, nec "sine tunica, nec in peccato mortali," we find this order:

Lyndwood, p. 236, *Walterus.*—"Nullus insuper sacerdos parochialis præsumat missam celebrare, ante- "quam matutinale persolverit officium, et primam et tertiam de die. Item nullus clericus permittatur "ministrare in officio altaris, nisi indutus sit superpellicio, et tempore quo missarum solennia peraguntur, "accendentur (*n*) duæ candelæ, vel ad minus una."

Upon this constitution the gloss of Lyndwood is as follows:

(*n*) *Duæ candelæ.*—"Est enim a parte juris ordinatum quod sacerdos sine lumine ignis non "celebret missam. (*Extra eo c. ulti. ubi de hoc.*) Si tamen faciat, nihilominus conficit, licet graviter "peccet, secundum *Hostien.* ibi, et concordant alii *doctores.* Et nota, quod candelas in celebratione "missæ arsuras convenit esse de cerâ potius quam de aliâ materiâ. *Candela namque sic ardens "significat ipsum Christum, qui est splendor lucis æternæ.* (*Extra eo c. sane.*)*

The Devonshire rebels, when in 1549 they demanded the restoration of Roman Catholic rites, drew up a series of articles in which their grievances were stated, they said in their 4th article:

"We will have the Sacrament hang over the high altar, and there to be worshipped, as it was wont "to be; and they which will not thereto consent, we will have them die like heretics against the Holy "Catholic Faith."

The answer of Cranmer is very remarkable:

"Is this the Holy Catholic Faith, that the Sacrament should be hanged over the altar and "worshipped? and they be heretics that will not consent thereto . . . . . Innocent III., "about 1215 years after Christ, did ordain that the Sacrament and Chrism should be kept under "lock and key. But yet no motion he made of hanging the Sacrament over the high altar, nor "of the worshipping of it. After him came Honorius III., and he added further, commanding that "the Sacrament should be devoutly kept in a clean place, and sealed, and that the priest should often "teach the people reverently to bow down to the Host when it is lifted up in the mass time, and when "the priest should carry it to the sick folks. And although this Honorius added the worshipping "of the Sacrament, yet he made no mention of the hanging thereof over the high altar as your article "proposeth. Nor, how long after, or by what means, that came first up into this realm, I think no "man can tell. And in Italy it is not yet used until this day."—(*Strype's Cranmer, App.* 97.)

"bedecket, unde bereidet das up dat brodt in der patene, den wyn in dem ketke, etc." P. 3. 563.—*Multi alii libri mentionem faciunt candelarum in celebratione sacramenti accendendarum.* Gb. p. 487. Es sind aber die ceremonien bey communion derer patienten nicht allenthalben einerley. An manchen orten werden noch 2 lichter angezündet und auf den tisch gesetzt, auch ein crucifix dazu, andere aber lassen diese dinge weg, und achten sie nicht, wie si denn auch nicht nöthig seyn.

* Unde et candela in sui compositione significat Christum propter tria: componitur namque candela ex cera, lychno, et lumine. Sic quoque Christus constat ex carne virginea sine semine generatus, sicut procedit cera ex ape sine generatione vel coitu apis. Lychnus, qui est candidus, significat in Christo animam candore innocentiæ adornatam. Lumen vero significat ejus divinitatem "carni unitam. De his sic dicitur *Cantic.* 5: "*Dilectus meus candidus propter animam candidam et rubicundus propter divinitatem "fulgidam. Electus ex millibus propter carnem sine peccato genitam.*"

The inference to be drawn from this letter is that the two lights ordered by the injunctions of 1547, and which Cranmer had enforced by his Visitation Article in 1548, could not have been placed before the reserved Sacrament, inasmuch as the complaint of the rebels in 1549 is that the Sacrament was not suspended over or placed upon the High Altar. It is remarkable that Dr. Rock, whose knowledge as an antiquarian in the matter of Church rites and ceremonies is supposed to be considerable (The Church of our Fathers, Vol. III., Part II., p. 208), says, "That the first wooden or stone tabernacle resting on the Altar seen in this land was put up in Queen Mary's reign."

It appears from Lyndewode's gloss upon the Provincial constitution of John of Peccham that according to the English custom the reserved Eucharist was placed in a *Pyx*, and the *Pyx* in a *Tabernaculum*, and the Tabernaculum, instead of being placed stationary as it afterwards was in conformity with later Roman usage upon the Altar, was hung up over it. And in support of Dr. Rock's assertion that in Queen Mary's reign the reserved Sacrament was placed upon the Altar is the inquiry of Cardinal Pole in 1557, "Whether they do burn *a* lamp or *a* candle before the Sacrament;" and referring to his Injunctions in 1566 this would appear to have been "a tabernacle set in the midst of the High Altar."

With respect to the custom of the Greek Church, Goar says:

"A lamp, kept perpetually burning, is suspended in such a manner as to hang between the Altar "and the place for the Blessed Sacrament, and is regarded by the Greeks as a becoming token of "reverence towards the Word of God inscribed within the sacred volume, and the Word made "flesh, Christ Jesus dwelling us, but veiled under the appearance of the sacramental species."—(*Goar, Euchal. Græc. p.* 15. *Hierurgia*, p. 507.)

I was referred by Mr. Prideaux to a treatise in French upon the exposition of the Holy Sacrament of the Altar. It was published in 1673, and the account which the author, a Roman Catholic of course, gives of the practice as to the reserved Sacrament, the importance especially of having a lamp perpetually burning before it, is interesting, and bears upon the subject now under consideration. "Néanmoins," (says this author) "on ne se met pas en peine comment la tres-Sainte "Eucharist est logée dans les Eglises de la campagne, ny comment elle est portée aux malades, dans "presque tous les villages, où elle y est portée dans un si pauvre appareil, qu'il est plutost capable "d'exciter de la douleur et de l'indignation dans le cœur des veritables fideles, que de la devotion et "du respect. La plus part de ces Eglises sont ou désolées, ou decouvertes, ou sans lambris, ou sans "vitres, ou sans luminaires, ou sans livres, ou enfin destituées sans ornements necessaires pour celebrer "dignement les saints mystères, et les divins offices. Leurs vaisseaux sacrez ne sont que d'estain, ou "de cuivre, ou mesme de plomb en quelques endroits; leurs tabernacles, sont ou rompus, ou "difformès, ou mal-ornez; ou enfin leurs fabriques *n'ont point de revenu pour entretenir une lampe "toujours ardente devant le Sanctuaire où repose l'Eucharistie.* Et l'on fait tous les jours de grandes "depenses dans les villes pour l'exposition frequente de ce divin mystere." The author regrets this expense, and continues: "Ne vaudroit-il pas mieux les employer à la decoration, ou aux reparations "des eglises de la campagne, et à l'achat des vaisseaux sacrez, des livres, des meubles et des ornaments "dont elles ont si grand besoin? N'a-ce pas esté l'intention de Paul III. qu'elles y fussent employées, "comme on le peut voir par les paroles de sa bulle que nous avons rapportées?"—(*Traité de l'exposition du St. Sacrament de l'Autel, ed.* 1673, *p.* 171.)

It is surely most improbable that Cranmer, who was advancing tentatively in the path of reform, and who was the real author of the Injunctions, should have ordered two lights to be continued perpetually burning before the Reserved Sacrament, having regard to his desire to abrogate the custom of reservation, and also on account of the expense which the ordering would have entailed upon the parishioners.

Gavanto (*vol.* 5, *p.* 65), writing in Italy his "*Praxis Compendiaria Visitationis Episcopalis*," and describing the duties of the bishop on his visitation, under the heading "De Sanctissimâ Eucharistiâ," says:

"Observet Episcopus, et Notarius describat, an sint, qualia sint, quæ sequuntur;" and among these articles is to be found "Basim Tabernaculi vacuam" and "Lampadem ardentem," which is clearly the one lamp before the Reserved Sacrament.

Symbolism and the worship of symbols are distinct things, "is confirmat usum qui tollit abusum."

I am disposed to assent to the opinion expressed by Mr. Stephens in his elaborate and useful edition of the Book of Common Prayer:

"It may, however," that learned person says, "be argued that a distinction is to be taken "between (1) the lights burning before shrines and images, (2) the symbolical lights formerly placed "on the altar during the communion, and (3) those which are for actual use for the decent enlightenment of the house of God. The lights mentioned in King Edward's Injunctions are not to be "confounded with the lamp or cresset, a single light, burning before the suspended Pyx. King "Edward's mention of the Sacrament appears to be merely circumstantial: *two* lights (which are "known to be of wax, not *one* lamp,) were to be on the altar before the Sacrament or Pyx, 'for the "'signification that Christ is the very true light of the world.' The Pyx was then considered to "contain the actual body of Christ. The removal of the Pyx, in consequence of the purified "doctrine of the Church, did not weaken the force or propriety of the symbol, as Christ is spiritually "present in His own house. It is to be remarked that Archbishop Cranmer omits the words 'before "the Sacrament.'"—(*Book of Common Prayer, vol.* 2, *p.* 1120.)*

The usages with respect to the custody of the Reserved Sacrament appear then to have been these:

(1) The use which Lyndewode refers to as existing in Holland, Portugal, and other places, and which apparently existed too in Italy, of keeping it in a place in the wall under lock and key:

* Dr. Hook seems to be of the same opinion on this point. See his Church Dictionary, article "Lights."

(2) The peculiar English custom of suspending it in a Pyx in a Tabernaculum *over* the High Altar:

(3) Cardinal Pole's order in Queen Mary's time, that it should be placed *upon* the Altar.

In Westerton *v.* Liddell, Dr. Lushington came, apparently not without reluctance, to the conclusion that candlesticks upon the Holy Table were lawful ornaments.

It seems to me difficult to suppose that the use of candlesticks does not bear witness to the partial retention,—no uncommon fact in the history of ritual observances,—of the custom of burning lights upon the altar embodied in the earliest usages of the Church in the provincial constitutions of our own country, and in the Injunction of 1547.†

I should not omit to notice the argument, much referred to by counsel, from the inventories made by order of the Government of Edward the Sixth, in order to stop the wholesale sacrilege and plunder of the furniture and goods of parish churches by those who humbly imitated the rapine which, on a large scale, had been carried on by the courtiers, out of their zeal for the Reformed Religion.

I am not inclined to rely very much, on the one hand, upon the fact that certain ornaments are proved by these inventories to be *de facto* in existence after the second year of Edward the Sixth, nor, on the other hand, that only certain of these ornaments were retained, by the commissioners who caused these inventories, for the use of parish churches.

However, the fact is not to be laid wholly out of consideration that two or three years after the date of the first Prayer Book there should be in 21 counties no less than 1,400 churches which possessed each two candlesticks. Such is the result I believe of an investigation of the inventories in the Record Office, which were taken in 1552, when the second Prayer Book was in course of preparation.

Inasmuch, therefore, as I think that the Injunctions which order these two lights were issued under statutable authority and have not been directly repealed by the like authority; inasmuch as they are not emblematical of any rite or ceremony rejected by our Church at the time of the Reformation, inasmuch as they are primitive and catholic in their origin, evangelical in their proper symbolism, purged from all superstition and novelty by the very terms of the Injunction which ordered their retention in the Church, I am of opinion that it is lawful to place two lighted candles on the Holy Table during the time of the Holy Communion " for the signification that Christ is the very true light of the world."

Conclusion.

These are the conclusions at which I have arrived, and this is the Judgment which I am about, in formal language, to pronounce, after a most anxious, painful, and I may be allowed to add, conscientious, however inadequate, examination of the law applicable to the facts of the case. I have not been able to conceal from myself that this exposition of the law may wound the feelings of some, whose love for the Church of Christ is as unquestionable as their loyalty to the Church of England,—men, who think no ornament too costly, no service too magnificent, for the house of God,—capable of any act of self-denial and self-sacrifice to promote these objects,—to whom it may at first appear harsh and illiberal to be told that the sentence of the law bids them forego any symbolical act, or incident of Divine worship, with which they have accustomed themselves to associate in any way the administration of the Blessed Sacrament of the Body and Blood of our Lord; but I have good hope that further and deeper consideration will convince them of the truth of the proposition, which I stated at the outset of my Judgment, that no matter of doctrine or faith is affected by this decision, the true result of which is simply to pronounce, that by those statutes, ordinances, and canons, which form the compact of union between the Church and the State in this country, it has been determined that certain usages, however in themselves innocent, laudable, and primitive, shall, for the sake of general peace and harmony, form no part of the rites and ceremonies of the Church of England.

In Westerton *v.* Liddell, the Privy Council said, " Their Lordships are not disposed in any case " to restrict within narrower limits than the law has imposed, the discretion which within those limits " is justly allowed to congregations by the rules both of the Ecclesiastical and the Common Law " Courts."

The basis of the religious establishment in this realm was, I am satisfied, intended by the constitution and the law to be broad and not narrow. Within its walls there is room, if they would cease from litigation, for both parties; for that which is represented by the promoter and for that which is represented by the defendant; for those whose devotion is so supported by simple faith and fervent piety that they derive no aid from external ceremony or ornament, and who think that these things degrade and obscure religion; and for those who think with Burke, that religion " should be " performed, as all public solemn acts are performed, in buildings, in music, in decorations, in speech, " in the dignity of persons according to the customs of mankind taught by their nature, that is, with " modest splendour and unassuming state, with mild majesty and sober pomp;" who sympathize with Milton the poet rather than with Milton the Puritan; and who say that these accessaries of religious rites,—

" . . . . . dissolve them into ecstacies,
" And bring all Heaven before their eyes."

Saint Chrysostom and Saint Augustine represented different schools of religious thought; the Primitive Church held them both. Bishop Taylor and Archbishop Leighton differed as to ceremonial observances, but they prayed for the good estate of the same Catholic Church; they held the

* It is true that candlesticks possess, as Archdeacon Freeman observes, (Rites and Ritual, p. 76,) a symbolism of their own, and that St. John saw in his vision "golden candlesticks," not burning candles or lamps (St. John, v. 35; Rev. v. 8; viii. 3.)

same faith "in the unity of spirit, in the bond of peace, and in righteousness of life;" and the English Church contained them both.

There is surely room for both the promoter and the defendant in this Church of England, and I should indeed regret if, with any justice, it could be said that this Judgment had the slightest tendency either to injure the Catholic foundations upon which our Church rests, or to abridge the liberty which the law has so wisely accorded to her ministers and her congregations.

I must say a word as to costs. This is a matter to be governed by the discretion of the Court, that is, by a discretion judicially exercised.

In the case of *Martin v. Mackonochie*, it appears that the promoter is not a churchwarden, nor a resident parishioner. Of the five charges brought against Mr. Mackonochie, in which I include the excessive kneeling, upon three there have been adverse decisions to Mr. Mackonochie. With respect to the *elevation*, Mr. Mackonochie submitted the question to his Ordinary, and discontinued, under his direction, the practice before the institution of this suit, though, it is true, he has done so under protest.

With respect to the *incense*, he had discontinued, though also under protest, the censing of persons and things, before the institution of this suit.

With respect to the *excessive kneeling*, I have decided that it was a matter that ought to have been referred to the discretion of the Ordinary.

With respect to the *mixing water with the wine*, the decision is in favour of the promoter; and with respect to *the lights*, in favour of the defendant.

Taking all the circumstances into my consideration, I shall make no order as to costs in this case.

In the other case of "Flamank *v.* Simpson," the circumstances are materially different. Mr. Flamank is a churchwarden, and Mr. Simpson does not appear to have submitted to the control of his Ordinary any of the practices for which he has been articled in this Court. Upon the question of "lights" the decision is in his favour, and another of the charges was abandoned at the hearing. No expense has been incurred by the examination of any witnesses, and I think I shall, upon the whole, do justice by condemning Mr. Simpson in a sum of 80*l.* *nomine expensarum*.

I admonish Mr. Mackonochie to abstain for the future from the use of incense, and from the mixing water with the wine, as pleaded in these Articles. And I further admonish him not to recur to the practices which he has abandoned under protest, with respect to the elevation of the Blessed Sacrament, and the censing of persons and things.

I admonish Mr. Simpson to abstain for the future from the elevation of the Blessed Sacrament, from mixing water with the wine, and from placing the alms upon a stool, as pleaded in these Articles.

*** The following Note, which has been added by the Editor of the published copy of the Judgment, is appended here as having also been brought under the notice of the Commissioners.

NOTE.

The Editor has been favoured with the following addition to the series of historical facts noticed by the Judge, in his discussion of the argument drawn from the disuse of ceremonies. It appears that there was a time when the observance of Good Friday had almost wholly ceased in England. The then Archbishop of Canterbury, Archbishop Cornwallis, and Porteus Bishop of London, set themselves to revive the observance, which has been maintained ever since; and it is instructive to notice the feeling with which this revival was met. We extract the following from *Restitata*, edited by Sir Egerton Brydges, Vol. IV., p. 416: "It is inconceivable the clamour, uproar, and rage which "the order from the Archbishop to observe decently Good Friday, in 1777, gave to the faction: for "many weeks together the presbyterian newspapers were full of abuse and lies relating to Archbishop "Cornwallis and his family; and when one expected it should have subsided, two months after the "day was observed, out comes the following long and severe paragraph in the London 'Evening "Post' of May 29, 1777: 'On the late announcing a sort of outlandish name, one Porteus, to "an English Bishopric, I naturally asked what was become of all our old learned and venerable "English Clergy, of the best families, that they were all passed over with so much *contempt* "and *injustice?* I was informed that the young Prelate was a man distinguished by His Majesty's "own judgment, and exalted by his mere personal favour, as one of the most promising talents and "disposition to fill the sacred office in a manner the most suitable to his own *pious* feelings and senti-"ments, and the mild and liberal plan of government adopted by him. A *countenance* and a *character* "so *clear* of cynical and ecclesiastical pride and austerity could not escape the penetrating observation "and the generous sympathy of the Royal Patron. A Charles has had his favourite Laud. Similar "characters and principles will always attract each other. It has indeed been insinuated, that, over "and above the great merit of *Scottish extraction* and interest, he has distinguished himself as a "ministerial writer in the public papers almost as much as by the stretch of Church power and "arrogance in shutting up the city shops on *Good Friday;* which, as a sanctified, hypocritical "triumph over both reason and Scripture,—the civil and religious right of Englishmen,—could not "but be highly acceptable to tyrants and hypocrites of every denomination, particularly at Court. "By this experiment on the tame and servile temper of the times, it is thought the *Host* and "*Crucifix* may be elevated to prostrate crowds in dirty streets some years sooner than could have "been reasonably expected. And when a Wedderburne shall be keeper of the King's conscience and "seals, and a Porteus of the spiritual keys, as the *alterius orbis papa*, there is no doubt but our "consciences, and our property too, will be effectually taken care of.'"

APPENDIX E.

INJUNCTIONS AND VISITATION ARTICLES.

The following series of Injunctions and Visitation Articles, arranged in chronological order, from 1561 to 1730, has been transcribed *verbatim* and *literatim*, from the collection in the Bodleian Library, Oxford: except the Articles of Archdeacon Booth, p. 681, which are taken from the British Museum. These Documents, though not before the Commission, in their present form, during its recent deliberations, are added here, not only as affording much historical information upon the matters referred to in the Second Report, but as bearing upon the subjects to be hereafter considered by the Commission.

CONTENTS.

	Date.	Page.
Injunctions of Parkhurst, Bishop of Norwich	1561	401
Articles of Parker, Archbishop of Canterbury	1563	403
Injunctions of Parkhurst, Bishop of Norwich	1569	404
—— of Cox, Bishop of Ely - about	1570	406
Articles of Grindal, Archbishop of York	1571	407
Injunctions „ „	„	411
Articles of Parker, Archbishop of Canterbury	1575	415
—— Aylmer, Bishop of London	1577	418
—— Sandys, Archbishop of York	1578	421
—— Squier, Archdeacon of Middlesex	1582	424
Injunctions of Middleton, Bishop of St. David's	1583	426
Articles of Overton, Bishop of Lichfield	1584	427
—— Aylmer, Bishop of London	1586	430
—— King, Archdeacon of Nottingham	1599	434
—— Bancroft, Bishop of London	1601	436
—— Thornborough, Bishop of Bristol	1603	440
—— Bridges, Bishop of Oxford	1604	444
—— Chaderton, Bishop of Lincoln	1604	446
—— Bancroft, Archbishop of Canterbury	1605	450
—— Babington, Bishop of Worcester	1607	453
—— [Jegon?] Archdeacon of Norfolk	1608	457
—— [Abbot?] Archbishop of Canterbury	*n. d.*	458
—— King, Bishop of London	1612	462
—— Sharpe, Archdeacon of Berks	1615	468
—— Abbot, Archbishop of Canterbury	1616	470
—— Andrewes, Bishop of Winchester - [Also issued by Hakewell, Archdeacon of Surrey in the same year.]	1619	474
—— Howson, Bishop of Oxford	1619	476
—— Overall, Bishop of Norwich	1619	480
—— Harsnet, Bishop of Norwich	1620	484
—— Hakewell, Archdeacon of Surrey [Re-issue of Andrewes.]	1621	474
—— Laud, Bishop of St. David's	1622	488
—— Kent, Archdeacon of Sudbury	1624	491
—— Andrewes, Bishop of Winchester -	1625	493
—— Laud, Bishop of St. David's [*Collated*]	1625	488
—— Williams, Bishop of Lincoln	1625	497
—— Hakewell, Archdeacon of Surrey [*Collated*]	1625	474
—— Williams, Bishop of Lincoln [*Collated*]	1627	497
—— Harsnet, Bishop of Norwich [Re-issue of Overall.]	1627	480
—— Davenant, Bishop of Salisbury	1628	499
—— Howson, Bishop of Oxford [*Collated*]	1628	476
—— Neile, Bishop of Winchester	1628	502
—— Corbet, Bishop of Oxford [*Collated*]	1629	476
—— Potter, Bishop of Carlisle	1629	506
—— White, Bishop of Norwich [*Collated*]	1629	480
—— Eland, Archdeacon of Bedford	1629	508
—— Robinson, Archdeacon of Gloucester [*Collated*]	1629	462
—— Curle, Bishop of Bath and Wells	1630	512
—— W. White, Archdeacon of Norfolk	1630 & 1632	516
—— Williams, Bishop of Lincoln - after	1630	517
—— Davenant, Archdeacon of Berks	1631	521
—— Kent, Archdeacon of Sudbury, about	1631	525
—— Bancroft, Bishop of Oxford	1632	528
—— R. White, Archdeacon of Norfolk	1632	530
—— Brent, Commissary of Canterbury [*Collated*] about	1632–3	525
—— Curle, Bishop of Winchester	1633	533
—— Lindsell, Bishop of Peterborough	1633	537
—— Neile, Archbishop of York [*Collated*]	1633	508
—— Goodman, Bishop of Gloucester	1634	542
—— Peculiars of Canterbury [*Collated*]	1634	547
—— Laud, as Metropolitan for Norwich and Winchester	1635	547
—— Bancroft, Bishop of Oxford [*Collated*]	1635	528
—— Williams, Bishop of Lincoln	1635	551
Articles of Hakewell, Archdeacon of Surrey [*Collated*]	1635	474
—— Rives, Archdeacon of Berks [*Collated*]	1635	521
—— Curle, Bishop of Winchester [*Collated*]	1636	474
—— Wren, Bishop of Norwich	1636	556
Injunctions of „ „	1636	564
Articles of Kingsley, Archdeacon of Canterbury	1636	566
—— Pearson, Archdeacon of Suffolk	1636	568
—— Peculiars of Canterbury	1637	572
—— Laud, as Metropolitan, for Lincoln [*Collated*]	1638	547
—— Bancroft, Bishop of Oxford [*Collated*]	1638	528
—— Duppa, Bishop of Chichester	1638	576
—— Mountagu, Bishop of Norwich	1638	579
—— Hakewell, Archdeacon of Surrey [*Collated*]	1638	474
—— Thornburgh, Archdeacon of Worcester	1638	585
—— Goodman, Bishop of Gloucester [*Collated*]	1640	542
—— Juxon, Bishop of London	1640	588
—— Bostock, Archdeacon of Suffolk	1640	595
—— R. White, Archdeacon of Norfolk	1640	599
—— Williams, Bishop of Lincoln [*Collated*]	1641	551
—— Cosin, Bishop of Durham	1662	601
—— Croft, Bishop of Hereford [*Collated*]	1662	615
—— [Earle?] Bishop of Worcester	1662	604
—— Griffith, Bishop of St. Asaph	1662	606
—— Hacket, Bishop of Lichfield	1662	608
—— Henchman, Bishop of Salisbury	1662	610
—— Ironside, Bishop of Bristol	1662	613
—— King, Bishop of Chichester [*Collated*]	1662	615
—— Laney, Bishop of Peterborough [*Collated*]	1662	615
—— Lloyd, Bishop of Llandaff [*Collated*]	1662	615
—— Lucy, Bishop of St. David's [*Collated*]	1662	615
—— Morley, Bishop of Winchester	1662	615
—— Piers, Bishop of Bath & Wells [*Collated*]	1662	615
—— Reynolds, Bishop of Norwich	1662	619
—— Sanderson, Bishop of Lincoln [*Collated*]	1662	615
—— Skinner, Bishop of Oxford [*Collated.*]	1662	615
—— Ward, Bishop of Exeter [*Collated*]	1662	615
—— Wren, Bishop of Ely [*Collated*]	1662	556
—— Franck, Archdeacon of St. Alban's [*Collated*]	1662	615
—— Layfield, Archdeacon of Essex	1662	621
—— Paske, Archdeacon of London [*Collated*]	1662	615
—— Pory, Archdeacon of Middlesex	1662	624
—— Quarles, Archdeacon of Northampton	1662	630
—— Commissary of Westminster [*Collated*]	1662	615
—— Laney, Bishop of Lincoln [*Collated*]	1663	615
—— Henchman, Bishop of London	1664	631
—— Blandford, Bishop of Oxford [*Collated*]	1666	615
—— Honywood, Dean of Lincoln [*Collated*]	1666	615
—— [Willford?] Archdeacon of Bedford [*Collated*]	1667	615
—— Fuller, Bishop of Lincoln	1668	633
—— Hammond, Archdeacon of Huntingdon	1668	636
—— Fuller, Bishop of Lincoln	1671	638
—— Pearson, Bishop of Chester	1674	642
—— Fell, Bishop of Oxford - about	1676	643
—— Barlow, Bishop of Lincoln	1679	644
—— Gunning, Bishop of Ely	1679	646
—— Sancroft, Archbishop of Canterbury [*Collated*]	1682	653
—— Feilding, Archdeacon of Dorset	1683	652
—— Sancroft, as Metropolitan, for Lincoln	1686	653
—— —— to the Bishops	1688	657
—— Ironside, Bishop of Hereford	1692	658
—— Strafford, Bishop of Chester	1701	659
—— Peculiars of Canterbury	1703	662
—— Fleetwood, Bishop of St. Asaph	1710	663
—— Trimnell, Bishop of Norwich	1716	677
—— Stanley, Archdeacon of London	1728	679
—— Booth, Archdeacon of Durham - about	1710–30	681

APPENDIX E.

INJUNCTIONS OF PARKHURST, BISHOP OF NORWICH, 1561.

INIUNCTIONS exhibited by John by gods sufferance Bishop of Norwich in his first visitacion beginning the seconde daie of Maye in the thirde yeare of our soueraign Ladie Elizabeth by the grace of GOD Quene of England, Fraunce and Ireland. Defendour of faith, &c. vnto all and singuler the diocesans of the diocese of Norwich so farre as they concerne any of them.

Imprinted at London by John Day, dwelling ouer Aldersgate.

CUM GRATIA ET PRIVILEGIO REGIÆ MAIESTATIS.

First that euery parson, vicare and Curate, doo so order the comon seruice within the city or (*sic*) Norwich & other lyke places where be diuers parish churches in one toune, that it maye be doon on the sondaie, by nine of the clok, before the beginning of the sermon, where any is appointed, that al the people after comon prayers be doon in their parish churches may resort thether to heare the sermon.

2. Item that as many of them as be entred into orders, do saie the morning and evening praiers dailie in Englishe or Latten, either openly or priuatelie, that they may be the more reddie in the Scriptures.

3. Item that they see vnto their Clerks & Sextons, if they doo ring at the buriall of the deade, noone or curpheue, they ring but one peall, & that verie short, omitting all other vnnecessarie ringings as it is prescribed by order taken herin.

4. Item that they neither suffer the Lordes table to be hanged and decked like an aulter, neyther vse any gestures of the popish masse in the time of ministracion of the communion, as shifting of the boke, washing, breathing, crossing or such like.

5. Item that they baptize not children on the wourking daies, or when the congregacion is not come together, except it be thought that euident Jeoperdie require the contrarie.

6. Item that they marie no yonge folkes, except they examin them before, whether they can saye, the articles of the Christian faithe, the Lordes prayer and the ten commaundements: and if they can not: then to stay them from going forwards, till they can saie them. Likewise that they examin the godfathers and godmothers, when they come to baptize children in the same points: secretly, & modestly, bearing with the age of som parsons. For howe can they be sureties for an other to be instructed in that faith, wich they can not skill of them selfes. Thirdlie that they suffer none to come to the holie communion, except they also knowe the same necessarie points of Religion.

7. Item that they marie none before dewe time, that is before six of the clock in the somer, and seuen in the winter, at what time the broade daie light doth appeare.

8. Item that they preache theyr sermons limited by the Q. Mayesties (*sic*) Iniunctions that is euerie moneth one orels at the least wies get them to be preached, so that they them selfes preache foure tymes in the yeare in their own parsones beeing habled thereto by theyr ordinarye if they can not preache then to reade som homely set out by the Queens Maiestie.

9. Item that they with suche diligent trauail industrie and conference do euerie weke reade & peruse two chapiters of the newe testament and studie the same that they may be able to answere to all matters conteyned therin with the trewe vnderstanding therof to begynne with Sainct Mathewes gospell and after with saint Johns, and so consequentlie till they begon ouer and so to the Epistles. This to begynne in August next, & to make accompt to suche as bi the saied reuerend father shal be appointed the first twesdaie of euery moneth following. And besides this they shal also cause euerie quarter one sermon at the least to be preached at ther benefices bi some learned preacher till they be hable to preache them their selfes. To this taske as touching the chapters the curates also be enioyned though they haue no benefices.

10. Item that they teache the Catechisme euery sondaie and euery holidaie one howre at the leaste before euening prayer and to beginne the same the first sondaie in August next & so to continue euerie sondaie and holydaie.

11. Item that they warne the parents & maisters to cause theyr children and youthe to learne the Catechisme, either in scholes or els at home so as they may be examined by the minister euery sondaie and holydaie that they may make answere to the ministers standing in the pulpet demanding questions of them and this shal be doon immediatlye after the last peale to euening praier.

12. Item that they requyre the yonge folkes vnmaried to resorte to the hearing of the children examined and rendering of the Catechisme to thintent that they by hearing may learne the same, & therby (besides discharge of their dewty towards God) auoid worldlie rebuke and shame whyche shuld happen vnto them, if they shoulde be reiected from mariage for ignoraunce of the christian faith, the Lordes Prayers, and the tenne Commaundements. Exhorting also thelder maried folkes to be present bothe for the good example of the youthe & also to learne them selfes, by hearing if they by reason of euill educacion in tyme of ignoraunce, haue not been sufficientlie instructed in tymes past.

13. Item that they see the places filled vp in walles or ells where, where imagies stode, so as if ther hadde been none there. The stones foundacions or other places, frames or Tabernacles deuised to aduaunce Imagerie, holy water stones also to be quite and clean taken away and the places where they were set, comelie and decentlie to be made vp with conuenient expedicion, orells to declare to the ordinarie the lettes & staies therof as sone as may be.

14. Item that euerie Parson, vicarre, Curate and reader shall euerie quarter ones, reade openly on the pulpet the Queenes maiesties Iniunctions, and also these present Iniunctions with the confession hereunto annexed, and besides that, get him a copie of these Iniunctions, and set them vp by the last of Septembre in some conuenient place of theyr quier there to remaine still to be seene of them that lyst to reade them.

15. Item that the maister, pryest, and other gouernours of all hospitals be vigilant and look diligently, as wel to the wel ordering and godly instructing of the sik & sore people within the same hospitals: as also to the vertuous and godli educacion of the children and other youth there, so as they may be taught to folow & fauour the sincere ueritie of almighty God, as it is now manifestly set forthe, by the Quenes most excellent Maiestie & that they themselues also be folowers therof.

Interrogatories.

Whether the parsons, vicare, curate, or reader doth reade the common seruice with a lowde, distinct, and treatable voyce.

2. Whether the lessons epistels and gospels be redde or songe so as they may be plainli harde of the people.

3. Whether the parsone or vicare preach or cause to be preached in his churche euery moneth one Sermon.

4. Whether euery parson or vicare preache in his owne parsone one sermon euery quarter, if there be no sermon they reade the homilies plainly and distinctlie according to the Iniunction.

5. Whether to the vttermost of their wit power knowledge & learning they do with out colour or dissimulacion, declare four tymes yearelye in their seuerall sermons or exhortacions that the power of the Bishop of Rome and all other forreyn power, are iustlie taken away.

6. Whether they doo exhorte the people to remember the poore after the homelye when they reade the sentences exhorting the Almose.

7. Whether they teache the youthe of theyr parishe the Lordes prayer, the articles of the faith, the tenne commaundements and the Catechisme euerie sundaie and holidaie.

8. Whether they and theire church wardeyns haue prouided in theyr parish a Byble in the largest volume, and Erasmus paraphrasis vpon the newe Testament.

9. Whether they declare to their parishes any thing to thextolling or setting fourthe of vayne and supersticious religion.

10. Whether the parson or vicare being absent hath left vppon his benefice an honest learned & expert Curate.

11. Whether any minister or priest in the tyme of trouble haue deuorced him self from his wife and whether his wyfe hath been maryed to any other man sithen, or that he himself hath maried any other woman without iudgement of the Churche.

12. Whether the Priestes, and deacons saye daylie the morning and euening seruice, openlye or priuatelye.

13. Whether ani that toke orders in king Edwards daies not contented with that, were ordered agayne in Quene Maries daies.

14. Whether the parson or vicare, or any for him hath bought his benefice or hath come by it by simonie fraude or deceipte.

15. Whether the parson or vicare haue more benefices then one.

16. Whether any of your benefices be vacant, & howe longe they haue so been & who is the patron.

17. Whether ther be any laye or temporall men not being within orders or children that hath or enioyeth any benefice or spirituall promocion.

18. Whether there be any patron that suffereth any benefice to be vacant and taketh the tythes and other dueties to him selfe.

19. Whether any parson, vicare or curate geue any euell example of lyfe, whether they be incontinent parsones, dronkards, haunters of tauernes, alehouses or suspect places: dycers, tablers, carders, swearers or vehemently suspected therof.

20. Whether they haue receiued any parsone to the holie communion openlie knowne to be out of charitie or diffamed with some notorious crime before he hath made sufficient recompence for his wronge or euell doing.

21. Whether they haue a fitte and decent table to minister the communion on.

22. Whether the parson or vicare being not resident vpon his benefice geueth the fourty parte therof to the poore of the parishe.

23. Whether any parson or vicare findeth but a reader vnder hym where he shoulde fynde Minister.

24. Whether the chauncell, the bodie of the parishe churche or chapell, the parsonage and vikerage house, and other belonging to the same: be in good reparacions, and whether the better coueringes of any of them haue been pulled of and worse set in the place and by whome.

25. Whether they celebrate the communion with lesse nombre then foure or thre comunicantes at the least in suche parishes wheare there be xx parsones of discretion & in greater parishes without a greater nomber.

26. Whether if there be more Priestes in any churche then one: they doo all comunicate with the minister when the communion is celebrate.

27. Whether that any reader being admitted but to reade: taketh vpon him to baptize, to marie, to celebrate the Lords supper or to distribute the Lords cup.

28. Whether they baptize children in any other daies then the sundaies and holidaies except it be thought need that they should be baptized at home.

29. Whether they haue maried any without banes asking, or if the parties maried be of diuers parishes, whether they haue maried them without certificat from the parsone or parsones where they were asked: or haue maried any that be out of their owne parishes not licenced therunto, or hath not openly denounced theyr certificat or licence accordingly at the tyme of mariage or hath maried any parson not in due place or conuenient tyme.

30. Whether they haue exhorted yong folke to absteine from priuie contractes and not to mary without the consente of suche their parentes and freends as haue authoritie ouer them.

31. Whether haue they admitted to the holie table, any of an other parishe except they be strangers without the licence of the ministre from whence they cam.

32. Whether that there be any that preacheth out of their owne parishes not licenced therunto, orels taketh vpon them to preache being not ordeyned nor licenced therunto.

33. Whether the maister and gouernours of the hospitall within Norwich and other hospitals within the diocese of Norwich doo looke diligentlie to the well orderyng and godlie instructing of the sicke & sore people within the same hospitals.

34. Whether the youth within the same hospitalls be taught to fauour and folowe the sincere verytye of almightie God as it is now set forth by the Queenes moste excellent Maiestie.

For the duetie of churche wardeines.

Whether they haue prouided a comelie and honest pulpet to be set in a comeli place of the churche.

2. Whether al aulters, images, holi-water stones, pictures, paintings, as of Thassumption of the blessed virgin, of the descending of Christ into the virgin in the fourme of a litle boy at Thanunciacion of the Aungell and al other superticious and dangerous monuments especiallie paintings & Imagies in walle, boke, cope, Banner or els where, of the blessed trinitie or of the father (of whom ther can be no Image made) be defaced and remoued out of the churche and other places and are destroyed & the places where such impietie was: so made vp, as if there had been no suche thing there.

3. Whether that any Imagies, beades, bokes of saruice, or vestiments not alowed by lawe be reserued of any man or in any place, by whome and where they be reserued.

4. Whether they knowe any man that refuseth to contribute to the Almes of the poore as a thing not rightlie appointed and discorageth other from suche charitable Almes.

5. Whether the Churchwardeynes haue prouided a strong chest, for the poore mens boxe and haue fastened it in a fytte place.

6. Whether the churche money comyng of moueable stockes money geuen to fynde torches, tapers, lamp light not payde out of any lands, be imployed to the poore mens boxe or no?

7. Whether the Churchewardeynes of euerie parishe doo dulie levye and gather of the goods and lands of euerie suche parsone that cometh not to his owne parishe churche vpon the sondaies and hollydaies and there heare the deuin seruice and Gods worde redde and preached xii. d. for euery such offence, and whether thei haue distributed the same money to the poore.

8. Whether there be a register had and kept faithfully of Christenings and Burials.

¶ For Scholemaisters and theyr office.

1. Whether any Scholemaister take vpon him to teache not alowed by the ordinary.

2. Whether thei moue and teache theyr children duelie to reuerence & loue the trewe religion that is nowe set fourth.

3. Whether they teache their children suche sentences out of the scripture as may frame them to Godlynes.

4. Whether they teache any other grammer then suche as is appoincted by the Quenes Maiesties Iniunctions annexed to the same.

¶ For Clarkes and theyr dutie.

Whether that the songe in the Churche be modest and distincte so deuised and vsed that the ditte may plainly be vnderstand.

2. Whether they vse to sing any nomber of psalmes, dirige lyke, at the buryall of the deade or do any other thing otherwise then it is appointed by the comon order of the seruice boke.

3. Whether they vse to ring oft or longe peales at the buryall of the dead or vse muche iangling in festiuall daies in ringing none or curphew.

For the people and theyr duetie.

Whether there be any man that mocketh or iesteth at the deuine seruice, or at the ministers therof or speaketh any thing bi iest or earnest to the dispising, derogacion or letting therof.

2. Whether any man hath burned or caused the holy Byble to be burned, torne or defaced or hath conueyed it out of the Churche that it should not be redde of the people.

3. Whether any parishoner denieth to receyue the sacraments and other rites esclesiasticall according to the boke aucthorized by comon authority.

4. Whether any man is knowen to haue saide, or heard masse sithens it was abrogate by lawe, whether any man maketh any singing cakes to say masse with all, reserueth vestiments, superaltaries, mass bookes or other instruments of this supersticion.

5. Whether any doo deferre theyr children to be baptized beyond the next sundaie or holidaie after their birth and vpon what causes they do so.

6. Whether any be so hasti to baptize their children that hauing no nede they will not tary till the next holiday that the child may be partaker of the prayers of the whole churche, then present.

7. Whether any haue maried with in the degrees of consanguinitie prohibited by the lawes of God, ether whether any maried without those degrees, haue vnlawfully forsaken theyr wyfes or husbands or maryed others.

8. Whether any man kepeth in his house any abused Images namely such as be remoued out of the churche, or S. John's head. S. Catheryn. S. Nicolas or suche lyke.

9. Whether any body vseth beades laten prymers or any other prayer bookes then that be alowed by publike authority to be vsed.

10. Whether there be any that mainteyneth any heresie or false opinion contrary to Goddes word.

11. Whether there be any that exerciseth sorcery, sooth saying, whytchcraft or suche lyke curyous artes.

12. Whether there be any incontinent parsones, druncardes, swearers, blasphemers of the name of God, raylers at religion or fautie in any other enormouse crime or vehementlie suspected of the sam.

13. Whether there be any that neglecteth to resorte comonly to his parishe churche and there abydeth orderlie and soberlie during the tyme of seruices.

14. Whether there be any that vseth byeng, selling, dressinge, carying to and fro of cloth, followyth his occupacion, geueth himselfe or causeth his to laboure bodelie or to attend their occupacion on the saboth daie, hindring both them selfes and theyrs, therby to learne gostly things.

15. Whether ther be any that walketh or talketh in the Church at seruice tyme or goeth out without vrgent nede.

16. Whether ther be any bodye otherwise occupied at seruice time then to here & marke the same orels suffer theyr children to disturbe the diuine seruice.

17. Whether any parson of discretion hath not communicate thrise in the year and in especially at easter last past who they be and what be theyr names.

18. Whether any hath maried the banes not being laufully asked before except he had a dispensacion of the ordenarie.

19. Whether fathers, mothers, maisters, and dames sendeth out their children and seruauntes to be instructed in the Catechisme on sondaies and holidaies.

20. Whether vinteners or they that kepe vitayling houses doo sell meate or drynk in tyme of seruice or sermons.

PARKER, ARCHBISHOP OF CANTERBURY, 1563.

[*Parker's Articles in* 1569 *are in Wilkins*, IV., 257.]

ARTICLES to be enquired of in the VISITATION of the Moste Reuerend Father in GOD, MATTHEW, by the sufferaunce of GOD ARCHEBYSHOP OF CANTERBURY, Primate of all Englande, and Metropolitane, in the yeare of oure Lorde GOD, MDLXIII.

Imprinted at London by Reginalde Wolfe, Anno Domini MDLXIII.

ARTICLES to be enquired of, in the VISITATION of the Moste Reuerende Father in GOD, MATTHEW, ARCHEBYSHOP OF CANTERBURY, in the yeare of oure Lorde GOD, MDLXIII.

1. Inprimis, whether divine seruice be sayd or songe by your minister or ministers in your seuerall churches duelye and reuerently, as it is set forthe by the lawes of this realme, with out any kynde of variation. And whether the holy Sacramentes be likewise ministred reuerently, in suche manner as by the lawes of this Realme is appointed.

2. Item, whether you haue in youre parrysh churches all thinges necessarye and requisite for Common prayer and administration of the Sacraments, specially the booke of common praier, the Bible in the largest volume, the Homilyes, with the Paraphrases of Erasmus: a conuenient Pulpit wel placed: a comly and decent table for the Holy communion, sette in place prescribed by the Queenes Maiesties Iniunctions. The Chest or Boxe for the poore men, and al other things necessary in and to the premisses. And whether your Alters be taken downe accordyng to the commaundement in that behalf geuen.

3. Item, whether your Prestes, Curates, or ministers do vse in the time of the celebracion of diuiue seruice to weare a surplesse, prescribed by the Queenes maiesties Iniunctions, and the boke of Common praier. And whather they do celebrate the same deuine seruice in the chauncel or in the Churche; and do vse all Rites and orders prescribed in the Boke of Common Praier, &c., and none other.

4. Item, whether they do vse to minister the communion in wafer bread, according vnto the Queenes Maiesties Iniunctions, or in common bread.

5. Item, whether ymages and al other monuments of ydolatry and superstition be destroyd and abolyshed in your seueral parishes: and whether youre Churches be well adorned and conueniently kepte without waste, destruction, or abuse of any thinge. Whether the rood loft be pulled downe, according to the order prescribed, and of (*sic*) the partition betwene the Chauncell and the Churche be kepte. Whether the funt be standing and kept decently in the place used. Whether your Churcheyardes be well fensed and clenly kept. Whether any sale haue bene made of youre Churche goods, by whome and to whom, and what hath ben don with the mony thereof comming. Whether your Chauncels and Parsonages be wel and sufficiently repaired. Whether any man haue pulled downe or dyscouered anye Churche, Chauncell, Chappell, Almes house, or suche lyke, or haue plucked down the bels, or haue felled, or spoiled any woode or timber in any Churche yarde.

6. Item, whether ther be any Parsons that intrude them selfe, and presume to exercise any kinde of mynistery in the churche of God, without imposition of handes and ordinary authoritie. Whether theire church or chappell be serued with any readers. Or whether any Minister do remoue from any other diocese to serue in this, without leters testimonial of thordinary from whom he came, to testify the cause of his departinge thence, and of his behauiour. Or any beinge once priest or minister, that doth not minister, or frequent and resort to the Common praier now vsed, and at tymes appoynted communicate. And whether any suche do goe and boste himselfe lyke a laye man.

7. Item, whether your Parsons and Vicars be residente continualli vpon their benifices. Whether thei giue themselues to deuoute prayer, discrete reading of the Scripture and godlye contemplacion, and releaue the poore charitably to their hability, according to the Queenes Iniunctions. Whether they pray for the prosperous estate of the Queenes Maiesty, as is prescribed in her geace's (*sic*) Iniunctions.

8. Item, whether the communion table be decentlye couered and set in conuenient place, according to the Queenes Maiesties Iniunctions.

9. Item, whether any of your ministers doth or hath admitted any notoriouse sinner or maliciouse person out of Charitie, without iuste penance don and recounciliation had, to receaue the holy Communion: or ani that hath not receaued the same accordinge as to a Christian appeer tayneth, and by the lawes it is appointed. And whethre you do heare or knewe any that doth vse to saie or heare the priuate Masse, or doe vse any other seruice then is prescribed by thee lawes of this Realme.

10. Item, whether your minysters doe call vppon fathers, mothers, and maisters of youth, to bring them up in the feare of Almighty God, in obedienee, and in conuenient occupations. Whether they be peacemakers, and exhorte the people to obedience to their Prince, and to all other that be in authoritie to charity and mutuall love amonge themselues. Whether thei geue themselues to superstition, and be mainteiners of the unlearned people in ignoraunce.

11. Item, whether your Persons, Vicars, and Curates be common gameners, hunters, haunters of tauerns, or alehouses; Suspected of any notable crime: Fauters of forein poures, letters of good religion, preachers of corrupt doctrine: stubborne or disobedient to lawes and orders: Whether they be geuen to filthy lucer: Whether they be lyght either in example of life, or in vnwont and vnsemely apparell.

12. Item, whether anye of your benefices be vacant, how longe they haue been vacant: who is patrone. Whether there be anye laye or temporall men (not being within orders), or children, or any other (within age), that hath or enioieth ani benifice or spirituall promotion: ani patron that suffereth anye benefice to be vacante, and taketh the tythes and other fructes to himselfe.

13. Item, whether your ministers kepe their registers well, & do present the copi of them once eueri yeare, by Indenture, to the Ordinary or his officers. And teache the Articles of the fayth, and the Tenne commaundementes, and the Lordes prayer, as is prescribed them in the Catechisme.

14. Item, whether your Parsons and Vycars have any other or mo benefyces, where & in what countrie thei be: whether they came by them by Symony, or other vnlawfull meanes. Whether they doe let theyr benefyce to farme, or els kepe them in theyr owne handes. Whether thei kepe hospitality or not. Whether in theire absence they leaue their cures to honest, learned, or expert curates. Whether they make their ordinary sermons, accordynge to thee Queenes maiestes Iniunctions. Whether they admitte any to preach vnlicenced, or put by any that hath licence. Whether thei reade the Queenes maiesties Iniunctions as they ought to do, and saye theire Seruice sensibly and distinctly.

15. Item, whether the laye people be diligent in comming to the Churche on the holy daies, and with all humblenes, reuerentlye and deuoutly do geue themselues to the hearing of Commune prayer in the tim thereof, and otherwise occupie themselues in priuat praiers, reading of Scriptures, or other vertuouse exercise. Yf any be negligent or wilful. Whether the forfaiture be leuid on their goodes to the vse of the poore, according to the lawes of this Realme in that behalfe prouided. And what mony hath ben gathered by the churchwardens of the forfets.

16. Item, whether there be in your quarters any that openly or priuily vse or frequent any kinde of diuine seruice or common praier, other then is set forth by the lawes of this Realme: and disturbers of common prayers, or letters of the worde of God to be reade, preached or heard: Any that by couert or crafty meanes depraue or contemne the same, or that speake to the derogation of the

Queenes Maiesties aucthority and power, or of the lawes set out by publike aucthority.

17. Item, whether there be amonge you any blasphemers of the name of Almighty God, adulterers, fornicators, baudes, or receauers of suche persons. Any suspected of incest or any other notoriouse faulte, sin or crime. Any dronkardes, ribaldes, common slanderers of their neighbours, raylers or scolders, sowers of discorde betweene neighbours, by plaies, rimes famouse libels, or otherwise.

18. Item, whether there be in your parrishes any Inkeepers or Alewiues, that admit any resort to their houses in tyme of Commone prayer. Anye that commonlye absente them selues from theyre owne Churche or otherwise idely or lewdly prophaneth the Sabbath day. Any that keepe any secret conuenticles, preachings, lectures or readinges contrary to the lawes. Any suspected of heresy, or that maintain any erronious opinions contrary to the lawes of Almightie God and good religion, by publique authoritie in this Realme set forth.

19. Item, whether there be in these parties which minister the goodes, of those whiche be deade, without authoritie: ani executors that haue not fulfilled their testators will, specially in paying of legacies given to good and godly vses, as to the reliefe of pouerte, to poore schollars, orphanes, highe waies, mariage of poore maydens, and suche lik. Whether your Hospitals and Almes houses be iustly vsed, accordinge to the foundation and auncient ordinaunces of the same. Whether ther be any other placed in them then poore, impotent and needy persons, that hath not other wyse where with or whereby to liue.

20. Item, whether there be any which of late hath bequeathed in their testamentes, or other waies threbe (*sic*) appointed by ordinaries, any sumes of mony, Jewelles, Plate, Ornaments, or annuities for the erection of any obites, diriges, trentals or any suche like vse now be the lawes of this Realm not permitted: and if there be, that you present the names of such executors, the quantiti and quallitie of the guifte, that ordre may be taken therein accordingly.

21. Item, whether there be ani moni or stoke appertaining to anie parishe churche, in any mannes handes, that refuse or diferreth to paye the same: or that vseth fraude, deceite or delay to make any accompte in the presence of the honestye in the parish, for the same. Whether youre churche wardens and others afore tyme, haue giuen the yeareli accompte, according vnto the custome as it hath been aforetime vsed. Whether the store of the poore mens boxe be openli and indifferently gyuen where neede is, without parcial affection. Whether any stocke of cattel or graine appertaining to your churches, be decayed: by whose negligence, and in whose handes.

22. Item, whether your schoolmaisters be of a sincere religion, and be diligent in teachinge and bringing up of youth: Whether they teache any other Grammar, then such as is appointed by the Queenes Maiesties Iniunctions annexed to the same, or not.

23. Item, whether there be any amonge you that vse sorcery or enchauntment, magike, incantacions or nigromanci, or that be suspected of the same.

24. Item, whether there bee any in these partes that haue maried within degrees of affinity or consanguinitie, by the lawes of God forbidden: so set oute in a table for an Admonition. Any man that hath twoo wiues, or any woman that hath two husbandes. Ani that being deuorced or separated asyde, hath maried againe. Any maried that haue made precontactes (*sic*). Any that haue made priuie or secrete contractes. Any that haue maried with out banes thrise solemnelye axed. Any couples maried that liue not together, but slanderously liue a part. Any that haue maried out of the parish church, where they ought to haue the same solemnised.

25. Generally, whether there be any euel liuers or offenders of the lawes of Almighty God: Ani suspected of ani notorious sinne, fault or crime, to the offence of Christian people committed: Any common brauler barrator or scowlder, or any other that giueth occasion of the breache of Christian loue and charity amongest you: Any that stubburnly refuse to conforme them selfe to vniti and good Religion: Any that bruteth abroad rumors of the alteration of the same, or otherwise that disturbeth good orders, and the quietnesse of Christes Churche and Christin congregation.

Imprinted at London by Reginalde Wolfe,
Anno Domini MDLXIII.

INJUNCTIONS OF PARKHURST, BISHOP OF NORWICH, 1569.

Iniunctions with certaine Articles to be enquired of in the Uisitation of the Reuerend Father in Christ, John, by Gods prouidence, Byshop of Norwich, as well to the Clargie, as to the Churchwardens and questmen of euery seuerall parish within the dioces of Norwich, & to be put in execution, by al the Archdeacons Commissaries & other officers exercisinge ecclesiasticall iurisdiction, vnder the sayd Bishop in their Synodes, Uisitation, and Courtes.

¶ *In the yeare of our Lord God.* 1569.

Imprinted at London by John Walley. Aprilis 15.

Iniunctions with certayne Articles to be enquired of, in the Visitation of the Reuerend father in Christ, Iohn, by gods prouidence, Bishop of Norvvich, &c.

¶ *For the Clargie.*

Inprimis, you must endeuour so to order & frame your selues in the setting foorth of Gods true Religion, due administration of the Sacraments, and the reuerent and distincte saying or singing of the Commonprayer set forth to be vsed through the whole Realme, as by sondry Iniunctions set foorth for that purpose. And that you take great heede, that your lyues and conuersations be such euery way, as no person haue cause to be offended thereby, so much as in you lieth.

2. Item, ye shall not take vppon you to preach, or Expounde the Scriptures by way of exhortation or otherwise, in your owne Church or else where, vnlesse you bee admitted thereto by the moste Reuerend Father, the Archbyshop of *Canterbury*, or the Bishop of the Dioces.

3. Item, you shall not marie or suffer to be maried within any of your cures, any personne or persons, that come lately out of any other Dioces, vnlesse suche persons bring with them sufficient testimoniall vnder the Seale of the Ordinarie of the Dioces from whence he or they shal come, testifying such person or persons to be free and vnmaryed, and at their liberty to mary accordingly.

4. Item, at such tymes as ye shall vse the perambulation in the *Rogation* dayes for the boundes of your parish, you shall not vse any surples vppon you, or stay at any crosse, or suffer any banners, to be caried, or other superstition to be vsed, but onely geue GOD thanks, and vse such good order of prayers and Homelies, as be appointed by the Queenes maiesties authoritie in that behalfe.

5. Item, none of you shall ferme one cure or more within this Dioces, without speciall lycence in wryting vnder the Bishops Seale.

6. Finally, ye shall diligently obserue and put in vre, all such Orders & Iniunctions as haue ben appointed you before tyme, as well by the Iniunctions of the queenes maiestie, as by the Archbishop of *Canterburyes* grace, and the Bishop of the Dyoces.

¶ *For the Churchwardens, Questmen, and others.*

1. Item, that no Parson Vicar, propriatorie, or fermer of any benefice, doe admit any Minister or Curate to serue his said benefice, vnlesse such person shall first show his letters of Orders, where he was made Mynister, and haue also sufficient testimoniall vnder the Seale of the Ordinarye, from whence he commeth, with lycence from the Bishop to serue accordingly.

2. Item, that in great Churches where all the people cannot conueniently heare their minister, the Churchwardens & other, to whome that charge belongeth, shal prouide and appoint, a decent and a conuenient seate in the body of the church, where the sayd minister may sit or stand, and say the diuine seruice, that all the congregation may heare and be edified therewith. And that in smaller churches, ther be some conuenient seate without the chauncell dore for that purpose.

3. Item, that vppon all sainctes daye and other like times, ther be no ringing of belles after Euening prayer, or any other superstitious ceremony vsed, to the maintenaunce of poperie, or praying for the dead, & that if any such shal be hence forth vsed, the same with the names of suche as shall offende therein, to bee presented to the Ordinary.

4. Item, that no person or persons calling themselues lordes of misrule in the Christmas tyme, or other vnreuerent persons at any other tyme, presume to come into the church vnreuerently playing their lewd partes, with scoffing, iesting, or rebaldry talke, & if any such haue alredy offended herein, to present them and their names to the Ordinary.

5. Item, for auoydinge of vnlawfull mariages, you shall prouide in euery of your Churches, a certayne table for the

degrees of Mariage last set forth by the foresayde most Reuerend Father in God *Mathew*, Archbishop of *Canterbury*, to be sette vp in some conuenient place of the sayd Church.

6. Finally, you shall carefully and diligently prouide, that all such good Orders & Iniunctions, as haue ben prescribed & appointed beefore time, shal be duly by you put in execution, so far forthe, as they concerne any of you.

¶ *Articles to be inquired of.*

1. Inprimis, whether your Diuine seruice be sayde or song in due tyme and reuerently, and the Sacraments duely and reuerently mynistred in such decent apparel, as is appoynted by the laws, the Quenes maiesties Iniunctions, and other orders set forthe by publike aucthoritie in that behalfe.

2. Item, whether the Queenes maiesties Iniunctions, be quarterly read in your Churches, & a declaration read twyse euery yeare, which was set forth by bothe the Archbishops and the reste of the Byshops, concerning certayne principall pointes of Religion, for the vnitie of doctrine.

3. Item, whether you haue in your Churche a *Bible*, of the largest volume, the *Paraphrasis*, of *Erasmus* in English, with the *Homelies*, & all other boks requisite, for the Administration of Diuine seruice. And whether the *Homelies* be duely and distinctly read.

4. Item, whether you haue in your Church a decent Pulpit and Communion table furnished and placed as becommeth, with a comly communion cup, with a couer, and a chest or poore mans boxe, and the collection and distribution, for the poore, made according to a statute in that behalfe prouided.

5. Item, whether any person or persons haue pulled downe, any Church, Chappell, or Chauncell, almes house, or belles, or any part thereof, or haue felled or spoyled any wood or tymber in any Church yarde, or haue solde any church goodes: to whome, what it was, and for what price.

6. Item, whether your Church, Chauncel, and your Parsonage and Vicaredge house, be well & sufficiently repaired and maintained, & whether that your Church yard be well kept and fenced.

7. Item, whether your Rodeloftes, Images, Tabernacles, and all other monuments of Idolatrie be pulled downe and defaced, and youre Church and Chauncell decently reformed. And whether you know of any Popish and superstitious bookes, Images, vestments, or such lyke, remaining within your parish and in whose hands they bee.

8. Item, whether your Preachers & Ministers doe ernestly and diligently teache theyr Auditory and parishiners, to lyue in faythfull and humble obedience to almighty GOD, the Queenes maiestie, and all and singuler hir officers, as well spiritual as temporal, exhorting them from all kind of Idolatrie, superstition, and other vices.

9. Item, whether your Minister be geuen to filthy lucre, whordome, dronkennesse, or other like notorious vices, or doe haunt or frequent any suspitious house or company, or any vaine pastimes as hawking, hunting, dising, carding, and suche like vanities, and geue not him selfe to prayer, fasting, almes dedes, with such like. And whether he pray diligently for the prosperous estate of the Queenes maiestie, as to duety belongeth.

10. Item, whether your Mynister doe endeuour him selfe diligently to teach & instruct the youth of the parish, the *Catechisme*, and do otherwise see them brought vp in the feare of God, and in due obedience and reuerence, to their parentes, maysters and elders.

11. Item, whether your curate or Minister haue admitted any to Preache within your parishe church not being lawfully lycenced thereunto, or haue refused any suche as are licensed, and whether you haue your quarter sermons.

12. Item, whether you know of any sectaries, that vse to make any priuate conuenticles in priuate mens houses, in contempt of the lawes and good orders set forthe by authoritie, and doe preache, teach, or minister the Sacraments there, and by that meanes attempt to withdrawe the people from due obedience, and to raise and maintaine scismes & sectes, who they are that so doe, where they do it, and what be the articles and contents of their doctrine and opinions.

13. Item, whether there be any Minister, Priest, or other persone or persons whatsoeuer within your parish, that doeth willingly, stubburnely, or negligently, absent him selfe from the church and receuinge of the Sacramentes and do refuse to contribute to the poore mens box, any that walk vp and downe iangling and talking in the tyme of Common praier, or administration of the Sacraments, any that vse any other booke of prayers then is set forth by publike authoritie, or that haue not communicated thrise euery yeare at the least, nor submit him selfe to the laws and orders set forth by common authoritie, and where suche person or persons doe remaine, and who they are that doe maintaine them.

14. Item, whether your Vicar or Parson be resident and kepeth hospitalitie in and vppon hys benefice, & howe many benefices he hath, expressing their names.

15. Item, who is patrone of your benefice, whether that he witholde the glebe landes or tithes pertayning to the same, or any parte thereof, or vseth any simonicall pactes in the bestowinge of his sayd benefice, and whether he or any in hys name, hath in the tyme of the vacation of the church, taken the fruits and profits thereof, and by what authoritie.

16. Item, whether ye know any Parson or Vicar, that sel their benefice to meare lay men, absenting them selues from the same, to the defacing of their callinge, decay of hospitalitie, contempt of the lawes, neglecting of their duties, bothe towards God, and the Queenes maiestie, and euill example of the church of God.

17. Item, whether your church be vacant, & how long it hath ben so, and what is the cause therof.

18. Item, whether you know, any maintainers of foren power, letters or hinderers of Gods holy word, any slaunderers of the Preachers or of the ministery or publike prayer, or that defend or hold any opinions againste them or any of them, who they are expressing their names, and what was theyr communication.

19. Item, whether ye know any spirituall Judge or his officers, that neglect truely with sinceritie to mynister Justice, according to the lawes ecclesiasticall, indifferently to euery party.

20. Item, whether they be diligent, and vigilant to enquire of such as be noted and commonly famed & suspected of any notorious crime, as of Adultery, fornication, backbiting, dronkennesse, & such like, and whether they be carefull to correcte such offenders, and circumspect with charitie to refourme smaller faultes.

21. Item, whether they vse to permitte for summes of money the penaunce of suche as are notorious offenders, not caring for the euil example, & encoragement of others, to commit the lyke offences, & therby suffer the sinners to sleepe in theyr sinnes.

22. Item, whether you know any Parentes, maysters, maystresse, or dames, who doe not see theyr children or youth taught the *Cathechisme*, or that do not send their sayd children or youth diligently to the church to be instructed therin, & who they are.

23. Item, whether the Register booke of Christnings, mariages, and buryings, be well kept, and the names entred accordinge to the Queene hir maiesties Iniunctions.

24. Item, whether there be any Inne kepers, Tauernes, or Ale house kepers, that maintaine eating and drinkinge in them vppon any sonday or holiday in the time of preaching or common praier, or if there be any faires or common markets, falling on those days, whether they open or make any shew of their wares before Morning prayer be ended.

25. Item, whether ye knowe any Blasphemers of the name of God, abusers of his holy word or sacraments, adulterers, fornicatours, bawds, & maintayners of them, any suspect of Incest, any dronkerdes, ribaldes, or vsers of vnsemely or filthy talk, common slaunderers of their neighbours, or sowers of discorde betweene party and party.

26. Item, whether ye knowe any that minister any dead mens goods without authoritie, or any executours that haue not fulfilled the testatours wyll. And whether your Hospitalls be vsed according to the foundation thereof. And whether they receue any other then the poore.

27. Item, whether ye know any scholemaister or instructour of youth that teach, not being lawefully lycensed thereto, vnder the Bishops Seale. Or any Phisition or surgeon, that practyse their artes, being not lawfully authorised.

28. Item, whether your scholemaisters or instructors of youth, be of sounde religion, and haue taken the Othe to the Queenes maiestie, and doe bring vp his sayde youth, in the feare of GOD, with humilitie, obedience and good maners, to reuerence and geue place to their elders and betters, and doe teach them godly sentences of the Scripture.

29. Item, whether ye know any that vse any sorcerie, Inchauntments, Magika (*sic*), Necromancie, Incantations, or Witchcrafte, or that be suspected of the same.

30. Item, whether any of your parish haue maryed within the degrees of *Affinitie*, or *Consanguinitie*, contrary to the lawes, and a certayne Table for that purpose, aste set foorth by the moste Reuerend Father, *Mathew*, Archbyshop of *Canterburye*, or whether there be any that hath two wiues, or woman that hath two Husbandes, any

maryed where a precontract was to an other, any deuorsed, or otherwise seperated that maryed againe, any that haue made priuie or secret contracts, or haue maryed without asking the banes not being thereunto lawfully lycensed.

¶ Finis.

Imprinted at London by Iohn Walley. Aprilis 15.

INJUNCTIONS OF COX, BISHOP OF ELY, about 1570–1574 (*).

(*Title wanting*).

Iniunctions geuen by the Reuerende father in God Richarde by Gods prouidence Bishop of Elye, aswell to the Clergie as to the Church wardens and Inquirers of euery seueral parishe within his Dioces, to be obserued and kept of euery of them in their offices and callynges as to them shall apperteyne, for the aduauncement of Gods honour, for the increase of vertue, and for good order to be continued within his sayde dioces.

For the Clergie.

Inprimis, you must trauaile diligently and painfully to set foorth gods true religion, and to adourne the same with example of godly lyfe, being circumspect that you offende no man eyther by lyght behauiour or vncomely apparell.

Item, you shall euery seconde Sunday and euery Holy-day, openly in the Churche heare and instruct all the chyldren and seruauntes of both sexes within your parishe, or at the least so many of them at once by course, as the tyme wyll serue, and as you may well heare and instructe, for halfe an houre at the least before euenyng prayer, in the ten commaundementes, the articles of the beliefe, and the Lordes prayer, and diligently examine and teache them in the Cathechisme set foorth in the booke of common prayer.

Item, to thintent this thing may be more effectually executed, ye shall take the names of all the chyldren and seruauntes of both sexes in your parishe, that be of conuenient age and cannot say the Cathechisme, and shall call by course certeyne of them by name, euery seconde Sunday and euery Holy day to come to the Cathechisme, whereby you may easyly note and perceaue what parentes or maisters and dames be negligent in sendyng their chyldren and seruauntes to be instructed, and take occasion thereof both priuyly and openly to exhort them to sende their youth as they are appoynted.

Item, you shall not admit to the receauyng of the holy communion, any of your parishe which be openlye knowen to lyue in any notorious sinne without repentaunce, or any malicious person that is out of charitie, vnlesse the same do first charitablie and openly reconcile hym or her selfe agayne, to the satisfaction of the congregation.

Item, you shall not admit to the holy communion any of your parishe, men, or women, being aboue twentie yeres of age, that can not saye by heart the ten commaundementes, the articles of the fayth, and the Lordes prayer: nor any being aboue twelue yeres, and vnder twentie yeres of age, that can not say by heart the Cathechisme that is set foorth in the booke of common prayer. And you shall vse to examine your parishioners at conuenient times, to thintent you may know whether they can say the same whiche is aboue required.

Item, you shall reade openly in your Churche in tyme of diuine seruice, twise euery yere, vpon some of the Sundayes within one moneth next after the feastes of Easter and saint Michael the archangel, a declaration of certayne principall articles of Religion, set foorth by both the Archbishoppes and the rest of the Bishoppes of this Realme for vnitie of doctrine.

Item, you shall preache or cause to be preached in the Churches where you are Parsons or Vicars, one sermon euery quarter of the yere at the least.

Item, none of you shall serue two cures at one tyme, without speciall licence vnder your Ordinaries seale.

Item, no Curate shall serue any Cure within this Dioces, without speciall licence vnder your Ordinaries seale.

Item, that euery Parson, Vicar, and Curate shall vse in the tyme of the celebration of diuine seruice, to weare a surplesse, prescribed by the Queenes maiesties Iniunctions and the booke of Common prayer, and shall kepe and obserue all other rightes and orders prescribed in the same booke of Common prayer and Iniunctions, as well about the celebration of the sacramentes, as also in their comely and priestlyke apparell, to be worne accordyng to the precept set foorth in the booke called Aduertisementes.

For the Churchwardens and Inquirers.

Inprimis, that all Churchwardens within the dioces of Elie, shal vpon their othes duely and truely certifie in the ende of euery quarter of the yere, from tyme to tyme, all such matters as hereafter ensue, to the Chauncelour or his deputie vpon some court day, and in the Consistorie the tyme of his sitting.

Item, whether the Queenes maiesties Iniunctions be quarterly read by the Parson, Vicar, or Curate.

Item, whether one sermon at the least be quarterly preached in your parishe Churche, accordyng to the saide Iniunctions, and by whom the same sermon is preached.

Item, whether your Parson, Vicar, or Curate, do reade once vpon some Sunday within one moneth next after Easter, and once vpon some Sunday within one moneth next after Michaelmas yerely, a declaration of certayne principall articles of religion, set foorth by the Archebishops and Bishoppes of this Realme for vnitie of doctrine.

Item, whether your Parson, Vicar, or Curate do reade vpon the Sundayes and Holydayes the Homilees set foorth by publique aucthoritie, where there is no sermon, and in suche sort as they are appoynted to reade the same in the booke of the Homilees.

Item, whether your Parson, Vicar, or Curate, do teache the youth of your parishe vpon euery holyday, and euery seconde Sunday in the yere, the Cathechisme set foorth in the booke of publique prayer.

Item, to certifie and present whether all fathers, mothers, maisters and dames of your parishe, cause their chyldren and seruauntes both mankinde and womankinde, beyng of sixe yeres of age, and vnder twentie, whiche haue not lesrned the Cathechisme, to come to the Churche euery seconde Sunday, and euery holyday at the tyme appoynted, and obediently to heare and be ordered by your minister, vntill suche tyme as thei haue learned the said Cathechisme by heart, and what be the names of those that do not cause their chyldren and seruauntes so to come to the Churche to be instructed and examined.

Item, to certifie and present, whether the lay people of your parishe, especially housholders hauing no lawfull excuse to be absent, do faythfullye and diligently endeuour them selues to resort to their parishe Churche or Chappell on the holydayes, and chiefely on the Sundayes to mornyng and euening prayer, and vpon reasonable let therof, to some vsuall place where Common prayer is vsed, and then and there abide orderly and soberly during the time of Common prayer, Homilees, preachyng, and other seruice of God there vsed, and what be the names of those that negligently or wylfully absent them selues, or come very late to the Churche vpon the Sundayes and holydayes, and especially vpon the Sundayes.

Item, to certifie and present the names of such of your parishioners as walke, talke, or otherwyse vnreuerently behaue them selues in the Churche, or vse any gamyng abrode, or in any house, or sit in the streates or Churchyarde, or in any tauerne, or alehouse vpon the Sunday, or any other holyday, in the time of Common prayer, sermon, or reading of any of the Homilees.

Item, to certifie and present, whether the Churchwardens and sworne men haue leuied and gathered of euery that wylfully or negligently absenteth hym or her selfe from their parishe Church or vnreuerently behaue him or her selfe in the Churche, in the tyme of diuine seruice vpon the Sundayes, or other holydayes, the forfayture of xii. d. for euerye suche offence, accordyng to a statute made in the first yere of the Queenes Maiesties raigne that now is, and haue put the same forfaytures to the vse of the poore of that parishe, and what particuler summes of money are quarterly forfayted that way, and by whom and howe muche therof is leuied and deliuered to the collectours of the poore: and if any such forfaytures be not leuied in case of such offence, by whose fault it happeneth that the same are not leuied, and what be the names of such as offende that way, and do not pay the said forfayture.

Item, to certifie and present whether there be any Inkepers, Alewyues, Victuellers, or Tiplers within your parishe, that admit or suffer any person or persons in their houses, to eate and drynke, to play at tables, cardes, or other games, in tyme of common prayer, preachyng, or reading of the Homilees on the sundayes or holy dayes, or any Butchers or other, that vse to sell meate or other thynges vpon the sundayes or holydayes in lyke tyme of common prayer, preachyng, or readyng of the Homilees, and what be the names of the persons that so offende.

Item, to certifie and present whether you haue collectours for the poore of your parishe, whether they do their duetie in gatheryng weekely, and distributyng the almes of the

---

* Parker, who is mentioned in one of the Articles as Archbishop of Canterbury, died in 1575.

poore, accordyng to a statute made in the first yere of the Queenes maiesties raigne, and make a iust accompt therof quarterly.

Item, to certifie and present quarterly all such persons as be of habilitie, and do obstinately or frowardly refuse to geue reasonablie towardes the reliefe of the poore, or do wylfully discourage others from so charitable a deede, and what their names be.

Item, to certifie at the least quarterlye all swearers and blasphemers of Gods holy name, all drunkardes, adulterers, fornicatours, ribaudes, incestuous persons, baudes, or receauers of such incontinent persons, or of strange women with chylde, whose husbandes are vnknowen, or any persons that are vehemently suspected of such faultes, or that be not of good name and fame touchyng such crymes and faultes, and all sowers of discordes betweene neyghbour and neyghbour, within your parishe.

Item, to certifie whether any Curate presume to serue in any parishe without licence from the Ordinarie in writyng and vnder seale, or serue two Cures without speciall licence therfore: and whether any licenced to serue any Cure, do not weare at the celebration of the diuine seruice and sacramentes a comely surplesse, and obserueth all other rightes and orders prescribed in the booke of Common prayer, and the Queenes maiesties Iniunctions, and in the booke of Aduertisementes.

Item, to certifie whether the parishe haue a Bible of their owne, the booke of Common prayer, a Psalter, the two bookes of Homylees, the booke called the Paraphrases of Erasmus, or rather the common places of *Musculus*, and other bookes requisite, as Iniunction, the Declaration, and Aduertisementes.

Item, to certifie lykewyse whether the quier be comely and orderly kept, whether they haue a fayre and comely table for the holy Communion, with a fayre lynnen cloth to laye vpon the same, and some couerynge of silke, buckeram, or suche lyke, for the cleane kepyng therof.

Item, whether the east wall of the quier be hanged with a fayre cloth, and the paper of the ten commaundementes fastened in the myddest therof.

Item, whether the table touchyng the degrees of matrimonie, last set foorth by the Reuerende father in God Matthew Archbishop of Canturburie, be fastened in some conuenient place in the Churche.

Item, to certifie whether there be any within this Dioces that haue maryed within degrees of affinitie or consanguinitie, by the lawes of God forbidden, and set foorth in a table for an admonition: Any man that hath two wyues, or any woman that hath two husbandes, any that beyng diuorced or seperated asyde, hath maryed agayne, any maryed that haue made precontractes, any that haue made priuie or secrete contractes, any that haue maryed without banes thrise solemnely asked, any couples maryed that lyues not together, but slaunderouslye lyue a part, any that haue maryed out of the parishe where they ought to haue the same solemnized.

Item, to certifie whether your ministers kepe their Registers of maryages, buryalles, and christenynges well and orderly, and to present the copie of them once a yere by indenture, to the Ordinarie or his officers.

Item, to certifie whether there be any in your parishe which minister the goodes of those that be dead without auctoritie, any executours that haue not fulfylled their testators wyl, specially in paying of legacies geuen to good and godly vses, as to reliefe of the pouertie, to poore scholers, orphans, hygh wayes, maryage of poore maydens, and such lyke.

Item, whether there be any persons that intrude themselues and presume to exercise any kynde of ministerie in the Churche of God, without imposition of handes and ordinarie auctoritie: Or any beyng once priest or minister, that doth not minister, nor resort to the common prayer nowe vsed, and at tymes appoynted communicate: and whether any such do go and vse hym selfe lyke a laye man.

R. E.

The othe for the Churchwardens and others, beside their vsual othe.

Ye shall diligently and indifferently marke all persons of your parishe, which come into the Churche after the begynnyng of the seruice, or depart out of the Churche before all the seruice be fully ended, and tell them roundely of their faultes: in case any of them wyll not amende, ye shall sende worde from tyme to tyme to your Ordinarie.

Also ye shall demaunde and receaue of all persons being absent from all the Morning prayer, or all the Euening prayer vpon the holy dayes, xii. d. to the vses of the poore, yf any person refuse payment, then distrayne tyll it be payde.

Ye shall allowe no excuse, vnlesse it be thought lawfull by two of you at the least.

R. E.

God saue the Queene.

Imprinted at London in Powles Churchyarde by Ricarde Jugge, Printer to the Queenes Maiestie.

Cum priuilegio Regiæ Maiestatis.

GRINDAL, ARCHBISHOP OF YORK, 1571.

ARTICLES to be inquired of, within the Prouince of Yorke, in the Metropoliticall visitation of the most reuerent father in GOD, EDMONDE ARCHBISHOP OF YORKE, Primate and Metropolitane of Englande. In the xiii. yeare of the raigne of our most gracious soueraigne Ladie ELIZABETH, by the grace of GOD, Queene of England, Fraunce and Irelande, defender of the fayth, &c.

Imprinted at London, by William Seres, Anno 1571.

ARTICLES to be enquired of, within the prouince of Yorke, in the Metropoliticall visitation of the most reuerent father in God, EDMOND ARCHEBISHOP of YORKE, Primate and Metropolitane of England.

Whether common prayer be song or sayde, by your person, Vicar or Curate in your seuerall Churches or Chappels, distinctly and reuerently, and in such order, as it is set forth by the lawes of this Realme, without any kinde of alteration, and at due and conuenient houres. And whether your Minister so turne himselfe and stande in such place of your Church or Chauncell, as the people may best here the same. And whether the holye Sacraments be likewyse ministred reuerently in such maner, as by the lawes of this realme is appoynted. And whether upon Wednesdayes, and Fridayes, not beeing holydayes, the Letanie and other prayers, appoynted for the day, be sayde accordingly?

2. Whether you haue in your parish Churches and Chappels, all things necessary and requisite for common prayer, and administration of the Sacraments, specially the Booke of common prayer with the newe kalender, a Psalter, the Englishe Bible in the largiest volume, the two Tomes of the Homelyes, the Paraphrases of Erasmus translated into Englishe, the table of the Ten Commaundements, a conuenient Pulpit well placed, a comely and decent table, standing on a frame, for the holy Communion, with a fayre lynnen cloth to lay vpon the same, and some couering of silke, Buckram, or other such like, for the cleane keeping thereof, a fayre and comely Communion cup of silver, and a couer of siluer for the same, which may serue also for the ministration of the communion bread, a decent large surplesse with sleeues, a sure Coffer with two locks & keies for the keeping of the Register booke, and a strong chest or boxe for the almose of the poore with three locks and keyes to the same, and all other things necessary in and to the premisses?

3. Whether the forme of commination agaynst sinners, with certaine prayers following the same, set forth in the latter ende of the booke of common prayer, to be vsed at diuers tymes in the yeare, be by your Minister plainely and distinctly red in your Church or Chappel vnto the people, betweene the Letany, and the commemoration or ministration of the holy communion, three times at the least in the yeare, that is to say for order sake, yearely vpon one of the three Sundayes next before Easter, for the first tyme, vpon one of the two Sundayes next before the feast of Pentecost for the seconde tyme. And for the thirde tyme, vpon one of the two Sundayes next before the feast of the birth of our Lord, ouer and besides the accustomed reading thereof vpon the first day of Lent?

4. Whether in your churches and chappels, all aulters be utterly taken downe and cleane remooued, euen unto the foundation, and the place where they stoode, paued, and the wall, where vnto they ioyned, whited ouer, and made vniforme with the reast, so as no breach or rupture appeare. And whether your Roodlofts be taken downe, and altered so, that the vpper partes thereof with the soller or loft be quite taken downe vnto the crosse beame, and that the sayde beame have some conuenient creast put vpon the same?

5. Whether your Churches and Chappels with the chauncels thereof be well and sufficiently repayred, and kept without abuse of any thing. And whether your churchyardes be well fensed, and clenly kept. And if any part thereof be in decay through whose default it is so?

6. Whether all and euery Antiphonars, Masse books, Grailes, Portesses, Processionals, Manualles, Legendaryes, and all other bookes of late belonging to your Church or Chappell, which serued for the supersticious Latine seruice, be vtterly defaced, rent, and abholished, and if they be not, through whose default that is, and in whose keeping they remaine. And whether all Vestments, Albes, Tunicles, Stoles, Phanons, Pixes, Paxes, Handbelles, Sacringbelles, Senseres, Crismatories, Crosses, Candlesticks, Holy water stocks, Images, and such other reliques and monuments of superstition and Idolatrie be vtterly defaced, broken, and destroied. And if not, where and in whose custodie they remaine?

7. Whether your person, vicar, curate, or minister, doe weare any cope in your Parish church or chappell, or minister the holy Communion in any Chalice heretofore vsed at Masse, or in any prophane cuppe or glasse, or vse at the ministration thereof anye gestures, rites, or ceremoies, not appoynted by the booke of common prayer, as crossing or breathing ouer the sacramentall bread and wine, or shewing the same to the people, to be worshipped and adored, or any such lyke, or use any Oyle and Chrisme, Tapers, spattle, or any other Popish ceremonie in the ministration of the Sacrament of Baptisme?

8. Whether any holy dayes or fasting dayes heretofore abrogated, or not appoynted to be vsed, as holy daies, or fasting daies by the newe Kalender of the booke of common prayer, be eyther proclaymed, and bidden by your Person, Vicar or Curate, or be superstitiously observed by any of your parish, and what be their names, that so doe observe the same, and whether there be anye ringing or tolling of Belles to call the people togither vsed in any of those dayes, more or otherwise, then commonly is vsed vpon other dayes, that be kept as workedayes?

9. Whether, when anye man or woman is in passing out of this lyfe, the Bell be tolled, to mooue the people to pray for the sicke person, especially in all places, where the sicke person dwelleth neere vnto the church, and whether after the time of his or hir passing out of this worlde, there be any more ringing, but one short peale before the buriall, and another short peale after the buriall, without any other superfluous or supersticious ringing. And whether on all Saintes daye after Euening praier, there be any ringing at all, or any other supersticious ceremonie used, tending to the maintenaunce of Popish purgatorie, or of prayer for the deade, and who they be, that vse the same. And whether there be any ringing or knolling of belles on sundayes or holy dayes betwene morning prayer, and the Letanie, or in any time of the common prayer, reading of the Homelies, or of preaching, except one Bell in conuenient time to be rong or tolled before the Sermon, or any other ringing vsed upon Saintes eeues or festiuall dayes, sauing to common prayer, and that without excesse, and who do doth ring or knolle otherwise?

10. Whether your Person or Vicar, have preached, or cause to be duely preached in your Church, his quarterly or monethly Sermons, as by the Queenes Iniunctions he is bounde, and what be the names of such, as haue preached for him, and whether he hath admitted any man to preach, not hauing sufficient licence, or hath inhibited or letted anye from preaching, hauing sufficient licence?

11. Whether any Person or Persons, not being ordred at the least for a Deacon, or licenced by the Ordinarie, to say common prayer openly in your Church or Chappell, or anye not being at the least a Deacon, doe solemnise Matrimonie, or administer the Sacrament of Baptisme, or deliuer vnto the Communicants the Lordes Cup, at the celebracion of the holye Communion, and what he, or they be, that so doe. And whether the Person, Vicar, or Fermer of your benefice, do cause or suffer, any Curate or Minister to serue your Church, before he be examined, and admitted by the ordinarie, or his deputie in writing, and doe shewe his licence to the Churchwardens, and whether any Curate doe serue two Cures at one time, without the speciall licence of the Ordinarie, or his deputy in that behalfe, in writing first had?

12. Whether your Person, Vicar, or Curat doe euerie Sunday, when there is no Sermon, reade distinctly and playnly some parte of the Homilies, prescribed and set forth by the Queenes authoritie to be read, and euery holy day, when there is no Sermon, immediatly after the Gospell, openly, plainely, and distinctly, recyte to his Parishioners, the Lordes prayer, the Articles of the fayth, and the tenne commaundements in english, and whether anye Minister not admitted by the Ordinarie, or by other lawfull authoritie, doe expounde any scripture, or matter of doctrine, by the way of exhortation, or otherwyse, and thereby omit and leaue of the reading of the Homelies?

13. Whether your Person, Vicar, or Curat doe euery Sunday and holy day, openly in the church call for, here, and instruct all the Children, Apprentises, and seruaunts of both sexes, that be of conuenient age within your Parish, or at the least so many of them by course, as the time will serue, and as he may well heare and instruct, for halfe an houre at the least, before or at the evening prayer, in the tenne Commandmentes, the Articles of the beliefe, and the Lords Prayer, and diligentlye examine and teach them the Catechisme, set forth in the booke of common prayer. And whether for that purpose, he doth take the names of them all, and by course call certaine of them by name euery sunday and holy day, to come to the teaching of the same Catechism?

14. Whether all fathers and mothers, maysters and dames of your Parishe cause their children, seruauntes and apprentises, both mankinde and womankind, being aboue seuen yeres of age, and vnder twentie, which haue not learned the Catechisme, to come to the Church on Sundayes and holydayes, at the tymes appointed, or at the least such and so manye of them, as your minister shall appoynt, and there diligently and obediently to heare and to be ordered by the minister, vntill such tyme, as they haue learned the same Catechisme, and what be the names of those, that doe not cause their children, seruants, and apprentises, so to come to the church, to be instructed and examined, and howe many of the sayde children, sruaunts (*sic*), and apprentises be in your Parish, which being aboue seuen yeares olde, and vnder twentie yeares of age, can not saye by heart the sayde Catechisme, and what be their names and age, and with whom they dwell?

15. Whether your Person, Vicar, Curate, or other minister in your Church or Chappell hath admitted to the receyuing of the holy Communion, any open and notorious sinner, or euill liuer, by whom the congregation is offended, without due penance first done, to the satisfaction of the congregation, or any malicious person, that is out of charitie, or that hath done any open wrong to his neighbour by worde or deede, without due reconciliation first made to the partie that is wronged?

16. Whether your person, vicar, curate, or minister, hath admitted to the holy Communion any of his Parishe, being aboue twentie yeares of age, eyther mankind or womankind, that cannot say by heart the ten Commaundements, the Articles of the fayth, and the Lordes prayer in English, and what be the names of such, as cannot say the same, or being aboue fourteene yeares, and vnder twenty yeares of age that can not say the Catechisme, set forth in the sayde booke of common prayer. And whether he marry any persons, which were single before, that cannot say the Catechisme. And whether he vseth to examine his Parishioners at conuenient tymes before he administer vnto them, and namely before Easter yearely, to the intent he maye knowe, whether they can say by heart the same, which is required in this behalfe, or no?

17. Whether your Priestes and Ministers be peacemakers, and no brawlers, or sowers of discorde, and exhort their Parishioners to obedience towardes their Prince, and all other, that be in authoritie, and to charitie and mutuall loue among themselues, whether they be diligent in visiting the sick, and comforting them, and doe mooue them earnestly, especially when theymake theyr Testaments, to consider the necessitie of the poore, and to give to their boxe or chest, their charitable deuotion and almose?

18. Whether they neglect the studie of the holye Scriptures and of the worde of God, and whether such of them as be vnder the degree of a mayster of Arte have of their owne, at the least the newe Testament, both in English and Latine, and whether they doe euery day with good aduisement conferre one Chapter of the Latine and English togither at the least. And whether they haue given due accompt thereof, and to whome?

19. Whether anye of your persons, vicars, curates, or ministers be fauourers of the Romishe or forreyne power, letters of true religion, preachers of corrupt and Popishe doctrine, or mainteyners of sectaryes, or doe set forth and extoll vaine and supersticious religion, or be mainteyners of the vnlearned people in ignoraunce, and errour, encouraging or mooving them, rather to pray in an vnknowne tongue, than in Englishe, or to put their trust in a certaine number of prayers, as in saying ouer a number of beades, Ladie Psalters, or other like?

20. Whether any doe preach, declare, or speake any thing in derogation of the booke of common prayer, which is set forth by the lawes of this Realme, dispraysing the same, or anything therin contained?

21. Whether your persons, vicars, and curates, have twise in the yere upon some Sundaye within one Moneth next after Easter and Michaelmasse, read openly in the church, after the gospell be said, plainly without addition or chaunge, a declaration of certaine principall articles of religion set forth by both the Archbishops, and the reast of the Bishops of this realme for unity of doctrine?

22. Whether your person, vicare, curate, minister, or reader, doe church any vnmaried woman, which hath bene

gotten wyth childe out of lawfull mariage, and say for hir the forme of thankesgiuing of women after childbirth, except such an vnmaried woman have either before hir childbirth, done due penaunce for hir fault to the satisfaction of the congregation, or at hir comming to giue thanks, doe openly acknowledge hir fault before the congregation, at the appoyntment of the Minister, by the Ordinarie or his Deputie, the same churching to be had alwayes on some Sunday or holye day, and vpon none other day?

23. Whether any of your Persons, Vicars, Curates, or Ministers, or any other Priest, or any layman or woman, doe wilfully maintayne, or defende any heresies, false opinions, or popish errours, contrarie to the lawes of almightie God, and true doctrine, by publique authoritie in this realme nowe set forth, and what be their names. And whether any keepe any secret conuenticles, preachings, lectures, or redings contrarie to the law. And what be their names?

24. Whether there be any in your Parish, that openly or priuatly say Masse, or heare Masse, or any other kinde of seruice, or prayer, than is set fourth by the lawes of this Realme?

25. Whether any popish Priestes, or runnagat persons, mislikers, or deprauers of true religion, that doe not minister, or frequent common prayer now vsed, nor communicate at tymes appoynted by the law, doe resort secretly or openly into your Parish, and to whome and of whome be they receyued, harbored, and releeued, and what be their names and surnames, or by what names are they called?

26. Whether your Persons, and Vicars, be resident and dwell continually vpon their Benefices, doing their dueties in preaching, reading, and ministring the Sacramentes, and whether they keepe hospitalitie, according as their lyuinges will extende, and whether their houses and Chauncells bee well repayred and vpholden?

27. Whether they or any of them haue mo Benefices than one, how many, and in what countries they be, and what be the names thereof?

28. Whether they, when they be absent from their Benefices, doe leaue their cures to a rude and vnlearned Person, and not to an honest, and well learned expert Curate, which can, and will teach the people wholsome doctrine, and whether in their absence they doe procure learned men to Preach in their Churches, and Cures, at least one Sermon euery quarter of a yere?

29. Whether such Persons and Vicars as be not resident, neither keepe hospitalitie, doe releeue their poore Parishioners, and what giue they yerely to them, and if they be not resident, and may dispende yerely twentie poundes or aboue, eyther in this diocesse, or elsewhere, whether doe they distribute euerie yeare among their poore parishioners, at the least the fortieth part of the fruites of their benefices, where they be not resident?

30. Whether your Persons, Vicars, Curates, and Ministers, keepe well their Registers of all Weddinges, Buryinges, and Christnings within your Parishe, and doe present a coppie of them once euery yere, by Indenture to the ordinarie, or his officers. And whether they rede the Queenes Maiesties Iniunctions euery quarter of a yere once, or no?

31. Whether they, or any of them, keepe any suspected women in their houses, or be incontinent persons, giuen to Dronkennesse, Idlenesse, or be haunters of Tauernes, Alehouses, or suspected places, or be hunters, haukers, dicers, carders, Tablers, Swerers, or otherwise suspected of any notorious crime, or giue any euill example of lyfe, and whether they (as they ought to doe) occupie themselues in the reading, or hearing of some part of the holy scripture, or other good Author, or in some other godly or laudable exercyse, meete for their vocation?

32. Whether they, or any of them, doe keepe or suffer to be kept in their Personage or Vicarege houses, any Alehouses, Tippling houses, or Tauernes, or doe sell Ale, Bere, or Wine?

33. Whether your Persons or Vicars, haue bought their Benefices, or come to them by Simonie, fraude, or deceit, or by any colourable pact, or other vnlawfull meane whatsoever, or be vehemently suspected or diffamed thereof. And whether they keepe in their owne handes, or haue dimised, and let to ferme their Personages, and Vicareges, or their Glebe lande, or Tithes, or any part thereof, and whether any such lease be made for the perfourmance of any Simoniacall pact, made directly or indirectly, betweene the Incumbent and the patrone, or betweene the Incumbent and anye other person, for the presenting of the same Incumbent to that Benefice?

34. Whether any patrone of any Benefice, or other Person or Persons, hauing Thaduousion, or gift of any Benefice within this Dioces, haue couenaunted and practised with any priest or Minister, presented by him to any benefice, to haue of him, or his friende, any somme of readie money, for presenting him to the same, or haue exacted by promyse or bonde any lease, eyther of the whole benifice, limitting the rent farre vnder the iust value, or of the Mansion house, Glebe landes, or any portion of the Tithes, and fruites of the same Benefice, paying lytle or nothing therefore, or hauing reserued their owne Tythes, within the Benifice, free vnto themselues, or else haue extorted some yerely pension, or other yerely commoditie to him, his childe, seruaunt, or friend, for preferring any to the same Benifice, or otherwise haue made againe by any colour, deceit, or Simoniacall pact, in bestowing the saide Benefice, and whether any such patrone or other Person be vehemently suspected or defamed of any such Simonie, or Simoniacall pact?

35. Whether the Church of your Parishe be now vacant, and destitute of an incumbent, or no, and if it be, howe long it hath beene vacant, and who is the Patrone, and whether he suffereth the benefice to lye vacant, and occupieth the glebe lande, and taketh the tythes, and other fruites to himselfe, during the time of the vacation, or who else occupieth and taketh the same?

36. Whether there bee any lay or temporall man, not beeing within orders, or any childe that hath, or enioyeth any benefice or spirituall promotion?

37. Whether any Priest or Minister be come into this Dioces, out of any other Dioces, to serue any cure here, without letters testimoniall of the Ordinary, from whence he came to testifie the cause of his departing from thence, and of his behauiour there?

38. Whether for the reteyning of the perambulation of the circuite of your Parishe, the person, vicar or curate, churchwardens and certaine of the substanciall men of the Parish, in the dayes of the Rogations, commonly called the gang dayes, walke the accustomed bounds of your Parish, and whether in the same perambulation, and going about, the curate doe use any other rite or ceremonie, then to say or sing in English, the two Psalmes, beginning, *Benedic anima mea domino*, that is to say, the ciij psalme, and the ciiij Psalme, and such sentences of Scripture, as be appointed by the Queene's Maiesties Iniunctions, with the Letany, and Suffrages following the same, and reading one Homilie alreadie deuised and set foorth for that purpose, without wearing any Surplesses, carying of Banners, or Handbelles, or staying at Crosses, or other such like Popish ceremonies?

39. Whether anye Parishe Clarke be appoynted agaynst the good will, or without the consent of the person, vicar, or curate, whether he be not obedient to the person, vicar, or curate, especially in the time of celebration of diuine seruice, or of the Sacraments, or in any preparation thereunto. And whether he be able, and readie to read the first Lesson, the Epistle, and the Psalmes, with aunswere to the suffrages as is vsed, and whether he keepe not the bookes, and ornaments of the Church, fayre and cleane, and cause the Church and Queere, the Communion Table, the Pulpet, and the Font to be made decent and cleane, agaynst seruice time, the communion, sermon, and baptisme?

40. Whether there be any man or woman in your Parish that resorteth to any Popish priest for shrift or auricular confession, or any that within three yeares now last past, hath beene reconciled vnto the Pope, or to the church of Rome, or any that is reputed or suspected so to be, and whether there be any, that refuse to come to the Church to heare diuine seruice, or to communicate according to the order now established by publicke authoritie, and what be their names?

41. Whether there be anye person or persons, ecclesiasticall or temporall within your Parish, or else where, within this Dioces, that of late haue retayned, or kept in theyr custodie, or that read, sell, vtter, disperse, cary, or deliuer to others any Englishe bookes, set forth of late yeares at Louain, or in any other place beyonde the seas, by Harding, Dorman, Allen, Saunders, Stapleton, Marshall, or any of them, or by any other Englishe Papist, eyther agaynst the Queene's Maiesties Supremacie in matters ecclesiasticall, or agaynst true religion, and catholicke Doctrine now receyued, and established by common authoritie within thys Realme, and what their names and surnames are?

42. Whether there be any in your parishe, that vseth to pray in English or in Latine, vpon Beades, or other such like thing, or vpon any superstitious Popishe Primer, or other like booke, and what be their names?

43. Whether the people of your parish, especially housholders, hauing no lawfull excuse to be absent, doe faythfullye and diligently endeuour themselues, to resort with their Children, and Seruauntes, to their parish Church or Chappell, on the holye dayes, and chiefly upon the Sundayes, to Morning and Euening prayer and vpon reasonable let thereof, to some vsuall place, where common prayer is vsed, and then and there abyde orderly and

soberly, during the time of common prayer, Homelyes, Sermons, and other seruice of God there vsed, reuerentlye, and deuoutly giving themselues to the hearing thereof, and occupying themselues at times conuenient in priuate prayer, and who they be that eyther negligently or wilfully absent themselues, or come very late to the Church, vpon the Sundayes especially, or that walke, talke, or otherwise vnreuerently behaue themselues in the Church, or vse any gaming abrode, or in any house, or sit in the Stretes, or Churchyarde, or in any Tauerne or Alehouse vpon the Sundaye, or other holy day, in the time of common prayer, Sermons, or reading of the Homelies, eyther before noone, or after noone?

44. Whether the forfeyture of twelue pence, for euerye such offence, appoynted by a statute, made in the first yere of the Queenes Maiesties raigne, be leuied and taken according to the same Statute, by the Churchwardens of euerye person that so offendeth, and by them be put to the vse of the poore of the parish, and if it be not, by whose default it is not leuied. And what perticuler sommes of money haue beene forfaited that way, and by whome since the feast of Easter in the yere of our Lorde 1570, vntill the day of giuing up the presentment concerning these Articles. And so from time to time, as the said Churchwardens and swornemen shall be appoynted to present in this behalfe; and how much of such forfeitures haue bene deliuered to the vse of the poore of the parish, and to whome the same hath beene deliuered?

45. Whether ye knowe any, that in the time of the reding of the Letanie, or of any other part of the common prayer, or in the time of the Sermon, or of reding the Homelies, or anye part of the Scriptures to the parishioners, any person haue departed out of the Church without iust and necessarie cause, or that disturbeth the Minister, or preacher any maner of wayes in the time of diuine seruice, or Sermon. And whether any in contempt of their parish Church or Minister, doe resort to any other church or no?

46. Whether there be any Inkeepers, Alewiues, Vitailers, or Tipplers, that suffer or doe admit any person or persons, in their houses to eate, drinke, or play at Cardes, Tables, or such lyke games, in the time of common prayer or Sermon, on the Sundaies or holy daies. And whether there be anye Shoppes set open on Sundayes or Holy dayes, or any Butchers or others, that commonly vse to sell meate, or other things, in the time of common prayer, preaching or reding of the Homelies. And whether in any Faires or common Marketes, falling upon the Sunday, there be any shewing of any wares before the diuine seruice be done? And whether any Markets or selling of any wares be vsed or suffred in any Churchyardes?

47. Whether for the putting of the Churchwardens and Swornemen the better in remembraunce of their duetie in obseruing and noting such, as offend in not comming to diuine seruice, your Minister or reader doe openly euery Sunday, after he haue red the seconde Lesson at morning and euening prayer, monish and warne the Churchwardens and swornemen to look to their charge in this behalfe, and to obserue who contrarie to the sayde Statute offende in absenting themselues negligently, or wilfully from their parish Church or Chappell, or vnreuerently (as is aforesaide) vse themselues in the time of diuine seruice?

48. Whether the Churchwardens of the last yeare haue giuen to the parish a iust accompt of the church goodes and rentes that were committed to their charge, according vnto the custome that hath beene afore time vsed, and what church goodes they or any other haue sold, and to whome, and whether to the profite of your church or no? And what hath beene done with the money thereof comming?

49. Whether the churchwardens, and swornemen of the last yere, haue of any priuat corrupt affection concealed any crime, or other disorder in their time done in your parishe, and haue not presented the same to the bishop, chauncelor, archedeacon, commissarie, or such other as had authoritie to reforme the same, and whether they or any of them, at any such time, as they shoulde haue beene at diuine seruice on Sundaies, or Holy dayes, and shoulde there haue obserued others, that were absent, haue beene away themselues at home, or in some Tauerne, or Alehouse, or else about some worldly businesse, or at Bowles, Cardes, Tables, or othergaming, without regarde of their office and duetie in that behalfe?

50. Whether any man hath pulled downe or discouered any church, chauncell, or chappell, or any part of anye of them, any church porche, Vestrie, or Steeple, almose house, or such like, or haue plucked downe the Belles, or have felled or spoyld anye wood or timber in any churchyarde?

51. Whether your Hospitals, Spittles and almose houses be well and godly vsed according to the foundation and auncient ordinances of the same, whether there be any other placed in them than poore, impotent, and needie persons, that haue not wherewith, or whereby to liue?

52. Whether haue ye Collectors for the poore of your Parish, whether doe they their duetie in gathering and distributing the almose of the parishoners, according to a statute thereof made in the fift yeare of the Queenes Maiesties raigne, and make a iust accompt thereof quarterly, what sommes of money the Churchwardens or swornemen of the last yeare haue leuied, and delyuered to the sayde Collectors of the forfeytures of such persons, as haue not duely resorted to their Parishe Church or Chappell, vpon Sundayes and Holydayes, during the time that they were in office, bringing a true certificate in wryting therof from the sayde Collectors, at such time as ye giue vp your presentment?

53. Whether there be any person or persons in your Parishe of habilitie, that obstinatly or frowardly refuse to giue reasonably towards the helpe and releife of the poore, or doe wylfully discourage others from so charitable a deede, and what be their names, and what sommes doth anye of them withdrawe, which he or shee before was wont to giue, there being noe iust cause so to doe?

54. Whether there be any in your Parishe, that minister the goodes of those that be dead, without lawfull authoritie, or anye that suppresse the last will of the dead, or any executors, that haue not fulfilled their testators will, specially in paying of Legacies giuen to the Church, or to other good and godly vses, as to the reliefe of pouertie, to Orphanes, poore Scollers, poore Maydes mariages, high waies, Scooles, and such lyke?

55. Whether there be any, which of late haue bequeathed in their testaments or otherwise anye Ordinarie hath appoynted any Jewels, Plate, Ornamentes, cattle, o rgraine, or other mooueable stocks, Annuities, or sommes of money, for the erection or finding of any obittes, diriges, trentales, torches, lights, Tapers, Lampes, or any such like vse now by lawe forbidden, which are not payde out of any landes, and wherevnto the Queenes Maiestie is not entitled, by any Acte of Parliament, and if there be any such Legacie or appointment, what is the names of such testators, and of the executors of their Testamentes, what is the quantitie and qualitie of the gift, and to what godlye and lawfull vse is the same conuerted and employed?

56. Whether there be any money or stocke appertayning to your Parishe Church or Chappell, or to the poore of your Parishe, in any mans handes, that refuseth or deferreth to pay the same, or that vseth frawde, deceit or delay to make any accompt in the presence of the honest of the Parishe for the same. And whether any such stock be decayed, by whose negligence, and in whose hands. And whether the store of the poore mens Box be openly and indifferently giuen where neede is, without partiall affection.

57. Whether the Schoolemasters which teach within your Parish, eyther openly or priuately in any Noble or Gentleman's house, or in any other place there, be of good and sincere religion, and conversation, and be diligent in teaching and bringing vp of youth, whether they be examined, allowed, and licenced by the Ordinarie or his officer in that behalfe, whether they teach the Grammer set forth by King Henry the eyght of Noble memory, and none other, whether they teach anything contrarie to the order of religion now established by publick authoritie, and whether they teache not their Schollers the Catechisme in Latine, lately set forth, and such Sentences of Scripture, as shall be most expedient, and meete to move them to the loue and due reuerence of Gods true religion, nowe truely set forth by the Queenes Maiesties authoritie, and to induce them to all godlinesse and honest conuersation, and what be the names and surnames of all such Schoolemasters and teachers of youth within your Parish, as well of such as teach publikely, as those that teach in the houses of Noble men, Gentlemen, or other priuate men?

58. Whether there be anye among you that vse Sorcerie, Witchcraft, or inchauntment, Magick, incantations or Nigromancie, or that be suspected of the same, and whether anye vse any charmes or vnlawfull prayers, or inuocations in Latine, or otherwise, and namely Midwiues in the tyme of womens trauaile of childe, and what be their names?

59. Whether there be among you anye blaspheymers of the name of God, great or often swearers, adulterers, fornicators, incestuous persons, Bawdes, or receyuers of noughtie and incontinent persons, or harborers of women with childe which be vnmaried, conueying or suffering them to go away before they doe any penaunce, or make satisfaction to the congregation, or any that be vehemently suspected of such faultes, or that be not of good name or fame touching such crimes and faults, any dronkards, or ribalds, or any that be malicious, contentious, or uncharita-

ble persons, common slaunderers of their neighbors, raylers, scolders, or sowers of discorde betweene neighbors?

60. Whether there be any in these partes, that haue maried within the degrees of affinitie or consanguinitie, by the lawes of God forbidden, so set out for an admonition, in a table nowe appointed to be affixed in euerie Parishe church within this Dioces, or any that being diuorsed or seperated for the same, doe yet notwithstanding cohabite and keepe companie still togither, or any that being maried without those degrees, haue vnlawfully forsaken their wiues or husbands, and maried others. Any man that hath two wiues, or any woman that hath two husbandes, any that being diuorced or seperated a sunder, haue maried againe. Anye maried, that haue made precontracts. Anye that haue made priuie or secret contracts. Anye that haue maried without baines thrise solemnly asked. Any cupples maried, that lyue not togither, but slaunderously liue apart. Any that haue maried out of the Parishe church, where they ought to haue solemnised their mariage?

61. Whether the Minister and Churchwardens haue suffered any Lordes of Misrule or Sommer Lordes or Ladies, or any disguised persons, or others in Christmasse, or at May games, or any Morice dauncers, or others at rishe bearings, or at anye other times, to come vnreuerently into the church, or churchyard, and there to daunce, or play any vnseemely partes with scoffes, iestes, wanton gestures, or ribalde talke, namely in the time of common praier. And what they be that commit such disorder, or accompanie or maintaine them?

62. Whether the Archedeacon, Chauncellor, Commissarie, officiall or anie other vsing Ecclesiasticall iurisdiction in this Dioces, their Registrares or Actuaries, Apparitors or Summoners, haue at any time winked at and suffered anye adulteries, fornications, incestes, or other faultes and offences, to passe and remain vnpunished, and vncorrected, for money, rewardes, bribes, pleasure, friendship, or any other parciall or affectionate respect, or anie of them haue beene burdensom to anie in this Dioces, by exacting or taking excessiue fees, excessiue procurations, anie rewardes, or commodities, by the way of promotion, gift, contribution, helpe, redemption of penaunce, omission of quarter Sermons, obtaining of any benefices, or office, or any other like wayes or meanes?

63. How many Adulteries, Incestes, and Fornications, are notoriously knowne to haue beene committed in your parishe, since Easter, 1570. How many offenders in any such faultes have beene put to open penaunce, and openly corrected, and how many haue beene winked at, and borne withall, or haue fined and payed money to the Archedeacon, Chauncelor, Commissarie, Officiall, or their deputies, or to the Deanes, Registrares, or Somners, or any of them, for to escape open punishment, and correction: And what their names and surnames be?

64. Whether the Deanes rurals, and Somners, or anye of them doe pay any annuall rent, fee, or pention for their offices, and what they pay, and to whome?

65. Generally whether therebe among you, any notorious euill liuers, or any suspected of any notorious sinne, fault or crime, to the offence of Christian people committed, any that stubbornely refuse to conforme themselues to vnitie and godly religion, now established by publike authoritie, or any that bruteth abrode rumors of the alteration of the same, or otherwise that disturbeth good orders, and the quietnesse of Christs Church, and the Christian congregation.

The tenor of the othe, ministred to the Churchwardens and sworne men.

Ye shall sweare by Almightie God, that ye shall diligently consider all and euery the Articles gyuen to you in charge and make a true aunswere vnto the same in writing presenting all & euery such person and persons, dwelling within your parish, as haue committed any offence or fault, or made any default, mentioned in any of the same articles, or which are vehemently suspected or diffamed of anye such offence, fault or default, wherein ye shall not present any person or persons, of any euill will, malice or hatred, contrarie to the truth, nor shall for loue, fauour, mede, dreade or anye corrupt affection, spare to present any, that be offendours, suspected or diffamed in any of these cases, but shal doe vprightly, as men hauing the feare of God before your eyes and desirous to maintaine vertue, and suppresse vice. So God helpe you.

INJUNCTIONS OF GRINDAL, ARCHBISHOP OF YORK, 1571.

[*Extracts from these Injunctions are printed in Wilkins, IV.* 269.]

INIUNCTIONS given by the most reuerende father in Christ, Edmonde, by the prouidence of God, Archbishop of Yorke, primate of England and Metropolitane, in his Metropolicall visitation of the Prouince of Yorke, as well to the Clergie as to the Laytie of the same Prouince. Anno do. 1571.

Imprinted at London by William Seres.

Cum priuilegio.

INIUNCTIONS giuen by the most Reuerende Father in Christ, Edmonde by the prouidence of God, Archebishop of Yorke, &c.

For the Clergie.

INPRIMIS, you must trauel diligently and painefully to set forth Gods true religion, and adourne the same with example of godly life, being circumspect, that you offende no man eyther by light behauiour or by light apparell.

2. Item, vpon euery Sunday and Holyday, yee shall in your Churche or Chappell, at conuenient howers, reuerently and distinctly say, or sing the Common prayer, appointed by the lawes of this Realme, both in the forenoone and afternoone, standing in a pulpit, or seate appointed for that purpose, and so turnyng your face towards the people, as they may best heare the same, and vpon euery Wednesday and Friday in the forenoone (not beyng holyday) ye shall in like manner saie the Letanie, and other Praiers appointed for the daie, and likewise the euenyng Praier euery Saterday & holy Euen, and shall also at all times requisite and conuenient duely and reuerently minister the two holy Sacraments, that is to say, Baptisme and the Lordes Supper, commonly called the holy Communion, accordyng to such order, as is set forth in the booke of Common prayer, and administration of the Sacramentes.

3. Item, ye shall minister the holy Communion euery moneth ones at the least in euery of your Churches, & Chappels, where ministration of the Sacramentes is permitted: And to the intent that the people may better vnderstande theyr dueties, and come the better prepared to the holy Communion, ye shall monethly exhort your Parishioners to come to the same, and alwaies giue them warnyng therof the next Sunday before yée ministre the same, declaring vnto them, that by the lawes of this Realme, euery person of conuenient age is bound to receiue the holy Communion, at the least thrée times in the yeere, and namely at Easter for ones.

4. Item, that at all times when yée minister the holy Sacramentes, and vpon Sundaies and other holy daies, when ye say the Common prayer and other diuine seruice in your Parishe Churches and Chappelles (and likewise at all Mariages & Burials, ye shal (when ye minister) weare a cleane and decent surples with large sleeues and shall Minister the Holy communion in no challice, nor any prophane cup or glasse, but in a Communion cup of Siluer, and with a couer of Siluer, appointed also for the ministration of the Communion bread: ye shall not deliuer the Communion bread vnto the people into their mouthes, but into their handes, nor shall vse at the Ministration of the Communion any gestures, rites or Ceremonies, not appointed by the booke of Common prayer, as crossinge or breathing ouer the Sacramentall bread and Wine, nor any shewing or liftinge vp of the same to the people, to be by them worshipped and adored nor any such like, nor shall vse any Oile or Chrisme, Tapers, Spattle, or any other Popishe ceremony in the ministration of the Sacrament of Baptisme.

5. Item, ye shall euery Sunday and Holy day openly in your Church or chappell, call for, heare, and instructe the children and seruantes, both menkinde and womenkinde, that be of conuenient age within your Parishe (at the least so many of them at once by course, as the time will serue, and as you may well heare and instruct for an hower at the least) before Euening praier in the ten Commaundementes, the articles of the Beliefe, and the Lordes prayer in Englishe, and diligently examine and teache them the Catechisme set forth in the booke of Common prayer. And to thintent this thinge may be more effectually executed, ye shall take the names of all the children, young men, maydens and seruantes in your parish that be aboue six yeres of age and vnder twentie, which can not say the Cathechisme, & shall call by course certaine of them by name, euery Sunday and euery Holyday, to come to the Catechisme, whereby you may easily

note and obserue what Parentes or Maisters be negligent in sending their children, and seruantes to be instructed and take occasion thereof, both priuately and openly to exhorte them to sende their youth, as they are appointed, and shall present the refusers to the ordinarie.

6. Item, you shall not admitte to the receiuing of the holy Communion any of your Parish, which be openly knowen to liue in any notorious sinne, as Incest, Adulterie, Fornication, Drunkennes, much Swearing, Bawderie, Vsurie, or suche like, without dewe penaunce firste donne to the satisfaction of the congregation, nor any malicious person that is out of Charitie, or that hath done vpon wrong to his neighbour by woorde or déede, without dewe reconciliation firste made to the partie that is wronged or maliced.

7. Item, you shall not admitte to the holy Communion any of your Parishe, men or women being aboue fower and twentie yeeres of age, that can not say by heart, at the least the tenne Commaundementes, the articles of the Faith, and the Lordes praier in English, nor any being fouretene yeeres and aboue, and vnder fower and twentie yeeres of age that cannot say by harte the Catechisme, that is set forth in the saide booke of Common Praier.

8. Item, for that purpose ye shal before Easter and al other times of the yeare, when the holy Communion is to be by you ministred, giue warning before vnto your Parishioners to come vnto you, either in the afternoone of some Sunday or holy daie, or the daie before they purpose to receiue, or at some other times before, as necessitie shall cause you to appointe, if there be any multitude, or (if the numbre be but small) in the morning at the farthest, before they shall receiue, so that it be before the beginning of Morning prayer, so many of them, as intende to receiue, & not onely to signifie vnto you their names, to the intent ye may keepe a Register or note of all suche persons as from time to time shall communicate, but also to be by you examined, whether they can saie by heart the tenne commaundementes, the Articles of the Faith, the Lordes prayer, and the Catechisme, according as after the diuersitie of their ages is aboue required, and such of them as either can not, or will not recite the same by harte vnto you, ye shall repell and put backe from the holy Communion, vntill they shall be able & willing to learne, and can by harte recite the same vnto you: for your better assistance wherin, ye shall call vpon and require the Churchwardens and Sworne men of your Parishe to be present (one of them at the least) at euery such examination, to thintent they may helpe to put this good order in practise, and ye shall take a note of such wilfull and negligent persons, as ye shall finde faultie in this behalfe, and so presente the same, and the Churchwardens, and Sworne men also to the Ordinarie if they shall refuse so to assiste you.

9. Item, ye shall not marry any persons, or aske the Banes of Matrimonie betwene any persons which before were single, vnlesse they can saie the Catechisme by harte, and will recite the same vnto you before the asking of the Banes. And ye shall not marry any persons without the Banes be thrise on three seuerall Sundaies or Holydayes first openly asked, without any impediment or forbidding. Neither shall ye marry any persons within the degrées of affinitie or consanguinitie by the Lawes of God forbidden, so set out for an admonition in a table lately appointed to be affixed in your parishe Churche. For the better knowledge of which degrées ye shall reade vnto your Parishioners the saide Table euery yéere twise at the least.

10. Item, ye shall not admitte to aunswere as Godfathers or Godmothers at the Christening of any Childe, any person or persons, except he, shée, and they haue before receiued the holy Communion, and can saie by hearte the articles of the Christian Faith in Englishe, and will recite the same before you at the time of Ministration of Baptisme, or before the Minister, if he, shée, or they be therevnto required: And being yong folkes, except he, shée and they can say by hart the whole Catechisme, and will recite the same before you, as is aforesaide.

11. Item, ye shall not Church any vnmaried woman which hath bene gotten with Childe out of lawfull Matrimonie, except it be vpon some Sunday or Holy daie, and except shée either before her childebirth haue done dewe penaunce for hir faulte, to the satisfaction of the congregation, or at hir comming to be churched, shée doe openly acknowledge hir faulte before the congregation accordingly, and shewe hirselfe to be very penitent for the same: Leauing it frée for the Ordinary to punishe hir further at his discretion.

12. Item, ye shall euery Sunday when there is no Sermon in your Church or Chappell, distinctly and plainely reade in the pulpit, some one of the Homelies set forth by the Queenes Maiesties authoritie, or one parte thereof at the least, in such sorte as the same are deuided and appointed to be read, by the two bookes of the Homelies. And euery Holy day when there is no Sermon, ye shall immediately after the Gospell, plainly and distinctly recite to your Parishioners the Lordes praier, the Articles of the faith, and the tenne Commaundementes in Englishe, and being not admitted by the Ordinary or other lawful auctoritie, ye shall not expounde any Scripture or matter of doctrine, by the waie of exhortation or otherwise, and thereby omitte and leaue of the reading of the Homilies.

13. Item, you shall plainely & distinctly reade in your Church or Chappel vnto the people betwene the Letanie and the Communion, the forme of commination againste sinners, with certaine praiers following the same, set forth in the later ende of the booke of Common Praier, three times at the least in the yéere, that is to saie for orders sake, yeerely vpon one of the twoo Sundaies next before Easter, for the first time, vpon one of the twoo Sundaies next before the feaste of Pentecoste for the seconde time: and for the thirde time vpon one of the twoo Sundaies next before the feaste of the birthe of our Lorde, ouer and besides the accustomed reading thereof vpon the firste day of Lente.

14. Item, you shall reade openly in your Church in time of diuine service, twise euery yéere vpon some of the Sundaies within one Moneth, next after the feastes of Easter and Sainte Michaell the Archangel, plainely without addition or chaunge a declaration of certaine principall Articles of Religion sette foorth by both the Archebishoppes, and the reste of the Bishops of this Realme for the vnitie of Doctrine.

15. Item, ye shall not proclaime, bid or obserue, nor willingly suffer your Parishioners to obserue any Holy daies or fasting daies heretofore abrogated, or not appointed by the newe Kalender of the Booke of Common Praier, to be vsed or kept as Holy daies or Fasting daies, nor giue the people any knowledge thereof by any indirect meanes.

16. Item, ye shall keepe well the Registers of al Weddings, Burials and Christeninges within your Parishe, according to thorder prescribed in the Queenes Maiesties Iniunctions, and shall present a coppie of them euery yéere once, by Indenture to the Ordinarie or his Officers.

17. Item, you shall Preach or by suche as are lawfully licensed, shall cause to be Preached in the Churches where you are Persons or Vicars, one Sermon euery quarter of the yere at the least.

18. Item, no Minister or Priest shall serue twoo cures at one time, nor say common seruice in any priuate mans house, without special license under the Ordinaries seale. Nor any Curate shall serue any one cure within this Prouince, without letters testimonial of the Ordinary of the place, from whence he came, testifying the cause of his departinge from thence, and of his behauiour there, nor onles he shall first obteine and haue speciall license in writing vnder the seale of the Ordinarie of the place whereunto he commeth, for his admission to such a cure, and shall shewe the same to the Churchwardens: before he enter to serue any such cure.

19. Item, ye shall reade openly in your Churches & Chappels, in time of diuine seruice the Queenes Maiesties Iniunctions euery quarter of a yéere once: And these our Iniunctions concerning aswell the Clergie as the Laytie, euery halfe yéere once.

20. Item, for the putting of the Churchwardens and sworne men, better in remembrance of their dewtie, in obseruing and noting all such persons of your parishe, as doe offende in not coming to Diuine seruice, ye shall openly euery Sunday after ye haue read the second Lesson, at Morning and Euening praier, monishe and warne the Churchwardens and Sworne men of your Parishe, to looke to their Othes and charge in this behalf, and to obserue who contrary to the Lawe doe that day offende, either in absenting themselues negligently or wilfully from their parishe Church or Chappell, or vnreuerently vse themselues in the time of Diuine Seruice, and so note the same to the intent they may either present such offenders to the Ordinary, when they shalbe required therevnto, or leuye and take by way of distresse to the vse of the poore, suche forfeitures as are appointed by a Statute, made in the first yéere of the Queenes Maiesties Reigne in that behalfe, and if the Churchwardens and Sworne men be negligent, or shall refuse to doe their dutie that way, ye shall present to the Ordinarie both them, and all such others of your parishe as shall offende either in absenting themselfes from the Church, or by vnreuerent behauiour in the Church contrary to the same Statute.

21. Item, ye shall from time to time diligently call vpon & exhort your Parishioners to contribute and giue towardes the reliefe of the Poore, as they may well spare, and

specially when ye visite them that be sicke, and make their Testamentes, and for your owne partes also, ye shall charitably relieue the Poore to your habilitie.

22. Item, ye shall daily reade at the least one chapter of the Old Testament, and an other of the Newe, with good aduisement, and such of you as be vnder the degree of a maister of Arte shall prouide and haue of your owne, according to the Queenes Maiesties Iniunctions, at the least the New Testament both in Latine and English, conferring the one with the other, euery daie one Chapter therof at the least, so that vpon the examination of the Archedeacon, Commissary, or their Officers, in Synodes and Visitations, or at other appointed times it may appeare, how ye profite in the studie of holy Scripture.

23. Item, ye shall not keepe or suffer to be kept in your personage or Vicaridge houses, any Alehouses, Tipling houses, or Tauerns, nor shall sell Ale, Beere or Wine, nor any of you shal kéepe any suspected woman in your house, or be an incontinent liuer, giuen to Drunkennesse or Idlenesse, nor any of you beyng vnmarried, shall kéepe in your house any woman vnder the age of thréescore yéeres, excepte shée be your Daughter by former Mariage, or be your Mother, Aunte, Sister, or Niece, and such an one as ye shall keepe, shalbe of good name and fame, nor any of you shalbe a haunter of Tauernes, Alehouses, or suspected places, or a Hunter, Hawker, Dicer, Carder, Tabler, Swearer, or otherwise giue any euill example of life, but contrarywise at all times when ye shall haue leysure, ye shal heare or reade some parte of holy Scripture, or some other good Authours, or shall occupie your selues with some other honest studie or exercise, and oftentimes giue your selues to earnest praier, and shalbe diligent in visiting the sicke & comforting of them.

24. Item, you shall exhorte your Parishioners to obedience towardes their Prince, and all other that be in authoritie, and to charitie and mutuall loue amongst themselues, helping to reconcile them which shall happen to be at variance at any time, and if ye can not preache, ye shall teache children to reade, to write, & to know their dueties towards God, their Prince, Parentes, and all others : and by all meanes ye can, ye shall endeuour your selues to profite the Common Wealth, hauing alwaies in minde that ye ought to excell all other in puritie of life, and should be examples to the people to liue well and Christianly, not giuing any way iuste cause of offence

25. Item, all Proprietaries Parsons, Vicars, and Clerkes, hauing Churches or Chappels within this prouince, shall cause the Chauncels or Quéeres of their Churches or Chappels to be from time to time, accordinge to the Queenes Maiesties Iniunctions in that behalfe, sufficiently repaired and mainteined in good estate, and all Parsons, Vicars and other Clerkes, hauing Mansion houses belonging to their promocions, shall likewise repaire and keepe the same in good estate, and vpon the same Chauncels or Quéeres, and Mansion houses with buildinges therevnto belonging, being in decaye, shall yeerely bestowe according to the same Iniunctions the fift parte of that their benefice, till they be fully repayred, and being repaired shall mainteine the same in good estate and order.

¶ *For the Laytie.*

First wée doe enioyne and straitly commaunde, that from nencefoorth no parish Clerke nor any other parson, not being ordered at the least for a Deacon, shall presume to solemnize Matrimonie, or to Minister the Sacrament of Baptisme, or to deliuer to the Communicantes the Lordes Cuppe at the celebration of the holy Communion. And that no person not being a Minister, Deacon, or at the least tollerated by the Ordinarie in writing, doe attempt to supplie thoffice of the Minister in saying of Diuine seruice openly in any Church or Chappell.

2. Item, to thintent that the people may the better heare the Morninge and Eueninge Prayer, when the same by the Minister is saide, & be the more edified thereby, we doe enioyne that the Churchwardens of euery parishe, in places aswell exempt as not exempt at the charges of the Parishe, shall procure a decent low Pulpit to be erected and made in the body of the Church out of hande, wherein the minister shall stande with his face towardes the people, when he readeth Morninge and Eueninge Prayer. Prouided alwaies that where the Churches are very small, it shall suffise that the Minister stande in his accustomed stall in the Quére : So that a conuenient deske or lecterne with a rowme to turne his face towardes the people be there prouided by the saide Churchwardens at the charges of the parishe. The iudgement and order whereof and also the forme and order of the pulpit or seate aforesaide in greater Churches, wée doe referre vnto the Archdeacon of the place or to his Officeall. Prouided also that the prayers and other seruice appointed for the Ministration of the holy Communion, be saide and done at the Communion table, except the Epistle and Gospell, which shal be read in the saide pulpit or stall, and also the tenne Commandementes when there is no Communion.

3. Item, that the Churchwardens according to the custome of euery parishe shalbe chosen by the consent aswell of the Parson, Vicare, or Curate, as of the Parishioners, otherwise they shall not be Churchwardens, neyther shall they continue anye lenger, than one yeare in that office, except perhappes they shal be chosen againe : They shall not sell or alienate any Belles or other church goodes, without consent of the Ordinarie, in writing first had, nor shal put the money that shal come of any such sale, to any other vse than to the reparations of their Churches or Chappelles, or for prouiding of necessaries for the same Churches or Chappels. And all Churchwardens at the ende of euery yeare shall giue vp to the Parson, Vicare or Curate, and their Parishioners a iust accompte written in a booke to be prouided at the charges of the Parishe for that purpose, of al suche money ornaments, stocke, rentes, or other Churche goodes, as they haue receiued, during the time they were in office, and also shall particulerly shewe, what coste they haue bestowed in reparations & other thinges for the vse of the Church. And going out of their offices they shall truely deliuer vp in the sight of the Parishioners to the next Churchwardens, and note in the saide Churche booke, whatsoeuer money, ornamentes, stocke, or other Church goodes shall remaine and be in their handes at the time of giuing vp of their accomptes.

4. Item, that the Churchwardens in euery Parishe shall at the costes and charges of the Parishe prouide (if the same be not already prouided) all thinges necessary & requisite for common Prayer and Administration of the holy Sacramentes, on this side the xx day of *Aprill** next ensuying, specially the booke of Common prayer, with the newe Kalender and a Psalter to the same, the English Bible in the largest volume, the two Tomes of the Homilies, with the Homilies lately written against Rebellion, the table of the tenne Commaundementes, a conuenient Pulpitte well placed, a comely and decent table, standing on a frame for the holy Communion, with a faire linnen clothe to lay vpon the same, and some couering of Silke, Buckram, or other such like, for the clean kéeping thereof, a fayre and comely Communion cuppe of siluer, and a couer of siluer for the same, which may serue also for the ministration of the Communion bread, a decent large Surplesse with sleeues, a sure Coffer with two lockes and keyes, for keeping of the Register booke, and a strong chest or Boxe for the almose of the poore, with three lockes and keyes to the same, and all other things necessarie in and to the premisses. And shall also prouide before the sayde day, the Paraphrases of Erasmus in English vpon the Gospels, and the same set vp in some conuenient place within their Church or Chappell, the charges whereof, the person or proprietarie and Parishioners shall by equall portions beare according to the Queenes Maiesties Iniunctions, all which bookes must be whole and not torne or vnperfit in any wise. And the Churchwardens also shal from time to time, at the charges of the Parish, prouide bread and wine for the Communion. And for that purpose shal take some order among the Parishioners, that euery one may pay such a reasonable summe towards the same, as may suffice for the finding of breade and wine for the Communion throughout the whole yeare, so as no Communion at any tyme be disappoynted for want of bread and wine.

5. Item, that the Churchwardens shall see that in theyr Churches and Chappels, all Aultars be vtterly taken downe and cléere remooued euen vnto the foundation, and the place where they stoode paued, and the wall wherevnto they ioyned, whited ouer, and made vniforme with the reast, so as no breach or rupture appeare. And that the Aulterstones be broken, defaced, and bestowed to some common vse. And that the Roode loftes be taken downe, and altered so, that the vpper bordes and timber thereof both behinde and aboue, where the Rood lately did hang, and also the soller or loft be quite taken downe vnto the crosse beame, wherevnto the particion betwéene the Quéere and the bodie of the church is fastened, and that the sayde beame haue some conuenient creast put vpon the same. And that all the bordes, beames, and other stuffe of the Roode loftes, be solde by the Churchwardens to the vse of the church, so as no part thereof be kept and reserued.

6. Item, that the churchwardens shall from time to time, sée that their churches and chappels, and the stéeples thereof be diligently and well repayred, with leade, tyle, slate, or shingle, lyme, stone, tymber, glasse, and all other necessaries, and that their churches and chappels be kept cleane and decently, that they be not lothsome to any, eyther by dust, sande, grauell, or anye filth, and that there

† Filled up in MS.

bee no feastes, dinners, or common drinkings kept in the church, and that the churchyardes be well fenced and clenly kept, and that no folkes be suffered to daunce in the same.

7. Item, that the Churchwardens and Minister shall see that Antiphoners, Masse bookes, Grayles, Portesses, Processionals, Manualles, Legendaries, and all other bookes of late belonging to their church or chappell, which serued for the superstitious latine seruice, be vtterly defaced, rent, & abolished. And that all Vestments, Albes, Tunicles, Stoles, Phanons, Pixes, Paxes, Handbelles, Sacringbelles, Senscers, Crismatories, Crosses, Candlestickes, Holywater stocks or Fattes, Images, and all other reliques and monuments of superstition & ydolatrie be vtterly defaced, broken & destroyed, & if they cannot come by any of the same, they shall present to the Ordinary what they cannot come by, and in whose custodie the same is, to the intent further order may bée taken for the defacing thereof.

8. Item, when anye man or woman dwelling néere to the church in any Citie, Borough, or great towne, is in passing out of this life, the Parishe clarke or Sextan shall knoll the bell to mooue the people to pray for the sicke person. And after the time of the departing of any christian bodie out of this life, the Churchwardens shall see, that neyther there be any more ringing, but one short peale before the buriall, and another short peale after the buriall, without ringing of any handbels or other superfluous or superstitious ringing, eyther before or at the time of the buriall or at any time after the same, nor any other forme of seruice sayde or song, or other ceremonies vsed at any buriall, than are appointed by the booke of common prayer. And also that neyther on all Saints day after Euening prayer, nor the day next after, of late called all Soules day, there be any ringing at all other then to common prayer, when the same shall happen to fall vpon the Sunday. And that no Moneth myndes or yearely commemorations of the dead, nor any other superstitious ceremonies be obserued or vsed which tende to the maintenaunce eyther of prayer for the deade, or of the Popishe Purgatorie.

9. Item, that the Churchwardens shall not suffer any ringing or tolling of Belles to be on Sundayes or holydayes vsed, betwéene the morning prayer, Letanie, and Communion, nor in any other tyme of common prayer, reading of the Homelies, or of preaching, except it be one Bell in conuenient time to bee rong, or knolled before a Sermon, nor shall suffer any other ringing to be vsed vpon Saintes euens or festiuall dayes, sauing to common prayer, and that moderately and without excesse, nor the Minister shall pause or stay betwéene the morning prayer, Letanie and Communion, but shall continue and saye the morning prayer, Letanie and Communion, or the seruice appoynted to be sayde, when there is no Communion, togither without any intermission, to the intent the people may continue togither in prayer, and hearing the worde of God, and not depart out of the church, during all the time of the whole diuine seruice.

10. Item, that all fathers, mothers, maysters and other gouerners of youth, shall in euery parish, cause their children and seruaunts both menkinde and womenkinde, being aboue seuen yeares of age, and vnder twentie yeares, which haue not learned the Catechisme, or at the least such and so many of them as the Minister shall appoynt, diligently to come to the church, euery Sunday, and euery holy day at the time appoynted, and there diligently & obediently to heare, learne, and be ordered by the Minister, vntill such time as they haue learned, all the sayde Catechisme by heart, and shall giue to the Minister the names of all their children and seruauntes both menkinde and womenkinde, being aboue seuen yeares, and vnder twentie yeares of age, to the intent he may call for them to be examined and instructed in the sayde Catechisme. And if any of the sayde fathers, mothers, maysters, or other gouernours of youth shall refuse or neglect so to sende their children or seruauntes vnto the Minister to be examined, and instructed at the tymes appoynted, or to give theyr names, as is aforesayd, or if any of the sayd yong folkes shall refuse to be examined and instructed, that then the Minister and Churchwardens shall present such negligent persons, and refusers, to the Ordinarie, to be by him punished accordingly.

11. Item, that all men and women of fourteene yeares of age, and vpwardes, shall (as by the lawes of this realme they are bounde) receyue in their owne parishe Churches or Chappels, the holy communion thrise at the least euery yeare, and namely at Easter, or there aboutes for once, and yearely before Easter at conuenient times (and namely on Sundaies in Lent at afternoone, or in some of the workedayes next before Easter) as the person, vicare, or curate, shall appoynt, they shall, before they receyue, come to the Minister, and recite to him, such of them as be of fouretene yeares or aboue, and vnder xxiiij. yeares of age, the whole Catechisme by heart, and such of them as be of xxiiij. yeares of age and vpwardes, the Catechisme, or at the least, the Lordes prayer, the articles of the fayth, and the tenne commaundements, likewise by heart in Englishe, and whosoeuer eyther cannot, or wilfully and stubburnely shall refuse to recite and say the same by heart before their Minister, shall be repelled and put back from the Communion Table. And the churchwardens and Minister shall present all such refusers, and all others that shall not receyue thrise a year the holy Communion, vnto the Ordinarie yearely at the next visitation after Easter.

12. Item, the Churchwardens shall not suffer any Pedler or others whatsoeuer, to set out any wares to sale, eyther in the Porches of Churches, or in the Churchyardes, nor any where else on holy dayes or Sundayes, whiles any part of diuine seruice is in doying, or whiles any sermon is in preaching.

13. Item, that no Inkéeper, Alehousekéeper, Victualler, or Typler shall admit or suffer any person or persons in his house or backeside, to eate, drinke, or play at cardes, Tables, Bowles, or other games in tyme of common prayer, preachings, or reading of Homelyes on the Sundayes, or Holy dayes, and that there be no shoppes set open on Sundayes or holy dayes nor any Butchers or others suffered to sell meate or other thinges vppon the Sundayes or holy dayes in lyke time of common prayer, preaching, or reading of the Homelyes. And that in any fayres or common Markets, falling vpon the Sunday, there be no shewing of any wares before all the Morning seruice and the Sermon (if there be any) be done. And if any shall offend in this behalfe, the Churchwardens and sworne men, after once warning giuen vnto them, shall present them by name vnto the Ordinarie.

14. Item, that the laye people of euery Parish (as they bée bounde by the lawes of this Realme) and especially householders hauing no lawfull excuse to be absent, shall faythfully and diligently endeuour themselues, to resort with their children and seruaunts to their parishe Church or Chappell on the holye dayes, and chiefly vpon the Sundayes, both to Morning and Euening prayer, and other diuine seruice, and vpon reasonable let therof, to some other vsuall place where common praier is vsed, and then and there abide orderly and soberly during all the time of common prayer, Homelies, Sermons, and other seruice of God there vsed, reuerently and deuoutly giuing themselues to prayer, and hearing of the worde of God. And that the churchwardens and sworne men, aboue all others, shall be diligent in frequenting and resorting to their parishe churches or chappels vpon Sundayes and holy dayes, to the intent they maye note and marke all such persons as vpon any such dayes shall absent themselues from the Church, and vppon such absence shall examine them of the cause thereof.

15. Item, that the churchwardens and sworne men shall not suffer any persons to walke, talke, or otherwise vnreuerently to behaue themselues in any church or chappell, nor to vse any gaming, or to sitt abrode in the stréetes or churchyardes, or in any Tauerne or Alehouse, vpon the Sundayes or other holy dayes, in the time of diuine seruice, or of any Sermon, whether it bée before noone or after noone, but after warning once giuen, shall punishe both them and all others that negligently, or wilfully shall absent themselues from diuine seruice, or come very late to the church vpon Sundayes or holy dayes, hauing no lawfull let or hinderaunce, and those also that without any iust cause shall depart out of the Church before the diuine seruice or Sermon be done: according to a statute made in the first yeare of the Queenes Maiesties reigne, printed and set forth in the beginning of the booke of common prayer: that is to saye, the Churchwardens shall lieue and take of euery one that wilfully or negligently so shall offend, the forfeyture of xij. pence for euerie such offence, and shall also present them to the Ordinarie: which forfeytures they shall leiue, according to the same statute by distrayning the goodes, landes and tenements of such offenders, and shall (as by the same statute they are appoynted) deliuer the money that commeth thereof to the collectors, for the vse of the poore people of the same parishe.

16. Item, that no person or persons whatsoeuer, shall weare Beades, or pray eyther in Latine or in English vpon Beades or Knottes, or any other like superstitious thing, nor shall pray vpon any popish Latine or English Primer, or other like booke, nor shall burne any candels in the church superstitiously vpon the feast of the purification of the virgin Marie, commonly called Candlemasse day, nor shall resort to anye popishe priest for shift or auriculer confession in Lent, or at any other time, nor shal worship any crosse or any Image or picture vpon the same, nor giue any reuerence there vnto, nor superstitiously shal make vpon themselues the signe of the crosse, when they first enter into any church to pray, nor shall say *De profundis*

for the dead, or rest at any crosse in carying any corps to burying, nor shall leaue any little crosses of wood there.

17. Item, that yearely at Midsommer, the person, vicar, or curate, and churchwardens, shall choose two Collectors or more for the reliefe of the poore of euery Parishe, according to a statute made in that behalfe, in the fift yeare of the Queenes Maiesties reigne, intituled an act for the reliefe of the poore, and renewed in the last Parliament, which collectors shall weekely gather the charitable almose of the Parishioners, and destribute the same to the poore where most neede shall be, without fraude or partialitie, and shall quarterly make vnto the person, vicar, or curate, and churchwardens, a iust account account thereof in writing. And if any person of habilitie shall obstinately or frowardly refuse to giue reasonably towardes the reliefe of the poore, or shall wilfully discourage others from so charitable a deede, or shall withdrawe his accustomed almose without iust cause, the churchwardens and sworne men shall present to the Ordinarie euery such person so refusing to giue, discouraging others, or withdrawing his accustomed almose, that reformation may be had therein.

18. Item, that for the retayning of the Perambulation of the circuite of euerie Parishe yearely, the person, vicar, or curate, and churchwardens, with certaine of the substanciall men euerie Parishe, such as the Minister and Churchwardens shall thinke méete to require, shall in the dayes of the Rogations commonly called the crosse wéeke, or gang dayes, walke the accustomed boundes of euerie Parishe, and in the same perambulation, or going aboute, the Minister shall vse none other ceremonie, than to say in Englishe the two Psalmes beginning *Benedic anima mea domine:* that is to say the ciij. Psalme and the ciiij. Psalme, and such sentences of scripture as be appoynted by the Queenes Maiesties Iniunctions, with the Letanie and Suffrages following the same, and reading one Homelie alreadie deuised & set forth for that purpose, without wearing anye Surpleses, carying of Banners, or Handbels, or staying at Crosses, or such like popish ceremonies.

19. Item, that the Minister and churchwardens shall not suffer any Lordes of misrule, or Sommer Lordes, or Ladies, or any disguised persons, or others in Christmasse, or at May games, or any Minstrels, Morice dauncers, or others, at Rishbearings or at any other times, to come vnreuerently into any Church, or Chappell, or Churchyarde, and there daunce, or play anye vnseemly partes, with scoffes, ieastes, wanton iestures, or rybaulde talke, namely, in the time of diuine seruice, or of anye sermon.

20. Item that no schoolmayster shall teach either openly or priuately in any Gentlemans house, or in any other place, vnlesse he be of good and sincerere Religion and conuersation, and be first examined, allowed and licenced by the Ordinarie in wryting vnder his seale: he shall not teach any thing contrarie to the order of Religion nowe set forth by publike authoritie, hée shall teach his schollers the Catechisme in Latine lately sette forth, and such sentences of scripture (besides prophane chaste Authours) as shall be most méete to mooue them to the loue and due reuerence of Gods true Religion nowe truely set forth by the Queenes Maiestie, and to induce them to all godlinesse and honest conuersation.

21. Item, that no parishe Clarke be appoynted agaynst the good will, or without the consent of the person, vicar, or curate, in any Parishe, and that he be obedient to the person, vicar, and curate, especially in the time of celebration of diuine seruice, or of the Sacraments, or in any preparation therevnto. And that he be able also to read the first Lesson, the Epistle, and the Psalms, with aunsweares to the Suffrages as is vsed, and that he kéepe the bookes and ornaments of the church fayre and cleane, and cause the Church and Quiere, the Communion table, the Pulpet, and the Font, to be kept decent, and made cleane agaynst seruice time, the Communion, Sermon, and Baptisme, and also that he endeuour himselfe to teach yong children to reade, if he be able so to doe.

22. Item, that the Churchwardens and sworne men of euerie Parishe shall halfeyearely from time to time present to the Ordinarie the names of all such persons of their Parishe, as be eyther blasphemers of the name of God, great or often swearers, adulterers, fornicators, incestuous persons, bawdes, or receyuers of naughtie and incontinent persons, or harbourers of women with childe, which be vnmaryed, conueying or suffering them to go away before they do any penaunce, or make satisfaction to the Congregation or that be vehemenently suspected of such faultes, or that be not of good name and fame, touching such faultes and crimes, or that be drunkardes, or rybauldes, or that be malicious, contentious, or vncharitable persons, common slaunderers of their neighbours, raylers, scolders, or sowers of discorde betweene neighbours. And also all such as be Usurers, that is to say; all those, that lend money, corne, ware, or other thing, and receyue gaine therfore, ouer and aboue that which they lende.

23. Item, that the Churchwardens, and sworne men of euerie Parishe, shall likewise halfeyearly present to the Orrdineie all such persons as eyther heretofore haue maryed, and bée not diuorced, or hereafter shall marie within the degrées of affinitie, or consanguinitie, by the lawes of God forbidden, so set out for an admonition in a Table lately appointed to be affixed in euerie Parishe Church of this prouince, or that being diuorced or seperated for the same, do yet notwithstanding cohabite, and kéepe companie still togither. And also all persons being maryed without those degrées, that haue vnlawfully forsaken theyr wiues, or husbands, and maryed others, and if any man haue two wiues at once, or any woman two husbands at once, or if any being diuorced or seperated asunder, haue maried againe: If any be maried that haue made a precontract. If any haue maryed without banes thrise solemnely asked in the Church. If any cooples be maryed that liue not togither, but slaunderously liue apart, or if any haue maryed out of the parish church where they ought to haue solemnised mariage, the churchwardens and sworne men shall likewise present the same halfeyearely to the Ordinarie.

24. Item, the Churchwardens and sworne men of euerie parish shall likewise halfeyearely present to the Ordinarie the names of all such persons whatsoeuer, eyther of the Clergie or Laytie, that be fauourers of the Romishe and forreyne power, letters of true Religion, hearers or sayers of Masse, or of any Latine seruice, Preachers or setters forth of corrupt and popish doctrine, mainteyners of sectaryes, disturbers of diuine seruice, kéepers of any secrete conuenticles, preachings or lectures, receyuers of any vacabonde popishe priestes, or other notorious mislikers of true Religion, or mainteyners of the vnlearned people in ignorance and error, encouraging and moouing them rather to pray in an vnknowne tongue than in English, or that stubburnely refuse to conforme themselues to vnitie and godly Religion nowe established by publike authoritie.

25. And finally, the Churchwardens and sworne men of euerie Parish shall likewise halfeyearely present to the Ordinarie, whether all these Iniunctions giuen as is aboue, aswell to the Clergie, as to the laytie, be duely obserued and kept, and if they be not, then which and howe many of the sayd Iniunctions be not kept, and by whom, and in what poynt any person or persons doe violate and breake the same.

All which Iniunctions we doe charge and commaund to be inuiolably performed and obserued of all persons whome they shall concerne within our prouince of Yorke, vpon paine of contempt, and of excommunication, and other censures of the church by the ecclesiasticall lawes of this Realme in such like cases limitted and appoynted.

FINIS.

God saue the Queene.

PARKER, ARCHBISHOP OF CANTERBURY, 1575.

ARTICLES to be enquired of within the Dioces of Winchester, in the Metropoliticall Visitation of the most Reverend Father in Christ, Matthew, by the prouidence of God, Archbyshop of Canterbury, Primate of all England, and Metropolitan.

*At London, printed by Iohn Daye, dwellyng ouer Aldersgate.**

¶ *Cum gratia & Priuilegio Regiæ Maiestatis.*

For the Clergie.

In primis, whether any haue intruded themselues & presume to exercise any kynde of ministerie in the Churche of God, without imposition of handes & lawfull calling by ordinarie authoritie, and whether any admitted but to Deaconrie vsurpe the office of the Minister.

2. Item, whether any laye persons take vpon them to read openly in the congregation diuine seruice, in any Church, Chappell or oratorie, without they be therunto vpon some vrgent cause, or great necessitie for a tyme licenced by the ordinary. Wherfore such haue bene allowed, and how long they haue serued, and whether any of them haue taken vpon them to solemnise matrimonie, or to minister any Sacrament.

3. Item, whether any homicide or felone, any notoriouslie infamous, & disabled by the ecclesiasticall lawes, any ordeined out of the Dioces where they were borne, or by

* 1575 inserted in MS.

long tyme made their abode without letters dimissories from their ordinarie, exercise the ministerie, or any ecclesiastical calling in this Dioces.

4. Item, whether any Deacon or minister be remoued from any other Dioces to serue in this, without letters testimoniall of the ordinarie from whose Dioces he came to testifie the cause of his departyng thence, and of his behauiour.

5. Item, whether any Deacon or minister in this Dioces go not comely and soberly in apparell accordyng as it is appointed in the Queenes maiesties Iniunctions, and in the advertisementes, or lyue disordinatly in riotyng, gamyng, haukyng, huntyng or beholdyng and garying at any Idle pastime, or exercisyng any laicall trade, or misterie for gayne and lucre sclaunderous to their callyng in the Church.

6. Item, whether any being once ordeined Priest or minister, doth not still continue in their calling, or frequenteth and resorteth not to the Common prayer, or at times appointed communicateth not, or haue cast of their calling, and go and boast themselues lyke laye men.

7. Item, whether any of them say or sing in private conuenticles Masse, or any seruice contrary to the laues of this Realme.

8. Item, whether any be permitted to preach in any place within thys Dioces, not being therunto lawfully lycensed either by the Queenes Maiestie, or the Archbyshop of the Province, or the Byshop of the Dioces, and whether the Parson, Vicare or Curate and Churchwardens of euery Parishe do call for euery such licence, and peruse it before they suffer the party to preach.

9. Item, whether your Preachers set out in their sermons the Queenes Maiesties authoritie ouer all her subjectes, & in all causes, and exhort their hearers to due obedience vnder the same, to the folowyng of her Maiesties Iniunctions, and other lawes, statutes, orders, aduertismentes and decrees set forth by common authority for the establishyng of Christian Religion and maintenaunce of the Ecclesiasticall pollicie in this Realme, or whether any of them haue done or sayd any thyng to the contrary.

10. Item, whether they likewise in theyr preachyng excite and styrre up the people to charitie one with another, to godlynesse of lyfe, often and deuout receauyng of the holy Communion, frequentyng diuine service, hearyng the worde of God read or taught, and such like, and also to all kynde of Ciuill dutyes meete for subiectes, or be curious in mouing new needelesse doubtes wherby the people may be sooner styrred to debates and controuersies, then edified in holsome doctrine, continued in Christian loue, or prouoked to godly lyfe.

11. Item, whether in their conuersation and behauiour, they be modest, graue, and sober, accordyng to theyr callyng, and for the better credite of their doctrine, or otherwise.

12. Item, whether your Parsons and Vicars be continually resident vpon their benefices, if they be absent, where they be: whether in their absence their cures be sufficiently discharged and serued.

13. Item, whether they haue any other or moe benefices, in what countrey or Dioces they lye, whether they came to any of them by fraude, guile, deceit, or symonie.

14. Item, whether they make or cause to be made their monethly and quarterly Sermons, instruct and examine the youth of theyr Parishes in the Catechisme at Euenyng Prayer on Sondayes and holydayes: whether they moue the Parishioners and the Parentes to buy the Catechisme lately set forth with additions by the Queenes Maiesties authoritie: whether they reade the Homylies on Sondayes, when there be no Sermons, and the Queenes Maiesties Iniunctions euery quarter.

15. Item, whether and howe long after his Induction, your Parson or Vicare read openly in your Church at diuine seruice, the Articles of Religion whiche concerne the confession of the true Christian fayth, and the doctrine of the Sacramentes appointed to be publiquely read by an Acte of Parliament made in the xiii. yeare of her Maiesties reigne.

16. Item, whether they pronounce diuine service and other thynges to be read at common prayer playnely and distinctly to the hearyng and intelligence of the people, & minister the Sacramentes reuerently, in such sort as is set forth by the lawes of this Realme, the Queenes Maiesties Iniunctions, and the aduertismentes without any kinde of variation.

17. Item, in the tyme of celebration of diuine service whether they weare surplisses, or celebrate the sayd seruice in the Chauncell or in the Church, Baptise in Basons or in the Fontes standyng in the places accustomed, minister the holy Communion in wafer bread or common bread, in prophane Cuppes, dishes, bowles, old massing Challices, or in a decent communion cuppe prouided and kept for the same onely of purpose, & whether the Communicantes receave standyng, sittyng or kneeling.

18. Item, whether they have entred into their benefices without lawfull ingresse therunto by Institution, or Collation & Induction, whether they maintaine their mansions houses, Chauncels and other edifices pertainyng to their benefices and Churches in sufficient reparations, and whether they make spoyle or waste of any thing partaining to them.

19. Item, whether such of them as may dispend an C. pound in spirituall liuynges by the yeare, alloweth to the exhibition of some Scholler in Cambridge or Oxford iii. pounds vi. s. viii. pence yearely, and what scholler receaueth it.

20. Item, whether any of them have demysed any of their benefices, or any part of them otherwise then is appointed in an Act of Parliament, *an.* 13 of the Queenes maiesties reigne *cap.* 17. or in defraude thereof conuey the fruites of the same by some other shiftes any other wayes.

81. Item, whether they recorde from time to time in a Register all mariages, Christening and Burials, and yearely deliuer the copies of them to the Byshop by Indenture.

22. Item, whether in the dayes of perambulation they vse any other rite or Ceremonie then to sing or say in English the ii. Psalmes beginnyng, *Benedic anima mea*, &c. with the Letanie and Suffrages thereto, and one Homely of thankes giuyng set forth and deuided into foure partes, without any other superstitious ceremonie heretofore vsed, whether women go about with them, and to what valew there was heretofore wont to be bestowed at the standyng and restyng places of the sayd Rogations to be bestowed.

23. Item, whether they vse to comfort the sicke specially at the tyme of their passyng out of this transitorie world, and what textes of Scripture they haue ready for the same purpose.

24. Item, whether any of them or their Curates not being lawfully authorised to preach take vpon them to expound any Scripture, or by the way of exhortation moue any matter of doctrine, but be content onely to read grauely & aptely the service, lessons, and Homelies set forth without any glosing or addition to the same.

25. Item, whether they admit any notorious sinners or vncharitable persons to the holy Communion, any that can not say without booke the Lordes Prayer, the Articles of Christian Fayth, and the X. Commaundementes, or suffer any children to aunswere as Godfather or Godmother at Baptisme except they haue receaued the holy Communion, and can say the Catechisme.

26. Item, whether they keepe competent hospitality, accordyng to theyr lyuinges, and if they be not resident, whether they bestow the xl. part of their liuyng yearely amongest the poore, if theyr lyuing be above xx.l. a yeare.

27. Item, whether such beneficed men, or enioying any spirituall lyuing, as be not resident at their liuinges, if they pretend studye at any of the Uniuersities, be once in the yeare called home to the Ordinary to be examyned how they profite in learnyng, whether any be suffred wyth the liuing of the Church to become seruing or wayting men, Lawyers clarkes, or otherwyse to lyue dissolutely or in a mere lay vocation therwith.

28. Item, whether your Parson, or Vicar was inducted into possession of your parsonage or vicaredge since the xiii. yeare of the Queenes Maiesties raigne, whether he was then Deacon or minister, and in what yeare of hys age: whether he was an able preacher lycensed thereunto, and by whom: whether, and how long after his induction he read openly in your church at diuine seruice, the declaration of vniformity in Religion set forth by the two Archbyshoppes of Canterbury and Yorke.

29. Item, whether any parsonage or vicarege, or any other spirituall liuing in thys Dioces be holden by the name and title of any beyond the seas, and whether the cause of hys beyng there be lawfully approued and allowed.

30. Item, besides benefices wyth cure of soule, what other dignities, promotions, prebendes or spirituall lyuinges your Parson or Vicar hath, what be theyr names, and where they lye.

31. Item, whether the proprietaryes of parsonages wyth vycariges endowed, leaue a sufficient portion of the fruites, or annuitye to the Vicares to discharge the cure of soules, and to keepe hospitalitye: whether they helpe and assist them in the preaching and settyng forth of Gods Worde, and seyng the Queenes maiesties Iniunctions, and other statutes, orders, and aduertismentes set forth by publicke authoritye well obserued: Whether they wythhold from theyr Vicares theyr due portions of fruites or monye, or ouercharge them with reparations of Chauncels, dutyes for visitations and synods, or other paymentes, and whether

for the ease of the sayd Vicares, they pay such dutyes as by composition or custome hath heretofore bene due.

32. Item, whether the parishe clarkes be admitted without the consent of the Parson or Vicar; whether they be not obedient to the Parsons, Vicars, or their Curates, specially in matters touchyng the celebration of diuine seruice, and the Church business: whether they keepe the bookes & ornamentes of the Church, the quyer or the place where diuine seruice is appointed to be done, the Communion table, the Pulpit, and the Font fayre and decent, for diuine seruice, administration of the Sacramentes and preachyng: whether any withhold from the sayd Clarkes their accustomed wages, reliefe and beneuolence.

33. Item, whether any Scholemaster teach openly or priuately within thys Dioces, in any noble or gentlemans house, or any where els not beyng allowed and examyned by the Ordinary for syncere religion, honest conuersation, and sufficient learnyng: whether they teach any other Grammer, or any other Catechisme then is set forth by the Queenes maiesties authority; whether they suffer theyr schollers to read any bookes tendyng to the impugnyng and derogation of the order of religion now set forth, or propounde to them any Themes, vulgares, or subtill questions, wherby matters of Religion concluded and establyshed myght be made doubtfull vnto them, or they induced to deryde or scoffe at any godly order, Ryte or Ceremony now set fort and allowed.

For the Laytie.

34. *In primis*, whether any parishioner is negligent or obstinate in commyng to his owne parishe Church or Chappell for diuine seruice, and their receauyng the holy Communion at the least thrise a yeare, contempne the word of God, or in deede or worde despiseth or setteth lyght by the publike order of Religion set forth & establyshed.

35. Item, whether any contempne, hurt, stryke, or any wayes abuse any minister or Deacon, specially in the tyme of celebration of diuine seruice, administration of the Sacraments, or preaching of Gods worde, or whether any of them neglect or refuse to bryng or send their children and seruauntes to be catechysed.

36. Item, whether Innes, Tauernes, victayling and typling houses or gamyng places be patent or entred into, in seruice or preachyng time, whether there be any adulterers, drunckards, baudes, scoldes and brawlers, priuy and crafty sowers of discorde, open and manifest vsurers, sorcerers, inchaunters, or any hauing confidence in any such deuilishe imaginations in your parishes.

37. Item, whether you Churchwardens & sworne men, and such as were before you, haue according to the Acte of Parliament therfore in the first yeare of the Queenes maiesties raigne prouided, leuied of euery one that wilfully or negligently is absent from Church, or vnreuerently behaueth hymselfe at common prayer as is in the sayd acte appointed xii. d. for euery such offence. Wherunto the said forfayture is applyed, what accompt therof yearly is made, & whether your poore mans box be accordingly kept, and the almes therof accompted yearly to your parishe.

38. Item, whether all Images, altars, Shrynes, and other monumentes of Idolatry and superstition be vtterly defaced & put out in your parishes; whether your Churches and Churchyardes be well repayred, adorned and fenced: whether the Roode loftes be pulled downe, and a partition made and kept betwixt the Chauncell and the Church, according to the aduertisments. Whether likewise all masse bookes, Antiphoners, Grayles, & other such bookes which serued for superstitious Latin seruice, be defaced and abolished.

39. Item, whether you haue in your Churches all things requisite for common prayer & administration of the Sacramentes, and preaching: As a Bible of the largest volume, the booke of common prayer, a table of the X Commaundements before the Communion bourde, the aduertismentes, the admonition for degrees of matrimony, a conuenient pulpit well placed, a Comely and decent Communion Table standing upon a frame wyth a faire couering of some carpet, silke or linnen cloth to lay vpon it, a Communion cuppe wyth a couer of siluer, and such lyke.

40. Item, whether any sale of your church goods haue bene made, by whom, and to whom: whether an Inuentory be kept of all such goods as haue from tyme to tyme bene purchased, geuen or bequeathed to the Church, whether an accompt be therof yearly made: whether the sayd goods be encreased or decayed, and by whose default or negligence: In whose handes the sayd Church goodes or any of them remayne.

41. Item, whether you see that on Sondayes & holydayes, Innes, tauernes & victualling houses be not frequented at seruice tyme, and shoppes also shut vp & your parishioners cease from worldly busines, whether any other holydayes be kept then such as be appointed in the booke of Common prayer, whether any heresies, false opinions, Popish and superstitious doctrine, be mainteined in your Parishes and by whom.

42. Item, whether there be any in these partes, that haue maried within degrees of affinitie or consanguinitie, by the lawes of God forbidden, so set out in a table for an admonition. Any man that hath two wiues, or any woman that hath two husbandes. Any that beyng diuorced or separated aside, hath maried agayne. Any maried that haue made precontracts. Any that haue made priuy or secret contracts. And that haue maried without banes thrise solemnely asked. Any couples maried that liue not together, but slaunderously liue a part: any that haue maried out of the Parish Churche, where they ought to haue the same solemnised.

43. Item, whether therebe any secret or priuy conuenticles or exercises in disputations for matters of Religion in any of your Parishes, whether any superstitious and superfluous ringyng at burials, Saintes euens, or festiuall dayes be suffered. Whether any Lordes of misrules, Sommer Lordes or Ladyes, disguised persons come vnreuerently into the Church and specially in the seruice tyme to play any games, who they be that commit such disorders or accompany and mainteyne them.

44. Item, whether any patrones haue by themselues or by other directly or vndirectly practised for the presentyng of any Clarke to any spirituall lyuyng before the sayd presentation, or after to haue money or money worth or any other commoditie. Whether the Churche of your Parish be voyde, how long it hath so bene, who receiueth the tithes and profites thereof, and by what authoritie, whether the patrone or any other haue pulled downe any Church, chauncell, or mansion house, taking away the lead, belles, ornamentes, goodes or glebe landes or conuerted the tithes, reuenues or possessions of the sayd Church to his owne priuate vse.

45. Item, whether any conceale the will and testament of any departed or fulfill not the same, chiefly in Legacies bequeathed to good and godly vses, whether any executor haue defrauded any widow, fatherles child, or any other in their minoritie of their legacies, or any administrator appointed to administer to the vse of any in their minoritie haue beguiled them and not geuen accompt of their sayd administration. Whether any administer without probate of the Testament, or takyng authoritie from the ordinary, and whether any legacies heretofore giuen to vses now forbidden, be not conuerted to some godly and lawfull vse.

46. Item, whether midwiues be of sober life and vncorrupt religion, not suspected of Papistry, whether any of them vse in the tyme of womens trauell any witchcraft, charmes, Latine prayers or inuocations, or take vpon them to Baptise, whether when they be present at the deliuerie of any child, knowne or suspected to be begotten in vnlawfull matrimony, do not streightly charge the mother to declare who is the father and where it was begotten, and immediatly certifie the ordinarie or at the least the Curate & Churchwardens of the Parish thereof.

Articles of enquirie for the exercise of spirituall iurisdiction within this Dioces.

47. *In primis*, whether the Ecclesiastical iurisdiction in this Dioces haue bene exercised by expert and hable men such as the law requireth. Whether the Chauncellor, Archdeacons, or any vnder them haue at any tyme suffered faultes & transgressions to remaine vnpunished for mony, gaine, pleasure, frendship, or any other affectionat respect, whether in matters of instaunce betwixt partie & partie they have denyed audience, specially at the complaint of the poore frendles and fatherles, or by admitting friuolous and vnfit matters, or excludyng and barring reasonable and necessary defences, haue delayed or peruerted iustice or the execution therof. Whether they haue impeached or manaced parties in iudgement so that they haue bene stayed or compelled to desiste from persecuting their Appeales or complaints to the Queenes maiestie or the Archbishop for iust griefes and wronges to them procured.

48. Item, whether any of them haue bene burdensome to any in this Dioces by exacting & takyng excessiue fees, rewardes or commodities by the way of promotion, gift, contribution, redemption of penaunce to their owne vse, obteining of any benefice or office, or any other like wayes, whether in their visitations and Sinodes they spend the time any otherwise then in diligent Inquisition and reformation of disorders, or suffer the Clarkes or seruauntes of their retinue riotously to behaue themselues.

49. Item, whether Archdeacons in their visitations see that all necessary bookes and ornamentes for diuine seruice be had in euery parish, and whether Church goodes and stockes be augmented or empayred, whether Churches,

Churchyardes, mansion houses be well repaired and fenced. Whether in their Synodes they take accompt of the Clargv how they profite in the study of holy Scripture, whether they graunt any licence to celebrate matrimony the banes not thrise solemnely asked, either for prohibition of tyme or any other such cause.

50. Item, whether they haue vprightly & unfeynedly both obserued in their own persons, and towardes all other put in due execution the Ecclesiasticall lawes of this Realme the Queenes Maiesties Iniunctions & other her Highnes commaundements, orders, decrees, and aduertisementes set forth for the publike administration of Gods holy word and Sacramentes. Whether they haue commended and fauored all those that sought the same, and condignely punished all those that sought the contrarie.

51. Item, whether the Deanes of your Deanries be of the best learned sort, and best conuersation, and least suspected for superstitious or schismaticall doctrine & opinions: whether they doe marke the lyfe and study of the clargie and enforme the Ordinary or Archdeacons therof; whether they be negligent in executing mandates or precepts sent vnto them from any Ecclesiasticall court: whether they enquire of lyght women which come into their Deanries to be brought a bed, of Curates and scholemasters not licensed, of priuy contractes and mariages, of concealed Images and monuments of superstition, and of other close disorders vsed within their Deanries, certifyng the Ordinary therof for due and spedy reformation.

52. Item, whether your peculiar Judges exercise their Jurisdiction by themselues or by learned deputies, and not by vnable men, as their farmers & such lyke: whether they haue skilfull registers and perfect record of their actes and procedings: whether they winke at such as be harboured in their peculiers for auoyding of processe and correction in thys or any other Dioces, and detect them not to the Ordinary.

53. Item, whether your apparitors haue taken money or money worth, for concealing or cloking of any vice, or haue conueyed any offenders from one place to an other to escape punishment, or cited any body without due processe, or delay the execution and seruyng of their processe, or geue warnyng to the party cited, to keepe him out of the way, or dispitefully serue their processe in time of diuine seruice, to the disturbance of the parishe: whether they appointe vndersomners or substitutes to doe their office, or threaten any with processe, or without, for bribes in corne, woll, chese, or any thyng els: whether any of them be ouerchargeable to the Clargie or Layty in trauailyng about the executing of their sayd processes.

54. Item, whether the Registers and Notaries within this Dioces make iust & true recordes of actes done and passed in their presentes, and deliuer at the parties request true copyes of the same without excessiue taking: whether they or any of them take annuall fees of any of the clergy, or their farmers, for exhibiting proxies in visitations or synodes, or excusing their absence and sauing theyr apperance when they should iudicially come in, or any other respect, whereby parcialitie myght grow, and equity be excluded out of iudgement.

55. Item, whether the Proctors of the Ecclesiasticall court be contented with their ordinary fees: whether any of them incourage their clyentes to persist in euyll and wrongfull causes, or bargayne with them before hand for the gayne of any sute after the euiction: whether any of them deuise and obiect friuolous, impertinent and dilatory matters or allegations, to the intent to prolong sutes, and hinder the expedition of Justice, and specially in causes of Matrimony, alementation of fatherles children, and such lyke summary matters.

56. And generally you shall enquire and present all euill lyuers or offenders of Gods most holy lawes, and specially such as stubburnely refuse to conforme themselues to vnitie and good Religion, or that disturbe the same by brutyng abroade rumors of the alteration therof, or seeke new deuises and innovations.

AYLMER, BISHOP OF LONDON, 1577.

ARTICLES to be enquired of within the Dioces of London, in the visitation of the reuerend Father in God, John Bishop of London, in the XIX yeare of the raigne of our most gratious soueraigne Lady Elizabeth by the grace of God Queen of Englande, Fraunce, and Irelande, Defender of the fayth, &c.

Imprinted at London by William Seres. Anno 1577.

Articles to be enquired of within the Dioces of London, &c.

Whether Common prayer be song or sayde, by your Person, Vicar, or Curate in your seuerall churches or Chappelles distinctly and reuerentlye and in such order as it is sette foorth by the laws of this realm, without any kinde of alteration and at due and conuenient houres. And whether your minister so turne him selfe and stand in such place of your churche or chauncell as the people may best heare the same? And whether the holy Sacramentes be likewise ministred reuerently in suche manner as by the lawes of this Realme is appoynted. And whether vpon Wednesdays and Frydays (not being holydayes) the Letany and other prayers appoynted for the day be sayde accordingly.

2. Whether you haue in your parish Churches and Chappels all things necessary and requisite for common prayer and administration of the Sacramentes, specially the booke of common prayer with the newe Kalender, two Psalters, the English Byble in the largest volume, the two tomes of the Homilyes, the Paraphrases of Erasmus translated into English, the table of the tenne commaundements, a conuenient Pulpitte well placed, a comly and decent table standing on a frame for the holy communion with a fayre linnen cloth to lay vppon the same, and some couering of silke, Buckram or other such like for the cleane keping thereof, a fayre and comly Communion cup of siluer and a couer of siluer for the same, which may serue also for the ministration of the communion bread, a decent large surplesse with sleues: a sure cofer with two locks and keyes, for the keeping of the Register booke, and a strong chest or boxe for the almose of the poore, with three lockes and keyes to the same; and all other thinges necessarye in and to the premisses.

3. Whether the forme of commination agaynst sinners with certayne prayers following the same, sette foorth in the latter ende of the booke of common prayer, to be vsed at diuers times in the yeare: be by your minister playnely and distinctly reade in your Church or Chappell vnto the people, betweene the Letanye and the commemoration or ministration of the holy communion three times at the least in the yeere, that is to saye, for oryer (*sic*)* sake yearely vppon one of the three Sundayes next before Easter for the first time, vppon one of the two Sundayes next before the feast of Pentecoste for the second time. And for the third time vppon one of the two Sundayes next before the feaste of the birthe of our Lord, ouer and besides the accustomed reading therof vpon the first day of Lent.

4. Whether in your churches and chappels all Altars be vtterly taken downe and cleane remoued euen vnto the foundation, and the place where they stoode paued, and the wall where unto they ioyned whited ouer and made vniforme with the rest, so as no breach or rupture appeare? And whether your Roodlofts be taken downe and altered so that the vpper partes thereof with the soller or lofte be quite taken downe vnto the crosse beame, and that the sayde beame haue some conuenient creaste put vppon the same.

5. Whether your churches and chappels with the chauncelles thereof be well and sufficiently repayred, and kept without abuse of any thing. And whether your churchyardes be well fenced and cleanely kept? And if any part thereof be in decay through whose default it is so.

6. Whether al and euery Antiphoners, Masse books, Grayles, Portesses, Processionals, Manuells, Legendaries, and all other bookes of late belonging to your Church or Chappell whiche serued for the superstitious Latine seruice, be vtterly defaced, rent, and abolished: and if they be not, through whose default that is, and in whose keeping they remayne. And whether all Vestments, Albes, Tunicles, Stoles, Phanons, Pixes, Paxes, Handbells, Sacringbels, Censers, Crizmatories, Crosses, Candlesticks, Holywater stockes, Images, and such other reliques, and monuments, of superstition and Idolatrie, be vtterly defaced, broken, and destroyed. And if not, where and in whose custodye they remayne.

7. Whether any holydays or fasting dayes heretofore abrogated or not appoynted to be vsed as holy dayes, or fasting dayes by the newe kalender of the booke of common prayer be eyther proclaymed and bidden by your Person, vicar, or curate, or be superstitiously obserued by any of your parish, and what be their names that so doe obserue the same. And whether any publike feastes other then such as be appoynted by law be by any priuate authoritie, without order from the Byshoppe, commaunded or vsed. And whether there be any ringing or tolling of Bels to call the people togither, vsed in any of those dayes more, or otherwise then commonly is vsed vpon other days that be kept as workdays.

8. Whether when any man or woman is in passing out of this lyfe, the bell be tolled to moue the people to praye for the sicke person especially, in all places where the sicke person dwelleth, neere vnto the church. And whether after the time of his or her passing out of this worlde, there be

---

* *Lege*, Order.

anye more ringing but one short peale before the buryall, and another short peale after the buryall, without anye other superfluous or superstitious ringing. And whether on all Saintes daye after Euening prayer, there be anye ringing at all or anye other supersticious ceremonye vsed tending to the mayntenance of popish purgatorie, or of prayer for the dead, and who they be that vse the same. And whether there be any ringing or knolling of belles on Sundays or holy dayes, betweene morning prayer and the Letany, or in anye time of the common prayer, reading of the homilies or of preaching, except one bell in conuenient time to be rong or tolled before the sermon, or any other ringing vsed vpon saints euens, or festiuall dayes sauing to common prayer, and that without excesse, and who doth ring or knoll otherwise?

9. Whether your parson or Vicar haue preached or cause to be duely preached in your church his quarterly or monethly sermons as by the Queens Iniunctions he is bound, and what be the names of such as haue preached for him, and whether he hath admitted any man to preach not hauing sufficient licence, or hath inhibited, or letted any from preaching hauing sufficient licence.

10. Whether any person or persons not being ordered at the least for a Deacon, or licenced by the Ordinarie, doe say common-prayer openly in your church, or chappell or any not being at the least a Deacon doe solemnize matrimonie or administer the Sacraments of Baptisme, or deliuer vnto the communicants the Lordes cuppe, at the celebration of the holy communion, and what he or they be that doe so. And whether the person, vicar, or fermer of your benefice doe cause or suffer any curat or minister to serue your church before he be examined and admitted by the Ordinarye or his deputie in writing, and doe shew his licence to the Churchwardens: and whether any curate doe serue two cures at one time, without the speciall licence of the Ordinarye, or his deputie in that behalfe in wryting first had.

11. Whether your Parson, Vicar, or Curat, doe euery Sunday when there is no sermon, reade distinctly and playnly some parte of the Homilies prescribed and set forth by the Queenes authoritie to be read. And euery holy day when there is no sermon, immediatly after the Gospell openlye, playnely and distinctly recyte to his parishioners the Lordes prayer, the articles of the fayth, and the ten commandements in english: and whether any minister not admitted by the Ordinarye or by other lawfull authoritie doe expounde any scripture or matter of doctrine, by the way of exhortation or otherwise, and thereby omitte and leaue of the reading of the Homelies.

12. Item, Whether any Lectures be read within your parishes, by any person not sufficiently lycenced therevnto by the Ordinarie, or whether any such reader doe teach any doctrine of innouations, to withdrawe the people from due obedience to the ordinances of the church, set forth by publike authoritie.

13. Whether your Person, Vicar, or curat, doe euery sunday and holy day openly in the church call for, heare, and instruct all the children, apprentises and seruauntes of both sexes that be of conuenient age within your parishe, or at the leaste so many of them by course as the time wil serue, and as he may well heare or instruct for one houre at the least before or at the Euening prayer, in the tenne Commaundements, the Articles of the beliefe, and the Lordes prayer and diligently examine and teach them the Catechisme as it is now allowed and set forth, with the vnderstanding thereof. And whether for that purpose he doth take the names of them all and by course cal certaien (*sic*) of them by name euerie Sunday and holy day, to come to the teaching of the same Catechisme.

14. Whether all fathers and mothers, maisters and dames of your parish cause their children, seruauntes, and apprentices both mankind and womankind, being aboue seauen yeeres of age and vnder twentye, which haue not learned the Catechisme, to come to the church on sundayes and holydayes, at the times appoynted, or at the least such and so many of them as your minister shal appoynt, and there diligently and obediently to heare, and to be ordered by the minister vntill such time as they haue learned the same catechisme, and what be the names of those that doe not cause their children, seruauntes and apprentises so to come to the church to be instructed and examined, and how many of the sayde chyldren, seruauntes, and apprentises be in your parish which being aboue seuen yeeres old, and vnder twentye yeares of age cannot say by heart the sayd catechisme, and what be their names and age, and with whom they dwell.

15. Whether Person, Vicar, Curat, or other Minister in your church or chappell hath admitted to the receyuing of the holye communion any open and notorious fornicator, adulterer, or euill liuer, by whom the congregation is offended, without due penaunce, first done to the satisfaction of the congregation, or any malitious person, that is notoriously knowne to be out of charity, or that hath done any open wrong to his neyghbour by worde, or deede, without due reconciliation first made to the party that is wronged.

16. Whether your parson, vicar, curat, or minister, hath admitted to the holy Comunion any of his parish being aboue twenty yeares of age eyther mankind or womankinde that cannot say by heart the ten commaundements, the Articles of the fayth and the Lordes prayer in english, and what be the names of such as cannot saye the same, or being aboue fourteene yeares and vnder twenty yeares of age, that cannot saye the Catechisme allowed and sette foorth in the sayde booke of common prayer. And whether he marry any persons which were single before that cannot say the Catechisme. And whether he vseth to examine his parishioners at conuenient times before he administer vnto them: and namely before Easter, yearely, to the intent he may knowe whether they can say by heart the same which is required in that behalfe or no.

17. Whether your priests and ministers be peacemakers, and no brawlers, or sowers of discorde, and exhort their parishioners to obedience towards their prince and al other that be in authority, and to charitie and mutuall loue among themselues? Whether they be diligent in visiting the sicke and comforting them, and doe moue them earnestly, especially when they make their Testaments, to consider the necessitie of the poore, and to giue to their boxe or chest their charitable deuotion and almose.

18. Whether they neglect the study of the holy Scriptures and of the word of God, and whether such of them as be vnder the degree of a maister of Art, haue of their owne at the least the newe Testament both in English and Latine. And whether they doe euery day with good aduisement conferre one chapter of the Latine and English togither at the least, and whether they haue giuen due account thereof and to whome.

19. Whether any of your Parsons, Vicars, curats, or ministers be fauorers of the Romish or forreyne power, letters of true religion preachers of corrupt and popish doctrine or mayntenors of sectaries or doe sette foorth and extoll vayne and superstitious religion or be mayntainers of the vnlearned people in ignorance and errour, encouraging or mouing them rather to pray in an vnknowne tongue, than in English, or to put their trust in a certayne number of prayers as in saying ouer a number of beades, Lady psalters or otherlike.

20. Whether any doe preach declare or speake any thing in derogation of the booke of common prayer which is set foorth by the lawes of this Realme, dispraysing the same, or any thing therein contayned, or against the preachers and ministers of the word and sacraments.

Whether the Churchwardens in the yeares before haue suffred any vnmaryed woman being begotten with childe to go out of the parrishe before they haue done penaunce to be vppon their detection appoynted by the Ordinarie.

21. Whether any of your Parsons, vicars, curats, or ministers or any other priests, or any lay man or woman doe wilfully maintayne or defend any heresee, false opinions or Popish errours, contrarie to the lawes of Almightie God and true doctrine by publike authoritie in this Realme now set forth, and what be their names. And whether any keepe any secrete conuenticles, preachinges, lectures, or readinges, or priuate Communions: contrarye to the lawe, and what be their names.

22. Whether the Parson or Vicars when they be absent from their benefices doe leaue their Cures to a rude and vnlearned person, and not to an honest and well learned experte Curate, which can and will teach the people wholesome doctrine: and whether in their absence, thee (*sic*) doe procure learned men to preach in their churches and Cures, at least one sermon euery quarter of a yeare.

23. Whether your Parsons, Vicars, Curates, and Ministers, keepe well their Registers of all weddings, buryings, and christninges within your parish, according to the order of the Quenes Iniunctions, and doe present a copy of them once euerye yeare, by Indenture to the Ordinarye or his officers. And whether they read the Queenes Maiesties Iniunctions euery quarter of a yeare once or no.

24. Whether they or any of them kepe any suspected woman in their houses or be incontinent persons giuen to dronkennes ydlenes, or be haunters of Tauerns, Alehouses or suspected places, or be Hunters, Hawkers, Dicers, Carders, Tablers, swearers, or otherwise suspected of any notorious crime, or giue any euill example of life, and whether they (as they ought to doe) occupye themselues in the reading or hearing of some parte of the holye Scripture, or other good author, or in some other godly or laudable exercise meete for their vocation.

25. Whether they or any of them doe keepe or suffer to be kept in their Personage, or Vicarage houses, any Alehouses, Tipling houses, or Tauerns, or doe sell, Ale, Beere, Wine, or anye victuall.

26. Whether you Parsons, or Vicars, haue bought their benifices or come to them by simonye, fraude, or deceite, or by anye colourable parte (*sic*) or other vnlawfull meane whatsoeuer, or be vehemently suspected or defamed thereof. And whether they keepe in their owne handes or haue dimised and let to ferme their parsonages and vicarages and their gleebe lande or tythes or any parte thereof, and whether any such lease be made for the performaunce of any Simonicall pacte made directly or indirectly betweene the Incumbent and the patron, or betweene the Incumbent and any other person, for the presenting of the same Incumbent to that benefice.

27. Whether the Church of your parish be now vacant or destitute of an Incumbent or no, and if it be, how long it hath bene so, and who is the patrone, and whether he suffereth the benefice to lye vacant, and occupieth the gleebe lande and taketh the tithes and other fruites to himselfe during the time of the vacation: or who els occupieth and taketh the same.

28. Whether any Priest or Minister be come into this Dioces, out of any other Dioces, to serue anye Cure here without letters testimonialls, of the Ordinarie from whence he came, vnder his Autenticke seale and hand to testifie the cause of his departing from thence, and all his behauiour there.

29. Whether any minister vse any lay or vnseemely apparell, or gounes garded, or made of a light vnseemely colour or fashion, great barrell breeches, flaunting Ruffes, or vse to goe lightly and vndecently in their hose and dublettes, and giue themselues to dauncing, or other vaine pastimes, and whether their wyfe and children be proudly and vaynely decked in apparell not fit for the state and calling of the husband.

30. Whether for the retayning of the perambulation of the circuite of your parish, the Parson, Vicar, or Curat, Churchwardens, and certayne of the substantiall men of the parish, in the dayes of the Rogations, commonly called the gange dayes, walke the accustomed boundes of your parish, and whether in the same perambulation and going about, the Curat doe vse any other rite or ceremonye, then to saye or sing in English the two Psalmes, beginning, *Benedic anima mea domino*, that is to saye, the ciii. Psalme, and the ciiii. Psalme, and such sentences of Scripture as be appoynted by the Queenes maiesties Iniunctions, with the Letany and suffrages following the same, and reading one Homelie already deuised and set forth for that purpose, without wearing any Surplesses, carying of Banners, or Handbelles, or staying at Crosse, or any such like Popish ceremonies.

31. Whether the parish Clarke be appoynted according to the auncient custome of the parishe. And whether he be not obedient to the Person, Vicar, or Curate, especially in the time of celebration of diuine seruice, or of the sacraments, or in any preparation thereunto. And whether he be able, and ready to reade the first Lesson, the Epistle, and the Psalmes, with aunswere to the suffrages, as is vsed, and whether he keepe not the bookes and ornaments of the church faire and cleane, and cause the church and Queere, the Communion table, the Pulpitte, and the Fonte, to be made decent and cleane agaynst the seruice time, the communion, sermon, and Baptisme.

32. Whether there be any man or woman in your parish that resorteth to any popish Priest for shrift, or auricular confession, or any that within three yeares nowe last past, hath bine reconciled vnto the Pope, or to the church of Rome, or any that is reputed or suspected so to be, And whethr (*sic*) there be any that refuse to come to the church to heare diuine seruice, or to communicate according to the order now established by publike authoritie and what be their names.

33. Whether your Fonts or Baptisteryes, be remoued from the place where they were wont to stande, or any persons leuing the vse of them doe Christen and Baptise in basons, or other prophane vessels not customable vsed in the church before time. And whether any christen without the Godfathers and Godmothers, and the signe of the Crosse, appoynted by the booke of common prayer.

34. Whether there be any person or persons, ecclesiasticall or temporall within your parish or els where within this dioces that of late haue retayned or kept in their custodye or that reade, sell, vtter, disperce cary or deliuer to others any English bookes sette forth of late yeares at Louaine, or in any other place beyonde the seas, by Harding, Dorman, Allen, Saunders, Stapleton, Marshall, Bristow, or any of them, or by any other English papiste, eyther agaynst the Queenes maiesties supremacie in maters eccliasticall (*sic*) or agaynst true religion, and catholike doctrine now receyued and established by common authorie (*sic*) within this Realme and what their names and surnames are?

35. Whether there be any in your parish that vseth to pray in English or in Latine vpon beades, or other such like thing, or vpon any superstitious popish primer or other such like booke and what be their names.

36. Whether the people of your parish, especially housholders (*sic*) hauing no lawfull excuse to be absent, doe faithfully and diligently endeuour themselues to resort with their children and seruaunts to their parish church or chappell, on the Holydayes, and chiefely vpon the Sundayes to Morning and Euening prayer, and vpon reasonable, let thereof to some vsuall place where common prayer is vsed, and then and there abide, orderly and soberly, during the time of common prayer. Homelies, sermons and other seruice, of God there vsed reuerently and deuoutly giuing themselues to the hearing thereof, and occupying themselues at times conuenient in priuate prayer? and who they be that eyther negligently or wilfully absent themselues, or come uery late to the church vpon the sundays, especially or that walke, talke, or otherwise vnreuerently behaue them selues in the Church, or vse any gaming or pastime abroade, or in any house, or sitte in the striete or churchyarde, or in any Tauerne, or Alehouse vpon the sunday or other holyday, in the time of common prayer, sermon, or reading of the Homelies eyther before or afternone.

37. Whether the forfeyture of twelue pence for euery such offence appoynted by a statute made in the first yeare of the Queenes maiesties reigne, be leuied and taken according to the same statute by the Churchwardens of euery person that so offendeth and by them be put to the vse of the poore of the parishe, and if it be not, by whose default it is not leuied. And what particular summes of money haue bene forfayted that way, and by whome, since the feast of Easter, in the yeare of our Lorde 1575. vntill the day of giuing vp the presentment, concerning these Articles. And so from time to time, as the sayde churchwardens and sworne men shalbe appoynted to present in this behalfe, and how much of such forfaytures haue beene deliuered to the vse of the poore of the parish, and to whome the same hath bene deliuered.

38. Whether ye knowe any that in the time of the reading of the Letany, or of any other parte of the common prayer, or in any time of the sermon, or of reading the Homelies, or any part of the Scriptures to the parishioners, any person haue departed out of the church, without iust and necessarie cause, or that disturbeth the Minister or Preacher any maner of wayes, in the time of diuine seruice or sermon, and whether any in contempt of their parish church or minister, doe resort to anye other churche or no.

39. Whether there be any Innekepers, Alewyues, vittaylers, or tiplers that suffer or doe admit any person, or persons in their houses to eate, drink, or play at cardes, tables, or such like games in the time of common prayer, or sermon, on the sundayes or holydayes. And whether there be any shoppes sette open, on Sundayes or holydayes, or any Butchers or others that comonly vse to sell meate or other thinges in the time of common prayer, preaching or reading of the homelies, and whether in any Faires or common markettes, falling vpon the sunday, there be anye shewing of any wares before morning prayer be done, and whether any markettes, or selling of wares be vsed or suffred in any Churchyardes, by common packmen, or Pedlers going about, or any such people either of your parish, or not of the same parish.

40. Whether for the putting of the Churchwardens and swornemen the better in remembrance of their duetye, in obseruing and noting such as offende, in not comming to diuine seruice, your minister doe openly euery sunday after he haue reade the second Lesson at morning and euening prayer, monish and warne the Churchwardens and swornemen to looke to their charge in this behalfe, and to obserue, who contrary to the sayde Statute offend in absenting themselues negligently or wilfully from their parish Church or Chappell, or vnreuerently as is afore sayde vse themselues in the time of diuine seruice.

41. Whether your parish be serued by a minister or reader, and what the stipende of any such is for his seruing there, and how long hath it bine serued by a reader, and not a full minister.

42. Whether the Churchwardens of the last yeare, haue giuen to the parish a iust account of the church goods and rents that were committed to their charge according vnto the custome that hath bine afore time vsed, and what church goods they or anye other haue solde, and to whome. And whether to the profite of your church or no. And what hath bine done with the money thereof comming.

43. Whether the Churchwardens and swornemen of the laste yeare haue of any priuate corrupt affection, concealed any crime or other disorder in their time done in your parishe, and haue not presented the same to the Byshop, Chauncellour, Archedeacon, Commissary, or such other as had authoritie to reforme the same. And whether they or

any of them, at any such time as they should haue bene at diuine seruice, on Sundayes or holydayes, and shoulde there haue obserued others that were absent, haue bene away them selues at home, or in some Tauerne or Alehouse, or els about some worldly busines, or at Bowles, Cardes, Tables, or other gaming, without regard of their office and ductye in that behalfe.

44. Whether any man hath pulled downe, or discouered anye Church, chauncell, or chappell, or any part of any of them, anye church porche, vestrie, or steeple, almose house, or such like, or haue plucked downe the bels, or haue felled, or spoyled any wood or timber in any churchyarde.

45. Whether your Hospitals, Spittles, and Almose-houses, be well and godly vsed according to the foundation and auncient ordinaunces of the same. Whether there be any other placed in them, then poore, impotent, and needy persons, that haue not wherewith or whereby to liue.

46. Whether any of your parish being of conuenient age haue not receiued the holy Communion thrise this last yeare, at the least, and namely at Easter last or there abouts for once, and what their names are, or receyuing, haue not signified the same before to your person, vicar, or curate, that he might conueniently examine them, or that haue refused to come to him to be examined.

47. Whether there be any in your parish that hath or doth offende contrary to the statute made in the xxxvii yeare of the Reigne of King Henry the eyght, for reformation of vsurie and reuiued by an act made in the xiii yeare of the Raigne of the Queenes maiestie, what be the names of such offenders and what is the maner of their vsurie.

48. Whether there be any in your parish that minister the goods of those that be deade, without lawfull authoritie, or anye that suppresse the last will of the dead, or any executors that haue not fulfilled their Testators will, specially in paying of legacies giuen to the church or to other good and godly vses, as to the reliefe of pouerty, to Oraphans (*sic*), poore schollers, poore maydens mariages, high wayes, schooles and such like.

49. Whether the Schoolemaisters which teach within your parish, eyther openly or priuatly in any Noble or Gentelmans house or in any other place there, be of good and sincere religion and conuersation, and be diligent in teaching and bringing vp of youth, whether they be examined allowed and licenced by the Ordinarie or his officer in that behalfe.

50. Whether ther be any among you that vse Sorcery or witchcraft or that be suspected of the same, and whether any vse any charms or vnlawfull prayers, or inuocatations (*sic*), in Latine or otherwise, and namely midwyues in the time of womens trauayle of childe, And whether any doe resort to any such for helpe or counsayle, and what be their names.

51. Whether there be among you any blasphemers of the name of God, greate or often swearers, adulterers, fornicators, incestuous persons, bawdes, or receiuers of naughtie and incontinent persons, or harberers of women with childe, which be vnmaried, conueying or suffering them to goe away, before they do any penaunce, or make satisfaction to the congregation, or anye that be vehemently suspected of such faultes, or that be not of good name and fame, touching such crimes and faults, anye drunkerdes, or ribaldes or any that be malicious contentious, or vncharitable persons, common sclaunderers of their neighbours raylers scolders, or sowers of discorde betweene neighboures.

52. Whether there be any in these partes that haue maried within the degrees of affinitie, or consanguinitie by the lawes of God forbidden, so sette out for an admonition in a table, now appoynted to be affixed in euery parish church, within this dioces, or any that being diuorsed or seperated from the same doe yet notwithstanding inhabite and keepe company still togither, or any that being maryed without those degrees haue vnlawfully forsaken their wyues or husbands and maried others. Any man that hath two wyues, or any woman that hath two husbands, any that being diuorsed and separated asunder haue maried againe, any maried that haue made any contracts, any that haue made preuie or secrete contractes, any that haue maryed or contracted themselues without the consent of their parentes, tutors or governors, any that haue maried without bannes thrise solemelie asked, any couples maried that liue not togither but slaunderously liue aparte, any that haue maryed out of the parish church where they ought to haue solemnised their mariage.

53. Whether the minister and Churchwardens haue suffered any Lordes of misrule, or summer Lordes or Ladyes, or any disguised persons or others in Christmas or at May games, or any Morise dauncers, or at any other times to come vnreuerently into the Church or Churchyard, and there to daunce, or play any vnsemely partes, with scoffes, iests, wanton iestures, or ribalde talke, namelie in the time of common prayer, and what they be that committe such disorder or accompanye or mayntayne them.

54. Whether the Archdeacon, Chancelor, Commissary, officiall or any other vsing ecclesiastical Iurisdiction, in this dioces, their registers or actuaries, Apparitors or Sommoners, haue at any time winked at, and suffered any adultries, fornications, incests, or other faultes or offences to passe and remayne vnpunished, and vncorrected for money, rewardes, bribes, pleasure, frendship, or any other partiall or affectionate respect.

55. Whether any new presbiteries or eldership be lately among you erected, and by them any ministers appointed, with (*sic*) orders taking of the Byshop doe baptise, minister the Communion or deale in any function ecclesiastical, or gather any priuate conuenticles whereby the people be drawn from the church.

56. Whether the Queenes Maiesties iniunctions be duely and preciselye obserued both on the part of the Clergie and the laity according to the articles therein conteyned.

57. Also whether there be among you any notorious euill liuers, or any suspected of any notorious sinne, fault, or crime, to the offence of christian people committed, any that stubbornelie refuse to conforme themselues to vnitie, and godly religion nowe established by publique auctoritie, or any that bruteth abroade rumors of the alteration of the same, or otherwise that disturbeth good orders, and the quietnes of Christ his church and the Christian congregation.

58. Item ye shall make diligent enquiry within your seuerall parish, whether your Person, Vicar, or curate, haue maryed anye person not being three seuerall times lawfully asked in their parish churches: or haue maried any persons at any time or times, by the ecclesiasticall lawes of this realme forbidden: not being sufficiently licenced thereunto, and by whose licence the same persons were so dispenced withall to to (*sic*) be maryed: and the saide dispensacions or licencse (*sic*), you shall warne your persons, vicars, and curates to bring to vs or our officers, so many as haue bene made vnto them sence the late Byshop of London his last visitation: and the defaultes therein you shall duely present.

59. Generally you shall present all breaches, and offences committed against the Queenes maiesties iniunctions, if they be not in all poynts duely and precisely obserued on the part of the Clergye and of the laytie according to the articles therein conteyned, and euery of them.

60. Lastly all matters touching these Articles and all thinges therin contayned which ye cannot now present, and in the times of the visitation bring in, you shall certyfie vnder your handes at the feast of S. Michaell the archangell next coming.

FINIS.

SANDYS, ARCHBISHOP OF YORK, 1578.

ARTICLES to be enquired off, within the prouince of Yorke, in the Metropoliticall Visitation of the Most Reuerend Father in God, Edwin Archbishoppe of Yorke, Primate of England and Metropolitane. In the XIX and XX yeare, of the raigne of our most gratious souereigne Lady Elizabeth, by the grace of God of England, Fraunce, and Irelande, Queene, defendor of the Fayth, &c., 1577 & 1578.

Imprinted at London by William Seres.

¶ARTICLES to be enqvired off within the prouince of Yorke, in the Metropoliticall visitation of the most reuerend Father in God, Edwin, Archbishoppe of Yorke, Primate of England and Metropolitane.

In the XIX. yeare of the raigne of our most gratious soueraigne Lady Elizabath by the grace of God of England, Fraunce, and Ireland Queene, defendour of the Faith, &c.

First, whether Common praier be sayd in your church or chappel vpon the Sundaies & holy dayes at conuenient houres, reuerently, distinctly, and in such order without any kinde of alteration, as is appoynted by the booke of Common prayer? And whether your Minister so turne himselfe, and stande in such place of your Church or Chauncell, as the people may best here the same? And whether the holy Sacraments be duely and reuerently ministred in such manner, as is set foorth by the same booke? And whether vpon wednesdayes and Fridaies, the Letany and other prayers be sayd accordingly & the commination against sinners redde thryce yearely.

2. Whether you haue in your Church or chappell, all things necessarie and requisite for common prayer & administration of the holy Sacramentes, specially the Booke of Common prayer with the newe Kalender, the Psalter, the Bible of the largest volume, the Homilies, bothe the firste and seconde Tome, a comely and decent table standing on a frame, for the Communion Table, with a fayre linnen cloth to lay vpon the same, and some coueringe of Silke, Buckram or other such like, for the cleane keeping thereof, a fayre and comely Communion Cup of Siluer, and a couer of Siluer for the same, which may serue for the administration of the LORDES BREAD, a comely large Surples with wyde sleeues, and of fine lynnen cloth for your Minister to weare, and all other things necessary for the premisses, with a comely pulpet conueniently placed, and also a Chest or Boxe for the poore?

3. Whether your Person, Vicar or Curate, at all tymes in saying the common prayer vpon sundayes and holy dayes, and in administring of the Sacraments, doth vse and weare the Surples, yea or no? or doe suffer any other to saye the common prayer, or minister either of the Sacraments in your Church, not wearing the same?

4. Whether any Person or persons not being ordered at the least for a Deacon, or lycensed by the Ordinary, do saye common prayer openly in your Church or Chappell, or any not being at the least a Deacon, do solemnize Matrimonie, or administer the Sacrament of Baptisme, or deliuer vnto the communicants the Lords Cup at the celebration of the holy communion, & what he or they be that so do? And whether the Person, Vicar, or Farmer of your benefice, doe cause any Curate to serue your Church before he be examined and admitted by the Ordinary, or his deputie in writing?

5. Whether your Person, Vicar, or Curate, hath or doth maintaine any doctrine contrary or repugnant to any of the Articles agreed vpon by ye clergie in the convocation holden at London, *Anno Domini* 1562: And whether they haue publikely or secretly taught any doctrine tending to the discredit and disprayse eyther of the Booke of common prayer, or of the receiued order, for gouernment in the Church, or make any other innouationn? And whether they haue permitted any man so teaching or making such innouation, and what be their names?

6. Whether your Person or Vicar haue any mo benefices than one, how many, and in what countrie be they, and what are theyr names; and who is the Patrone of his benefice or benefices. And whether he be resident vpon his benefice, and keepe hospitalitie or no, and if he be absent, whether he doth relieue his parishioners, and what he giueth them, and if he may dispend twenty pounde or aboue by yeare, and be not resident, whether he doth distribute the xl part of the benefice where he is not resident among the poore of the Parish, or no? And whether any vittaling, typling, or ale selling be had and kept within the mansion house of any Person or Vicar?

7. Whether any person or persons be admitted to aunswere as Godfathers or Godmothers at the Christening of any childe, except he or she haue before receiued the holy communion, and can say by heart the Articles of the Christian faith, the ten commaundements of God, and the Lords prayer, and will recite the same before the Minister, if he or she be therevnto required?

8. Whether for the retayning of the perambulation of the circuite of your parish, the Minister and Clarke, with the Churchwardens, and certaine of the substantiall men of the parish in the dayes of Rogations, walke about your parish according to the Queenes Maiesties Iniunctions?

9. Whether the register booke of al Christenings, Mariages, and Burialls, that happen in your parish from tyme to tyme, be duely kept, and the same Christenings, Mariages and Burialls, entred into the same Booke by your minister, according to the Queenes Maiesties Iniunctions? And whether ye haue one Coffer with two lockes, for the keeping of the same Register Booke, or no?

10. Whether your Person, Vicar, or Curate do keepe any suspected woman in his house, or be an incontinent Person, giuen to dronkennesse, or idlenesse, or be a haunter of Tauerns, Alehouses, or suspected places, a Hunter, Hawker, Dicer, Carder, Tabler, Swerer, or otherwyse giue any evill example of lyfe? And whether his apparell be comely and graue? And whether he be diligent in visiting the sicke, especially if he b etherevnto required?

11. Whether when any christian body is in passing, the bell be tolled, to moue the people to pray for the sick person, especially in the greater townes, where the sicke person dwelleth neere vnto the church? & whether after the tyme of his or hir passing out of this world, ther be any more ringing but one short peale before the buriall and another short peale after the buriall? And whether on all Saints day after Euening prayer, there be any ringing at all in your Church or Chappell, or any other superstitious ceremonies vsed, tending to the maintenance of the popish purgatorie, or praying for the dead, and who they be that vse or doe the same? And whether there be any ringing on Sundayes or holy dayes in the seruice tyme, or betwene morning prayer and the Letany, or at any other times, contrary to good order or lawe?

12. Whether your Minister do at the least euery second Sunday, & euery holy day openly in the Church, (especially when it is fayre weather) here, examine, and instruct the children, apprentices, and seruaunts of both the sexes, that be of conuenient age within your parish, in the Catechisme allowed and set foorth with certaine additions, or at the least so many of them by course as cannot say the same by hart, and as he may well heare and instruct, for an houre at the least before or after the Euening prayer? And whether for that purpose he doth take the names of them all, and by course call certaine of them by name euery seconde sunday and holy daye to come to the teaching of the same Catechisme, vntyl they haue learned the same?

13. Whether all fathers, mothers, masters, and dames, of your parish, cause theyr children, seruaunts, apprentizes, both mankinde and womankinde, being above sixe yeares of age and vnder twentie, which haue not learned the Catechisme, to come to the Church on the Sundayes and holy dayes, at the times to them appointed, or at the least such and so many of them as your Minister shall appoint, and there diligently and obediently to heare, and to be ordred by the minister vntill such tyme as they haue learned the same Catechisme, and what be the names of those that do not cause theyr children, seruaunts, and apprentices so to come to the Church to be instructed and examined, and how many of the sayd children, seruauntes, & apprentices, be in your parish, which being aboue seauen yeares olde, & vnder twentie yeares of age, cannot saye by heart the sayde Catechisme, and what be their names and age, and with whome they dwell?

14. Whether your Person or Vicar hath preached or caused to be preached foure sermons at the least euery yeare in your Church and what be the names of him or those that so did preach? and whether they were lawfully licenced so to preach, if any other than your Person or Vicar did preach the same? and whether if ther be no Sermon, your Minister do reade for the moste part euery Sunday distinctly and plainlye, some part of the Homelies appointed to be reade? And whether any Minister not admitted by the Ordinary, do expounde any scripture or matter of doctrine, by way of exhortation or otherwyse, and thereby omit and leaue off the reading of the Homilies already set out.

15. Whether your Minister hath admitted to the receiuing of the holy Communion, any open and notorious sinner or euill liuer, by whome the congregation is offended, without due penance first done, to the satisfaction of the congregation. Or any malicious person that is notoriously known to be out of charitie, or that hath done any open wrong to his neighbour, by word or deede, without due reconciliation first made to the partie that is wronged, according as is required by the Booke of common prayer?

16. Whether your minister hath admitted to the holy Communion any of his parish being aboue twentie yeares of age, either mankinde or womankinde, that can not say by heart the ten commaundments, the articles of the fayth, & the Lordes prayer, or being aboue twelue yeares and vnder twentie yeares of age, that cannot say by heart the sayde Catechisme? And whether he marry any persons which were single before, that cannot saye the sayde Catechisme? And whether he vseth to examine his parishioners at conuenient tymes, to the intent he may know whether they can say the same which is required or no?

17. Whether your Minister doe Church any vnmaryed woman after they haue bene deliured of theyr children begotten vnlawfully, before they haue acknowledged theyr faultes openly, according to the order prescribed by the Ordinarie or his deputie?

18. Whether there be any in your parish, man or woman, being of conuenient age, that hath not receiued the holy Communion thrice at the least this last yeare, and namely at Easter last or ther about for once, and what be theyr names? And for what cause they do abstayne from the holy Communion? And whether yearely before Easter at conuenient tymes, & namely on Sundayes in Lent at afternoone, or such other dayes in the weeke next before Easter, such of your parishioners as the Person, Vicar, or Curate shall appoint, and require to come vnto him, do come and recite vnto him the Catechisme, or at the least, the Lordes prayer, the articles of the christian beliefe, and the ten commaundments by hart in English, and if any so re-

quired do wilfully and stubburnely refuse to come and recite the same? Whether the Churchwardens and sworne men or any of them do assist the Minister therein, that such stubburne persons may be rebuked and expelled from the communion at that tyme, and so presented to the Ordinarie?

19. Whether the people of your parishe, especially householders, hauing no lawfull excuse to be absent, doe faithfully and diligently endeuor themselues to resorte with their children and seruants to their parish Church or Chappell on the holydayes, and chiefly vpon Sundaies, to Morning and Euening prayer, and vpon reasonable let therof to some other Church or Chappell wher common prayer is vsed, and then and there abide orderly & soberly during the time of common prayer, Homelies, preachings, and other seruice of God there vsed, reuerently and deuoutly giuing themselues to the hearing thereof, and occupying themselues at tymes conuenient in priuate prayer, and who they be that either negligently or wilfully absent themselues or come very late to the church vpon Sundaies especially, or that walke, talke, or otherwise vnreuerently behaue themselues in the Church, or vse any gaming abroade, or pastime in anye house, or sit in the streets or Churchyard, or in any Tauerne or Alehouse vpon the Sunday or holydaye, in the tyme of common prayer, Sermon, or reading of the Homelies, either before noone, or after noone?

20. Whether the forfeiture of twelue pence for euery absence from common prayer, appointed by a statute made in the firste yeare of the Queenes Maiesties raigne, & set foorth in the beginning of the booke of common prayer, hath bene leuied and taken according to the same statute, by your Churchwardens of the last yeare, of euery person that so hath offended, and by them be put to the vse of the poore of the parish, and if it be not, by whose default it is not leuied, and what perticular summes of money haue bene forfeyted that way, and by whome, since Easter in the yeare of our Lord 1575, vntill the daye of giuing vp the presentment concerning these Articles, and so from time to time as the sayd Churchwardens and sworne men shall be appointed to present in this behalfe, and how much of such forfeytures haue bene leuied by the Chuchwardens, and by them deliuered to the vse of the poore of the parishe, and to whome the same hath bene deliuered?

21. Whether your Church or Chappell and Chauncell, be sufficiently repayred & clenly kept, & the mansion house of your Parson and Vicar, with the buildings therevnto belonging, likewise sufficiently repayred, and your Churchyarde well fenced and clenly kept, and if any of the same be ruinous and in decay, through whose default it is so? whether the Churchwardens of the last yeare were enioyned to haue repaired any part of the Church, or fenced the Churchyard, & did neglect to do the same?

22. Whether there be any Inkeepers, Alewiues, Vitailers, or tiplers, that suffer or do admit any person or persons in their houses to eate, drinck, or play at cards, Tables, or such lyke games, in time of common praier or Sermon on the Sundaies and holydayes? and whether there be any shoppes open on Sundayes or holydayes, or there be any Butchers or others that vse to sell meate or other things in the tyme of common prayer, preaching, or reading of the Homelies? And whether in any Faires or common Markets falling vpon the Sunday, there be any showing of any wares before the diuine seruice be done in the forenoone?

23. Whether for the putting of the churchwardens and sworn men the better in remembraunce of theyr dutie in obseruing & noting such as offend in not comming to diuine seruice, your Minister or reader do openly euery Sunday after he haue read the second lesson at Morning and euening prayer, monish & warne the Churchwardens & sworne men to looke to theyr charge in this behalfe, and to obserue who contrary to the sayde statute offende in absenting themselues negligently or wilfully from their parish Church or Chappell, or vnreuerently as is aforesayd, vse themselues in time of diuine service?

24. Whether the Churchwardens of the last yeare haue giuen to the parishe a iust account of the Church goods that were committed to their charge, and what church goods they haue solde, & to whome, and whether to the profit of the Church or no? And whether any person suppresse the last wil of the dead and performe not legacies bequethed to the Church, or to Orphanes, poore Maides mariages, high wayes, schooles, or any other godly vse?

25. Whether there be in your parish any that be malicious, contencious, or vncharitable persons, seeking the vniust vexation of their neighbours, scoldes, common swearers, or blasphemers of the name of god, any fornicatours, adulterers, incestous persons, bawdes, or receyuers of such incontinent persons, or harbourers of women with childe which be vnmaried, conueying or suffering them to go away before they haue done any penaunce, or make satisfaction to the congregation, or an persons that are vehemently suspected of such faults, or that be not of good name & fame, touching such crimes & faultes, any common drunkards, ribawds, or other notorious euil liuers?

26. Whether there be any that be maried in degrees forbidden, or that haue maried two wiues, or two husbands both liuing, or that liue not together with theyr wiues, and what be theyr names? any maried that haue made precontracts, any that haue maryed without banes thrise solemly asked, or that haue maried foorth of their parish church wher they ought to haue solemnised mariage?

27. Whether there be any man or woman in your parish that vseth witchcraft, Sorcery, Charmes or vnlawfull prayer, or inuocations in Latine or English, or vpon any Christian body, or beast, or any that resorteth to the same for counsell or helpe, & what be their names?

28. Whether any person or persons within your parish haue committed vsury, contrary to an Act against Vsury, made in the xxxvii yeare of the raigne of the late King Henry the eight, and lately reuiued, and what are the names of such Vsurers? And what is the maner of their Vsury?

29. Whether the Scholmasters that teach in your parish either openly, or priuateli in any Gentlemans house or others, be of a good & sincere religion & conuersation, & be diligent in teaching of youth? whether they be examined, allowed, and licenced to teach by the Ordinarie or his deputie? and whether they teach the Catechisme allowed and commaunded by the now Archbishop of Caunterbury both in English and Latin vnto their scholers, accordinge to their capacities, and what be their names?

30. Whether there be any among you that is a hinderer of true religion, or a fautour of the romish power, or that stubburnly refuseth to come to the church, or to communicate, or otherwise will not conforme himselfe to vnite & godly religion, set forth by common authoritie, or any that wilfully or obstinately doth defend or maintain any heresies, errours, or false doctrine, contrary to the holy scriptures, and what be his or their names?

31. Whether in your churches and chappels all alters be vtterly taken downe and cleane remoued euen vnto the foundation, & the place where they stoode paued, and the wall whereonto they ioyned, whited ouer, and made vniforme with the rest, so as no breach or rupture appeare? And whether your roode lofts be taken downe and altered so, that the vpper parts thereof with the soller or loft be quite taken down vnto the crosse beame, and that the said beame haue some conuenient crest put vpon the same?

32. Whether all and euery Antiphoners, masse bookes, grailes, portesses, processionals, manualles, legendaries, and all others bookes of late belonging to your church or chappell, which serued for the superstitious latine seruice, be vtterly defaced, rent, and abolished, and if they be not, through whose default that is, and in whose keeping they remaine? And whither all vestmentes, albes, tunicles, stoles, phanons, pixes, paxes, handbells, sacringbells, censers, chrismatories, crosses, candlestickes, holy water sticks, ymages, and such other reliques & monumentes of superstition and idolatry be vtterly defaced, broken and destroied? And if not, where, and in whose custody they remaine?

33. Whether there be any man or woman in your parish, that resorteth to any popish priest for shrift or auriculer confession, or any other within three yeares nowe last past hath bene reconciled vnto the Pope, or to the church of Rome, or any that is reputed or suspected so to be? And whether ther be any that refuse to come to the church to hear diuine seruice, or to communicate according to the order now established by publique authoritie, and what be their names?

34. Whether there be any person or persons ecclesiastical or temporal within your parish or elswher within this diocese, that of late hath reteyned or kept in their custody, or that reade, sell, vtter, disperse, cary, or deluier to others any English bookes, set foorth of late yeares at Louain, or in any other place beyond the seas, by Harding, Dorman, Allen, Sanders, Stapleton, Marshal, Bristow, or any of them, or by any other English papist, either against the Queenes meiesties supremacy in matters ecclesiastical, or against true religion, and catholique doctrin now receiued & established by common authoritie within this realme, and what their names and surnames are?

35. Whether your Hospitals, spittles, and almesehouses be well & godly vsed according to the fundations and auncient ordinances of the same, whether ther be any other placed in them then poore impotent and needy persons, that haue not wherewith or whereby to liue.

36. Whether the Deanes, Ruralles & Sumners, or any of

them do pay annual rent fee or pension for their offices, and what they pay and to whom.

37. Howmany Adulteries, Incestes, and Fornications haue bene comitted within your Parishe or Chappelrie sence the feast of Easter 1577. How many offenders in those faultes haue bene put to open penaunce, and openlie corrected, and how many haue ben wincked at and borne withall, or haue fined and payed money to the Archedeacon, Chauncellor, Commissarye, Officiall, or theyr deputies, or to the Deanes, Registers, or Sumners, or any of them to escape open punishment and correction. And what theyr names and surnames be.

38. Whether the Archedeacon, commissarie, officiall deane, or any other vsinge ecclesiastical iurisdiction in this dioces, theyr Registers or actuaries, apparitors or Sumners, haue at any time wincked at, and suffered any adulteries fornications, incests, or other faultes or offences to passe and remaine vnpunished and vncorrected for money, rewards, bribes, pleasure, friendship, or any other partial or affectionate respect, or any of them haue bene burdensome to any in this dioces, by exacting or taking excessiue fees, excessiue procurations, any rewardes, or commodities, or any other like wayes, or meanes.

39. Item, whether the Archdeacon hath any Sumner or apparitor that doth weekely finde out offendors and conuent them before the Archdeacon, and whether the Archdeacon do heare or determine any matter other than such as are presented by the church wardens and sworn men in his visitation holden yearely next after the feast of Easter, or do chalenge the iurisdiction of a Bishop in his Archdeaconrie?

40. Whether any morice dauncers, rishe bearers, or any others haue come vnreuerently into the church or churchyard, and there daunced, or played any vnseemely part* * *

[*The greater part of the page destroyed.*]

any cryme or other disorder done in theyr tyme and haue not presented the same, and if so then what faults haue they so concealed, and what were the names of such churchwardens and sworne men so concealing the same?

45. Whe * * * *
* * * * *
* * * * *

ticles, Preachings, Lectures, or readings contrarye to the lawe. And what be theyr names.

FINIS.

SQUIER, ARCHDEACON OF MIDDLESEX, 1582.

ARTICLES to be enqvired of, by the Church Wardens and Swornemen within the Archdeaconrie of Middlesex: And the trueth thereof to be by them upon their oathes certainely presented to M. Doctor Squier Archdeacon there or to his officialles, with particular aunsweare to euerie Article.

1582.

London.—Imprinted by John Wolfe, dwelling at the Signe of the Fox in Old Fishstreate neere the Signe of the Swanne.

ARTICLES to be enqvired of, By The Chvrchwardens and Swornemen within the Archdeaconrie of Middlesex: and the trueth therof to be by them vpon their oathes, certainely presented to M. Doctor Sqvier Archdeacon there, or to his officials, with particular aunsweare to euerie Article.

Anno Domini 1582.

First, whether Common-Prayer be said in your Church or Chappell vpon the Sondayes and Holye dayes at conuenient houres reuerently and distinctly in suche order, without anye kinde of alteration, as is appoynted by the Booke of Common-Prayer, and the Lawes of this Realme? and whether your Minister so tourne himselfe, and stand in such place of your Church or Chauncell, as the people may best heare the same? Whether the Holy Sacramentes be likewise ministred reuerently, in such manner as by the Lawes of this Realme is appoynted? And, whether vpon Wednisdayes and Fridayes, not being Holy dayes, the Letany and other Prayers appointed for the daye, be sayde accordingly, and the Excommunication against sinners, read thrise yearely?

2. Whether you haue in your Church or Chappell all thinges necessary and requisite for common prayer and administration of the Sacramentes, specially the Booke of Common Prayer with the new Kalender, two Psalters, the Englishe Bible in the largest volume, the two Tomes of the Homelies, the Paraphrasis of Erasmus translated into English, the Table of the Tenne Commaundementes, the Table for the degrees of Matrimonie, a conuenient Pulpit well placed: a comely and decent Table standing on a frame, for the Holy Communion, with a fayre linnen cloth to laye vpon the same, and some coueringe of Silke, Buckerame, or other such like, for the cleane keeping therof, a fayre and comely Communion Cup of siluer and a couer of siluer for the same, a sure cofer wyth two lockes for the keeping of the Register Booke, and a strong Chest or box for the Almes of the poore?

3. Whether any person or persons bee admitted to aunsweare as Godfathers or Godmothers at the Christening of any Childe, except he or she haue before receiued the Holy Communion, and can geue accompte of their Faith, and will recite the same before the Minister, if he or she be thereunto required?

4. Whether any person or persons, not beinge ordered at the least for a Deacon, do either say Common Prayer openly in your church, solemnize Matrimony, or administer the Sacrament of Baptisme, or deliuer to the Communicantes the Lordes Cup, at the celebration of the Holye Communion, or doe burie the deade, or geue Thankes for Women after their Childbirth, and what he or they be that so doe?

5. Whether your Parson, Vicar, or Farmer of your Benefice, do cause any Curate to serue in your Church before hee be examined and admitted by the Ordinarie, or his Deputie in writing, and your Minister haue his sufficient letter of Orders or no?

6. Whether your Minister or you haue suffred any Interludes to bee played in your Churche or Chappell, where Gods Word and Prayer are to be vsed, or there be any in your Parish that doth violate or breake the Lordes Day by any kinde of worke or pastime whatsoeuer, or any Minstrels that vse anye playinge vpon their Instrumentes in your Churche or Chappell, or your Churchyard, or other that hath made any fray, or vsed any brawlinge or vnseemely noyse there, or any that vse any Dauncinge or other kinde of vayne pastime in the foresaide places at any time, And whether ther be any Dauncing, Rifling, or gameplaying, or any bodily labour, as ploughing, carting, or any handie crafte vsed in your Parish vpon the solemne Feastes, or Festiuall dayes?

7. Whether the people of your Parish, especially housholders hauing no lawfull excuse to bee absente, do faithfullye and diligentlye endeuour themselues to resort with their children and seruantes to their Parishe Churche or Chappell on the Holy dayes, and chiefly vpon the Sondayes to Morninge and Eueninge Prayer, and vpon reasonable let thereof, to some vsuall place where Common Prayer is vsed, and then and there abide orderlye, and soberlye, during the time of Common Prayer, Homelies, Preachinges, and other Seruice of Gods word there vsed, reuerently and deuoutly giuinge themselues to the hearing thereof, and who they be that either negligentlye or willfully absente themselues, or come very late to Church vpon the Sondayes especiallye, or that walke, talke, or otherwise vnreuerentlye behaue themselues in the Church, or vse any gaminge abroade or in anye house, or sitte in the streates or churchyarde, or in anie Tauerne, or Alehouse vpon the Sonday or other Holy day, in the time of Common Prayer, Sermons or reading of the Homilies, either before noone or after noone, or els resorte to Faires, Playes, or games, in the same time?

8. Whether the forfaiture of twelue pence for euery suche offence appoynted by a Statute made in the first yeare of the Queenes Maiesties raigne be leuied, and taken by the Church Wardens of euerye person that offendeth, and by them bee put to the vse of the poore of the Parish, and if it bee not, by whose default it is not leuied, and what particular sommes of money haue bene forfayted that way, and by whome since the Annuntiation of our Lady in the year of our Lord 1581, vntill the day of geuing vp the presentment concerninge these articles, and to whome such forfaitures haue beene deliuered?

9. Whether there bee anye Innekeepers, Alewiues, Vittaylers, or Tiplers that suffer or admit anye person or persons in their houses to eate or drinke, or play at Cards, Tables or such like games in time of Common Prayer or Sermon on Sondayes or Holy dayes, and whether there bee anye shoppes open on Sondayes or Holy dayes, or anye Butchers or others that commonly vse to sell meate or other thinges in the tyme of Common Prayer, Preaching, or readinge of the Homilies. And whether in any Faires or common markets falling vpon the Holy dayes, there be any shewing of any wares before the deuine seruice be done.

10. Whether for the putting of the Churchwardens and swornemen the better in remembrance of their duetie

in obseruing and noting such as offende in not comming to diuine seruice, your Minister doe openly euerie Sonday, after he haue read the second Lesson at Morning and Euening Prayer, monishe and warne the Churchwardens and Swornemen to looke to their charge in this behalfe, and to obserue who contrarie to the saide Statute, offende in absenting themselues from their Parish Church, or vnreuerently as is aforesaide vse themselues in the tyme of diuine seruice?

11. Whether your Minister do exercise himselfe in godlye studie of Holy Scriptures, and vertuous bringing up of youth, as in teaching of the Catechisme lastlye setfoorth by authoritie, and other godlye exercises from time to time?

12. Whether your Minister do at the least euery Sonday and Holy day, openly in the Church cal for, heare and instruct, all the Children, Apprentises and seruantes of both the sexes, that be of conuenient age within your Parish, or at the least so many of them, as the time will serue, and as he may well heare and instruct, for halfe an houre at the least before, or at the E eninge Prayer, in the X. Commaundementes, the Articles of the beleefe, and the Lordes Prayer, and diligently examine and teach them the said Catechisme?

13. Whether all Fathers, Mothers, Maisters and Dames of your Parishe, cause their Children, Seruauntes, and Apprentises, both mankinde and womankinde, beinge aboue sixe yeares of age, to come to the Churche on the Sondayes and Holye dayes, at the time to them appoynted, or at the least such and so many of them as your Minister shall appoint, and obediently to heare and be ordered by the Minister vntill suche tyme as they haue learned the same Catechisme? And what be the names of these that doe not cause their Children, Seruauntes, and Apprentises so to come to the Churche to bee instructed and examined? And how many of the said Children, Seruants, and Apprentises be in your Parish, which being aboue seauen yeares olde, doe not aunsweare to the sayde Catechisme, and what bee their names and age, and wyth whom they dwell? And whether do you which are the Church Wardens diligentlye obserue the offenders in the premisses, that you may quarterly make true presentment of them?

14. Whether your Minister, or any man or woman in your Parish doe willfully mainetaine or defende any Heresie, false opinions, Popishe errours contrarye to the lawes of Almightie God, and true doctrine, by publike authoritie in thys Realme now setfoorth? And whether any keepe any Fastes, or secret Conuenticles, contrarye to the Lawes, or anye within your Parish be suspected to bee Papistes, Anabaptistes, Libertines, or of the detestable secte of the Familie of Loue, or of any other notable heresie, and what be their names?

15. Whether, doth your Parson, Vicar, Curate, or Minister keepe any suspected woman in hys house, or bee an incontinent person, geuen to dronkennes, idlenes, or be a haunter of Tauernes, Alehouses, or suspected places, or be a Hunter, Hawker, Dicer, Carder, Tabler, Swearer, False dissembler, or otherwise suspected of any notorious crime, or giue any euill example of life?

16. Whether your Churche bee voide of an Incumbent, how long it hath bene so voide, by whome, and at whose order the fruites are gathered, and bestowed, by whome and at whose appointmente the cure is serued?

17. Whether your Minister vse to praye for the Queenes moste excellente Maiestie (Queene Elizabeth) in your Church; and whether hee exhorte the people to obedience of her Highnes, and other Magistrates beeing in authoritie vnder her, or no?

18. Whether your Parson or Vicar hath preached or caused to bee preached in your Churche his quarterly or monethly Sermons, as by the Queenes Iniunctions hee is bounde, and what bee the names of him or them, that so did preache, and whether hee admitted any to preach, not beeing lawfully licenced, or haue letted or inhibited those that were licenced, and whether if there be no Sermon, your Minister doe reade euery Sonday distinctly and plainely some part of the Homelies appointed by the Queenes authoritie to be read? And whether doth he Quarterly read the Iniunctions?

19. Whether your Parson, Vicar, or Curate, haue publikely, or secreatly taught any doctrine tendinge to the discredite of the receiued order, for gouernemente or publike Prayer, in the Churche, or make anye innouation? and whether they haue permitted any man so teaching or making any such innouation, who they bee and what bee their names, that so did teach?

20. Whether your Parson, Vicar, or Curate, after the Gospell, haue read openly in your Churche twise this yeare plainely without addition or change the declaration of certain principall Articles of Religion set forth by both the Archbishops and the Bishops of this Realme, for vnitie of doctrine, being appointed to bee read vpon some Sonday within one moneth next after Michaelmas and Easter yearely?

21. Whether your Minister hath admitted to the receiuing of the holy Communion any open and notorious sinner or euill liuer, by whome the Congregation is offended, or anye malicious person that is out of charitie, or that hath done any open wrong to his neighbors, by woord or deede, without due pennance, first done, or reconciliation had to the satisfaction of the congregation?

22. Whether your Minister hath admitted to the holy Communion any of his Parish either mankinde or womankinde, that cannot say by hart the X. Commaundementes, the Articles of the Faith, and the Lordes Prayer, and that cannot say by hart the Catechisme authorized, or are not diligente to learne, to render a reason of their Faith, and whether he marry any persons which were single before, that cannot say the sayde Catechisme, and whether he vseth to examine hys Parishners at conueniente times, to the entent he may know whether they can say the same which is required, and whether there be any that do refuse so to be examined or no?

23. Whether there bee any in your Parish man or woman beinge of conuenient age, that hath not receiued, the holy Communion thrise at the least this last yeare, and namely at Easter last or there about, and what their names are? And whether yearelye before Easter or at such conueniente times as your Minister shall thinke meete, and require hys Parishioners to recite vnto hym the Catechisme by harte in Englishe, if any doe willfully and stubbernely refuse to recite the same, the Church Wardens and Swornemen or any of them doe assiste and aide the Minister therein, that such stubberne persons maye bee rebuked and repelled, from the Communion at that time?

24. Whether there bee in your Parish any that are known or suspected to be malicious, contentious, or vncharitable persons, anye swearer, or blasphemers of the name of God, anye fornicators, adulterers, incestuous persons, baudes, or anye that receiue such incontinente persons, or anye that harbor women with child which be vnmaried, conueying or sufferinge them to goe awaye before they haue done anye pennance, or make satisfaction to the Congregation, or any persons that are vehemently suspected of any of these or suche like faultes, or that bee not of good name and fame touching such crimes, whether there bee in your Parish any dronkardes, common slaunderers of their neighbors, raylers, skoldes, or sowers of discorde betwene neighbors, either baudes, or any other euill or suspected liuers of incontinente life, who they be?

25. Whether the Schoolemasters or Schoolemistresses that teach in your Parishe, either openly or priuately in anye gentlemans house or others bee of good and sincere Religion and conuersation, and bee diligent in the teachinge of youth in the Catechisme lastly set foorth by authoritie, as also in other godlye and necessary documents of learning, whether they bee examined, allowed and licenced to teach by the Ordinary or his deputie, and what bee their names that be not licenced?

26. Whether there be any that be maried in degrees forbidden, or that haue married two wiues or two husbandes both liuing, or that liue not together with their wiues, and what be their names?

27. Whether there bee anye man or woman in your Parish that vseth witchcraft, coniuring, southsaying, charmes, or vnlawfull Prayers or inuocations in Latin or English for or vpon any Christian bodie, or beast, and what be their names, or any that do go or seeke for helpe at such sorcerers handes?

28. Whether you doe know, or haue heard say, that within your Parishe there is, or are any person or persons notoriouslye knowen or suspected, to offend contrary to the Statute made in the seauen and thirtie yeare of the raigne of King Henrye the eight for reformation of vsurie, and reuiued by an Acte made in the thirteenth yeare of the raigne of the Queenes Maiestie?

29. Whether your Minister do Church any vnmarried women, after they haue been deliuered of their children begotten vnlawfully, before they haue acknowledged their faultes openly, according to the order prescribed by the Ordinarie or his deputie?

30. Whether your Fontes or Baptisteries bee remooued from the place where they were wonte to stande, or any persons leauinge the vse of them, doe Christen or Baptize in Basons, or other prophane vessels, not accustomablie vsed in the Church before time? And whether any Christen without Godfathers and Godmothers, or

after any other order then is prescribed, by the booke of Common Prayer?

31. Whether your Church, Chappel, or Chauncell, and euerie parte thereof be all in good and sufficient reparations, and cleanely kepte, and the mansion house of your Parson and Vicar with the buildings thereunto belonginge, likewise repaired, and your Churchyarde well fenced and cleanely kepte, and if any of the same bee ruinous and in decay, thorow whose default it is so? And whether the Church Wardens of the laste yeare were enioyned to have repaired any part of the Church or fenced the Church yard and did neglect to do the same?

32. Whether the Church Wardens of the laste yeare haue geuen to the Parish a iust accompt of the Church goodes, that were committed to their charge, and what Church goods they haue sold, and whether to the profite of the Churche or no, or anye that doe witholde anye stocke or money belonginge to the Churche? And whether anye person suppresse the last will of the deade, and perfourme not Legacies bequeathed to the Churche or to Orphanes, poore maides marriages, high wayes, schooles, or any other godly vse?

33. Whether when any christian body is passinge, the Bell be tolled, especially in great Townes where they be neere the Church or Chappell, so that the people maye bee moued thereby to praye for the sicke person, and whether there bee any other vaine ringing but one short peale before the buriall and an other after?

34. Whether your Minister doe keepe well and orderly your Register booke of Weddinges, Christeninges, and Burialles within your Parish, and doe present a copie of them once euerie yeare, by Indenture to the Ordinarie or his Officers?

35. Whether there bee within your Parish any euill disposed persons which haue by anye meanes vnreuerently abused your Minister, either by worde or deede?

36. Whether there bee any witnin your Parish, that haue been presented as offenders heretofore, which haue not done their pennance prescribed vnto them, or that stand willfullie excommunicated, and who they be?

37. Whether you know or have heard that the Church Wardens and Sworne men of your Parish the last yeare haue left any person or persons punishable for any offence by the Lawes Ecclesiastical vnpresented, whereby they haue escaped vnreformed, and by whose default, and what are the parties names that haue so offended, and wherein haue they offended?

38. Finally, whether you know or understand of any other matter or cause Ecclesiasticall woorthy of presentmente, herein not expressed, and you shall present the same?

Finis.

INJUNCTIONS OF MIDDLETON, BISHOP OF ST. DAVIDS, 1583.

[*Title wanting.*]

Iniunctions to bee obserued and kept, within the Dioces of Saincte Dauides, exhibited in the Visitation, of the right Reuerend Father in God, Marmaduke Bishop of Saincte Dauides aforesaied, in the 25 yere of the reigne of our moste gracious souereigne Ladie Elizabeth by the grace of God Quene of Englande &c.

Because I vnderstande, there is vsed in moste partes of my Dioces, an infinite nomber of Popishe Ceremonies and other thynges, contrarie to the Lawes of God, and the Quenes maiesties moste godlie proceedynges: I thought good, for the auoiding of the same to sette doune these Iniunctions followyng: Requiryng you, and euery of you (for that it tendeth to the glorie of almightie God and the benefite of those people committed to my charge) to haue a speciall care, within the limites of your charge, for the speedie obseruation, and fulfilling of the same: In doing whereof, you shall not onely obeie Gods Commaundementes, obserue her highnesse lawes, and discharge your owne dueties. But shall also greatly benefite the common weale, increase true Religion, and maintaine the Countrie in all vertue and godlinesse; where heretofore it hath been (for the moste parte) trained vp in erronious opinions, Idolitrous amitie, and wicked Superstition.

Iniunctions *to be obserued, aswell of the Cleargie, as Laitie; within the Dioces of Sainct Dauies, &c.*

First, whereas heretofore in sondrie places, it hath been a foolishe vse emongest a sort of ignorant, blinde Priestes and Ministers, that at the saiyng of these woordes, imediatly goyng before the distribution of the Sacramentall Bread and Wine: Who in the same night he was betraied, tooke bread, and when he had giuen thankes, &c. Likewise after supper he tooke the cup &c. Thei would take the bread and wine in their handes, lift it vp and shewe it vnto the people: whereupon hath ensued horrible Idolatries, and religious adoration of the Sacramentes them selues, or rather of the bread and wine, as by kneelyng, knockyng of the breast, liftyng vp of handes, closyng of their eyes, with the finger and the thombe. For the auoidyng whereof it is decreed, that no Persone, Vicare, or Curate, whatsoeuer, hereafter shall handle, lifte vp, or shewe vnto the people, the bread and wine, but shall let it lie still vpon the Table, vntill the distribution thereof, and then to breake it, receiue it hymself, and distribute it vnto others, accordyng to the orders of the booke, without any addition or detraction.

2. Item, for the better edefiyng and hearyng of the people in the ordinarie seruice, the Minister shall alwaies stande, either in the bodie of the Churche, or at the least, in the lower ende of the Chauncell, (where commonly the seate of the Minister is) with his face alwaies tourned doune vnto the people, and thence reuerently, distinctly, and with a loude voice, reade the saied seruice.

3. Item, that no notorious offendour, wrong doer, malicious persone, Infant vnder fourtene yeres of age, Idiot, Frenticke, or others, ignorant of the principles of the Christian religion, and the doctrine of the Sacramentes, shalbe admitted by any Minister to communicate.

4. Item, that there bee no recourse by the Minister, to the Communion Table, to saie any parte of seruice there, sauyng onely when there is a Communion to bee ministred: for it doeth retaine a memorie, of the Idolatrous Masse: For the auoidyng whereof, all the seruice shalbe saied by the Minister, in his owne seate or Pulpit, with his face turned downe towardes the people: sauying that when there is any thyng extraordinarily to be doen: as Baptisme, Buriall, Mariage, or thankes giuyng for women deliuered: then he maie vse the accustomed place thereof.

5. Item, that there be no Linnen cloth laid vpon the Communion Table, sauying that when there is a Communion to be ministred.

6. Item, when there is a Communion to be ministred, that the Communion Table bee placed at the lower ende of the Chauncell, as nere vnto the people as maie bee conuenient, and when the Ministration is doen, remoue it to the vpper end of the saied Chauncell.

7. Item, that when there is a Communion, that al the people whiche will not communicate beyng called thereuntо, be commaunded to departe for that tyme out of the Churche: after the generall confession made, in the name of the communicantes, and if any be so stubborne, that thei will no departe, then the Minister to proceede no further in the Communion, but in the next consistorie courte, complaine of them, as interrupters and troublers of Gods diuine seruice.

8. Item, that no Minister, doo presume to minister any more Communions but onely one, in one Churche in one daie.

9. Item, that there bee no Communion ministred in any Churche, or otherwise priuate, excepte there bee at the leaste, three for euery score communicantes that bee in the Parishe, to communicate with the Minister.

10. Item, that none be admitted to receiue the holy Communion, but suche as the Minister (by due examination) shall knowe, can perfectly saie the Articles of their faithe, the ten Commaundementes, and the Lordes Praier, at the least, yea the yonger sort must saie the whole Cathechisme.

11. Item, that euery man and woman doe receiue the holie Communion thrise in euery yere at the least.

12. Item, that no Minister doe admitt any of an other Parishe, to communicate in his Parishe Churche.

Baptisme.

First, hat no laie man or woman doe presume to minister Baptisme, but (if the child be weake) that thei sende for the Minister of the Parishe, and the Midwife not to meddle with it at all, otherwise then is in the booke of Common Praier.

2. Item, (to take awaie Superstition) the Minister shall not dippe the childe that is to bee baptised in water, but once onely, and that discreetly, or els poore water vpon hym, once onely, in the name of the Father, the Sonne, and of the holie Ghost.

3. Item, that no Minister or Priest, doe put on, or suffer others to put on the childes head that is baptised, the Chrisom (as it is supersticiously called) wherein hath beene greate superstition, and yet is in sondrie places.

4. Item, that none be admitted to be Gossippes which

bee vnder 14 yeres of age, and thei to make an open confession at the Font, of the Articles of their faithe, yea, the yonger sorte must saie the whole Cathechisme.

5. Item, that the father of the childe that is to bee baptised, be present at the baptizing of his said childe, during the whole action of Baptisme.

6. Item, that the Minister shall not meete and receiue the childe that is to be baptized, at the Churche doore or Porche, nor shall there saie any peece of Seruice for that purpose, whiche heretofore supersticiously hath been vsed.

7. Item, the Minister shall not suffer the suerties or Gossippes, to put their handes vpon the head of the childe, immediatly after it is named, and baptised, as if there were some vertue or hidden misterie therein.

Buriall.

First, that there bee no Crosses of wood made and erected in sundrie places, where thei vse to rest with the corpes: and especially that no woodden Crosses, be set vpon the Crosse in the Church yarde, or vpon, or about his graue.

2. Item, that the Clark nor his deputie, do carie about the Towne, a little bell called the Sainctes bell before the Buriall, after the vse of Popishe superstition.

3. Item, that there be no offerynges at Burialles, whether directly or indirectly: their Monethes mindes, or twelue Monethes mindes, as sustpersticiously (*sic*) thei haue been termed and vsed.

4. Item, that there bee no praiers made for the dead, either in the house or vpon the waie, or els where: whiche thyng supersticiously hath been frequented and tollerated by the Ministers.

5. Item, that the Clarke and one or twoo with hym at the most, shall cast the earth vpon the corpes, and none but thei.

6. Item, that there bee no Candles vsed vppon the corpes, whilest it is in the Churche.

7. Item, that no Ministers, when thei resorte to Burials, to any other Churches then their owne, shal weare any Surplesse, or suche like attire more then vsuall.

8. Item, that there be no ringyng of Belles at Burialles, sauing one shorte peale before the Buriall, and an other after.

¶ *At the thankes giuyng for the deliueruance of Women.*

First, the Minister shall not meete the Woman at the Church [doore, or Porche, there takyng her by the hand, and leadyng her into the Churche, mumblyng to hym self I knowe not what, and that namely in Latine, as heretofore amongest them hath been vsed.

2. Item, that the Midwife goe not before the woman, that is to yeeld her thanks into the Church, and so vp to the Communion Table: for these two foolishe and supersticious customes, the one by the Priest, and the other by the Midwife hath bredd and hatched, aswell supersticious tearmes, as also act of Churchyng of women: as if for that conceiuyng and bringyng a childe into the worlde (and that in lawfull Wedlock) a woman should be vncleane and prophane.

3. Item, that the woman that is to giue her thanks, either els the Midwife, shall not kisse the Communion Table, when thei offer the accustomed dueties.

Item, that Images, Pictures, and al Monumentes of fained miracles, aswell in walles, as in glasse windowes, be defaced, and namely the Image of the Crucifixe, and the two Maries in the Chauncell windowes.

2. Item, that the Paraphrase maie bee prouided in euery Churche, or rather Bullingers Decadies in Englishe, for it is muche more profitable.

3. Item, that the quarter Sermons maie be prouided for: [and none to be preached but by those appointed by me.]*

4. Item, that the Ministers shall buy for their studie in Deuinitie, all suche Bookes as shall concerne the same, and bee nominated by me: and that within two monethes after the denomination and receipt of these Iniunctions.

5. Item, that Alters and Roodloftes, may be pulled doune and vtterly defaced, and the timber thereof, either solde, or els put to some good vses: for as yet, thei stand in most churches little or nothyng blemished.

6. Item, that the Lordes daie, and other lawfull Holidaies be spent in the diuine seruice of almightie God, and that olde supersticious holidaies, bee iustly abrogated and put downe: yet, bidden to be obserued by the Minister in the Churches.

7. Item, that the twelue pence forfaited for absence from the Church, be leuied and taken accordyng to the Statutes.

8. Item, that no Ministers receiue common Whores and wicked women, to giue their thankes aswell as honest Women, without first thei bee examined by the Ordinarie, and allowed therevnto vnder his seale.

9. Item, that the Minister dooe vsually teache the Cathechisme, to the youthe of their Parishe, whiche now is altogether neglected.

10. Item, that the [Minister shall reade the Queenes Maiesties Iniunctions, openly to their Parishioners, fower tymes in the yere at the least, and that thei (vsually in the Rogation weeke) doe by perambulation, compasse in the vttermost boundes of their Parish.

11. Item, that no Minister shall plaie at Dice, Cardes, Tables, Boules, or any other vnlawfull game.

12. Item, that no Minister shall sell any Ale, or Beere, or keepe any victuallying house, or haunte any other Alehouse or Tauerne.

13. Item, that the Minister solemnise no Matrimonie in priuate houses, Gardins, prophane Chappelles, or in any other place, otherwise then the lawe doeth permit them.

14. Item, that the Minister dooe weare suche decent and comely apparell, as dooeth belong to their vocation, and (so many as be able) to prouide clokes with sleeues.

15. Item, that euery Parsone, or Vicare, be resident vpon his benifice, or otherwise (hauyng a sufficient Dispensation) doe substitute a fitt persone in the place, allowed by the Ordinarie, and the same to be alwaies there resident.

16. Item, that euery Parsone, Vicar, or Curate doe from tyme to tyme, vse good persuasions, to all their Parishioners, liyng on their death beddes, to giue by their Testament, or otherwise, some thyng towardes the repairyng of the decaied Chuche (*sic*) of Sainct Dauides.

17. Item, that no Parsone, Vicar, or Curate, doe Marrie any persone within the degrees prohibited nor that haue any more wiues, or housbandes then one.

18. Item, that the Churchwardens of euery Parishe, haue an especiall care, that no Curate bee permitted, to serue in their Parishes, except he doe first shewe vnto them, his licence from the Ordinarie so to doe, and thei to keepe the same safely, for their owne discharge.

These Iniunctions aboue written, and euery part and percell of them, I straightly charge and commaunde euery man (to whom thei doe appertain) fullie to obserue, maintain, and keepe, vpon paine of the Lawes, for that cause made and prouided.

FINIS.

[The following article is added in MS. on the last leaf:—
Item that the parson, vicare, curat and the Churche wardins, and every of them, doe permitt no corpes to be buried within theire parroche Churche or Chapell (for that by their generall burienge there greate infection doeth ensue) except those of the beste sorte of the parroche, and they to paie x^s^ towards the repayringe of the Church or Chapell to the handes of the Church wardins there, and they to be accomptable for the same.]

* Added in MS.

ARTICLES OF OVERTON, BISHOP OF LICHFIELD, 1584.

ARTICLES to be inquired of in the Ordinarie Vistation of the right reuerende Father in God, William Lorde Bishop of Couentrie and Lichfielde, diligently to be considered of as well by Ministers, as Churchwardens and Swornemen, and aduisedly to be answered particularly to euerie point, by either of them seuerally in writing, at the Visitation to bee holden by the saide reuerend Father, or his Officers.

Imprinted at London for William Brome.

ARTICLES to be inquired of in the ordinary visitation of the right reverend Father in God, William Lord Bishop of Couentrie and Lichfield, holden Anno 1584, diligently to be considered of, as well by the Ministers, as Church-wardens and sworne men, and aduisedly to be aunswered particularly to eue (*sic*) poinct, by eyther of them seuerally in writing, at the Visitation holden by the saide reuerende Father or his Officers.

Inprimis, whether the Church of your Parish be now vacant and destitute of an incombent: how long it hath so remained: whether any sequestration be granted of the Fruits, to whom, and by whom? If it haue an incumbent, what his name is, of what bringing vp and degree in Schooles? What the valure (*sic*) of the liuing is in the Queenes bookes? who is the patrone by right or aduouson? Whether he hath anie mo benefices, or Ecclesiasticall promotions, how many, and where? If he lie not

in his Benefice, to whome he letteth his Tythes, for what yeerely commoditie, the ordinarie charges deducted? Whether the Curate be orderly and lawfully admitted vpon due trial and examination of his sufficiencie and honestie vnder the Seale of Office?

2. Whether Common Praier be distinctly and audibly read within the Parishe, and the Sacramentes reuerently and orderly administered and whether for the better performance of them you haue a booke of Common praier, two Psalters, the English Bible, the Homilies, the Paraphrases of *Erasmus* in English, the table of the ten Commaundementes, a comely Table standing vppon a frame for the holy Communion decently couered, and a conuenient Communion cup, with a couer of siluer, and a seemelie and decent Pulpit.

3. Whether your Altars, Roodeloftes, and other Monumentes of superstition bee cleane defaced and taken away, and whether Massebookes, Portases, or any superstitious *Legendaries*, Vestiments, Crosses, Images, or any other Reliques or Monuments of Idolatrie, be either knowne or suspected to remaine in any mans handes, and in whose, or what you know are become of those which you had?

4. Whether your Parson, Vicar, or Curate, be a painfull, zelous, and diligent preacher: at the least whether he doth procure quarterly or monethly Sermons according to the Queenes Iniunctions, especially vppon such daies as the holy Communion shalbe ministred for the better enstruction and preparation towards that action: And whether he doth duely and orderly according to the said Iniunctions, Cathechise euery Sonday with exposition of the same, for the better instruction of the youth of the parish, and Christian enformation of other the hearers, and whether such as are to be Cathechised attend orderly at the time to be instructed, or who they be that make default or shew themselues obstinate therein. And whether your Minister doth carefully repaire to visite the sick of your Parishe for their spirituall comforte, and willingly attend hys charge in those extremities. And further where hee doth conferre with his Parishioners, especially such as he knoweth not throughly grounded in the way and knowledge of their saluation, for their better instruction before they repaire to the holy Communion. And if anye refuse thys necessary conferrence offered by the minister, not only to stay them from receiuing, but also to present what bee their names with their causes pretended?

5. Whether your Minister doth admit any to the Communion: or to be married, or to answere for Infantes in Babtisme, being not sufficiently Cathechised and able to yeald an accompt of their christian faith, that whome conscience will not allure almost once to thinke sereously of the meanes of their saluation, yet other extraordinarye occasions maye driue for shame to some knowledge of Christianitie.

6. Whether any Officer for fauour, feare, or corruption, hath so qualified or dispensed with any publicke or notorious sinne, that the offenders hath bene restored to the Congregation and Sacraments, without christian publicke satisfaction, howe many haue bene presented heretofore, and how their causes haue bene ended, and for what cause the Minister without christian publicke satisfaction, hath admitted any to the christian participation of praiers and sacramentes. And whether any Officer, Archedeacon or Officiall haue delt with anye commutation of penaunce, and what bee their names, whose penaunces by them haue bene commuted, for what sinne, and how it hath bene vsed or employed?

7. Whether your Minister or any other of your Parishe be knowne or suspected as fauourers of the Romish Churche, superioritie, or religion. And whether anye runnagate Jesuites, or counterfaite Massing Priestes, going not according to the order of their professions, are knowen or suspected to frequent or haunt to any person or persons within your Parishe, sometime for a shift to lye or lurke with them: and whether they or any Scholemaister, or any other pretending the name of a seruant, are suspected to allure and perswade any within your parishes from the true sinceritie of the Gospell, now by publicke authoritie established to the vsing of Mattins, Beades, and suche other vaine Popishe trish trashe: or of any vnlawfull Popishe bookes: And whether anye be reputed or suspected to be reconciled to the Church of Rome within your Parish, and what be their names? And whether you know or haue heard of any sometime in orders, that now do liue as lay men?

8. Whether any of your Parishe doe altogether absent themselues from deuine seruice, or do seldome or negligently come to the Churche, or doe not continue there without disturbance of the Minister and Congregation, not departing thence but vppon some iust and lawfull cause: And whether any of your Parishioners doe not receiue the Communion at the least thrise in the yeare, according to her Maiesties lawes. And whether any hauing diuers houses of remoue, doe shifte from place to place, in colour to defeate the performance of the Christian dueties in those behalfes, what they be, and the names of euery of the familie that doth the like. And whether the particuler twelue pence be leuied according to the Statute?

9. Whether anye within your parishe, haue anye of their kindred or kinsfolke beyond the Seas, what be their names, and howe long they haue continued out of the realme, and what by hearesay, or in conscience you iudge ther affection to be in religion: Or whether any are knowne or suspected to relieue any such?

10. Whether your Minister keep any suspected woman in his house or be geuen to dronkennesse, idlenesse, or be a haunter of Tauerns, Alehouses, or other suspected place, or be Hunters, Hawkers, Dicers, Carders, Tablers, Swearers, or any wayes geue any euill example of life, or vnseemely apparell, to the offence of others, and discredite of their calling. And whether they be reported or suspected to haue come by their Benefice, or other Ecclesiasticall promotions Simonically, directly or indirectly?

11. Whether there belong anye glebe landes to your Parsonage or Vicarage, and how many seuerall parcelles there be, and howe muche they containe by estimation, whether any be alienated, exchaunged, or encroched vpon to the decay of the liuing? And whether your Chansell and Parsonage houses be in good and sufficient reparations, and whether your Church be in euery parte so maintained as were conuenient. And whether your Churchyardes be throughly fenced about and clenly kept, and who is the cause of anye of these defaultes. And whether any Patrones haue decayed the Parsonage houses, and keep a Stipendarie Priest in place, where an Incumbent should be possessed?

12. Whether your Minister keepe well their Registers of all Weddinges, Burialles, and Christninges within your Parishe, according to the Queenes Iniunctions, and doe present a Copie of them once euery yeare by Indenture, to the Chauncellor, or his Deputie, to remaine of recorde in the principall Office.

13. Whether any within your Parish administer the goods of those that bee dead without lawfull authoritie: Or any are suspected to haue suppressed or altered the last wil of the dead, or any Executors that haue not fulfilled the Testators will, especially in performing of Legacies geuen to other good vses, or maintenaunce of the poore.

14. Whether you haue a Schoolemaister in your Parishe and whether your Schoolemaister teaching publickely or priuately bee of good and sincere religion and conuersation, and whether they be examined and allowed by the Ordenarie or his Officer in that behalfe. And whether any liuing giuen towardes the erection or maintenaunce of any schoole, be withholden backe or otherwise any waies employed.

15. Whether any haue pulled down or discouered any church, chansell or Chappell, Porche, Vestrie, Steeple, Almehouse, Belles, or anye part of them, or felled Wood or Timber in the churchyarde. And whether your Hospitalles, Spitelles, or Almeshouses be well and godly vsed and maintained according to the foundation and auncient ordinaunces of the same?

16. Whether any entertainment bee geuen, or gaming vsed in anye Innes or Alehouses, or other Victualers in time of deuine Seruice or Sermons: Or whether any Butchers, Victualers, Pedlers, or anye other Artificers, in time of common prayer or Sermon, open their shops or wares: And whether your Minister customably remembreth your Churchwardens and Swornemen, to attend their charge in suche behalfe.

17. Whether your church goods, stockes, or rentes be let to the best commodite, and for such vses as they were first ment, or now are to be employed and conuerted, no other waies. Or whether the same bee encreased or decayed, by what meanes, who being churchwardens, whether any are behinde with making their accomptes, or be thought not to haue made a true, perfect, and sufficient accompt, what landes or stocks should be or yet remaine?

18. Whether any within your Parishe be suspected to vse Sorcerie, Witchcraft, Charmes, vnlawful Prayers, or Inuocations in Latin or English: namely, Midwiues in time of womens trauaile with childe: and who resort to such for helpe or counsaile?

19. Whether the Minister or Churchwardens haue suffered anye Lordes of Misrule, or Sommer Lords or Ladies, or any disguised persons, or Morisedancers, or others at Christmas, or any time in sommer to come vnreuerently pyping, dauncing, or playing in church or churchyarde, with vnseemely scoffes, iestes, ribauldrie, or at any other place and time, namely in time of deuine Seruice, or

Sermons, and what they be that commit such disorders, or accompanie, or maintaine them?

20. Whether any of your parish haue bene maried within the degrees of affinitie, and consanguinitie forbidden by the lawes of God, and whether for the better knowledge and direction of those degrees, you haue the Table drawne out to that ende, affixed publiquely in your Parishe Churche: And whether any diuorsed or separated for marying within those degrees, be notwithstanding conuersant and keep company together: Whether any man be suspected to haue two wiues, anye woman two husbandes, any maried after a former precontract: any priuy or secret contractes without consent of Parentes, Tutors, or Gouernors: or any maried without Banes thrise solemply asked: or out of your Parish where one of them at the least doth inhabite. And whether any married liue apart, and not continue together according to the lawes of god and the realme. What licences to marry haue bene graunted since the death of the last Bishop, the Ministers shall exhibite to vs or our Officers at the Visitation.

21. Whether any of your Parish be known, defamed, or vehemently suspected of any notorious sinne, fault, or crime, as of Vserie, swearing Adulterie, Fornication, Incest, Baudrie, Drunkennesse, Ribaldrie, Slaunderinge, Contention, sowing of discorde betweene neighbours, priuie receiuing women vnlawfully begotten with childe, or suffering them to depart before publicke satisfaction made to the Congregatign (*sic*)? Or whether there be any fighters, Quarrellers, Brawlers, or Chiders in the Churche or Churchyarde, anye Scoffers, Rimers, or diriders of Ministers, or any that lay violent handes on them, or any of them, or otherwise abuse them?

All and euery of the particulers of the premises you are dilligently to enquire of, and as well the ministers seuerally, as the Churchwardens and Sidemen, ioyntly to present the defaultes of euery of them in writing subscribed with their names. And generally whatsoeuer breaches and offences els they shall know or heare committed against anye of the Queenes Maiesties Iniunctions, or anye of the Ecclesiasticall Lawes of this Realme.

CERTAINE aduertisementes, for a continval order to be observed inuiolably without any alteration touching the pointes following, within the Diocesse of Couentrie and Lichfield.

Inprimis, for that the want of a sufficient Ministerie is not onely the Nurse of Ignorance and Popery, but also the cause of all Atheisme, disobedience, and dissolutenesse of life: And the corruption of Patrons, aboundeth to the great decay of the sufficient maintenance of Ministers, this setted order is set down to preuent either inconueniece (*sic*) whereof all Patrones together with such as are to be presented to Benifices, hereby without further intimation are to take knowledge within this Diocease of Couentrie and Lichfield, *vz*.

That whosoeuer shall hereafter bee presented to any Benifice, shall attend for his publicke examination the first day of euerie moneth only, openly in the consistorie at Lichfield, betweene the houres of eight and eleuen (if it be not a Sonday or Holiday) then the next daie following, where the reuerende Father in God the now Lord Bishop in person, or the Chauncellor at the least, or the Chauncelors Deputie giuing attendance, and calling for their assistance foure other Preachers at the least, shall and will cause the gifts and learning of the partie presented to bee throughly examined, and presently vppon conference betwene them of his sufficiencie, to set their Iudgementes downe solempnly in a booke made and kept for that purpose, to notifie their allowance, or dissallowance. And for the better and more assured performance of this aduertisement greatly heretofore neglected and abused, as well for want of appointing certaine sufficient and sincere Examiners vsually to attend this charge as otherwise, the said reuerend Father in his now purposed Visitation will publish to the whole Countrey the names of such Preachers, by whose credite and conscience he will chiefly commit this charge and trust, besides the pretence of such as being alwaies neere at hande may be vsed and required.

And although the man for his learning shall be quallified, and bring besides Letters testimoniall for his good behauiour according to order, yet for that such Testimonialls haue by often and too much experience beene proued to proceed of hearesay, and importunitie of intreatie, without any through knowledge of the partie so commended. Therefore the partie so presented and allowed as before, shall with license of the Ordinarie, repaire eftsons to that Parish, and aswell acquaint his Parishioners with his persone as his giftes, that moneth onely, reading the first Sunday he commeth thither, this publicke aduertisement in time of deuine Seruice. And so the first day of the next moneth following, to repaire to the said reuerend Father, or by his direction to the Office for his Institution, (if none shall vndertake to proue against him some notorious default that day of his apparance) and so without further delay to bee dispatched, giuing first his oath besides other matters, that neither by himselfe, nor any for him he hath vsed Simonie, in attaining to that liuing directly or indirectly, according to the Ecclesiastical laws in that behalfe prouided and established.

2. Item, for that the lawes of this realme do permit diuers persons sufficiently qualified and dispensed withall, to enioye twoo Benefices, and to demise the one to a sufficient Curate, it is likewise ordered that the first day of the next moneth after the Visitation ended, all the Curates, in and throughout the Diocese of Couentrie and Lichfield, shal attend at the Consistorie Court, where the foresaide reuerend Father in person, or his Chauncelor at the least, or the Chancelors deputy assisted with foure preachers, named and published in euerie session of this visitation, with other such neere assistants, as shalbe called and vsed as before, wil be readie to sit for that purpose, and exhibiting their former licenses to the Ordinarie, if so be vpon this further triall and examination, they shall appeare meete in all respects for that congregation, euerie circumstance well waied and duly considered then to be continued in the former place and seruice, otherwise to haue warning to depart, and the Incumbent likewise to haue conuenient notice to prouide him of a more sufficient Minister within a reasonable time: And no Curate to be accepted or allowed in any Parishe without the license of the Ordinarie vnder his seale. Prouided further, that the licenses graunted to Curates shall not generally extend to any place vncertainely, but shall namely containe the particular Parish whereto he shall be commended, and that al licences contrarie to this order to be reformed. And further that no Curates, who are to supplye the absence of an other qualified by lawe, bee vsed as instruments onely by colour to defeat the good meaning of the Statutes in that behalfe prouided, to the benefit of Laie men, but themselues to enioy the commodities allotted to their owne better maintenance, according to the true meaning of the Statute.

3. Item, for that the peruerse obstinate vntowardnesse of diuers yong Gentlemen in religion, doth argue a manifest and most intollerable corruption in their bringing vp, and in Schoolemaisters, that all Schoolemaisters, aswel in anie noble or Gentlemens houses, as otherwise publickly or priuately teaching within anie Towne of this Diocesse, shall likewise bring in their Licenses heretofore to them graunted, the third daie of the first moneth next after the Visitation before the saide reuerend Father, or his Chauncelor at the least, or the Chauncelors Deputie, with the foresaide Preachers and assistantes attending this seruice in the Consistorie at Lichfielde, to whom if they do not sufficiently allow their habilitie for learning, their soundnesse for Religion, their honestie for conuersation by learning and testimonie of suche as are well knowne to the Bishop, then to bee displaced and inhibited to continue their teaching anie longer within this Diocease. Otherwise with very good fauour and allowance to remaine in their former estate, enioined once a quarter at the least to examine his schollers in the Catechisme, and to see them frequent al exercises of Religion according to their discretion: And no Schoolemaister to haue or enioy any generall Licence, throughout the whole Diocease vncertainely, but to teach in that particular place whereto he shall bee allowed, and the Licences contrarie to this order to be reformed.

4. Item, for that to helpe the lamentable inconueniences growing to the Church of God by the insufficient Ministerie, they are not onely to be sifted which are already made Ministers, but also a diligent care and foresight is to be vsed, that only sufficient men be admitted to that function hereafter. Therefore the foresaide reuerend Father would haue al and euery within this Diocease of Couentrie and Lichfield, which intend for themselues or their frendes, to sollicite for orders of the Ministerie to take knowledge hereby that they and euery of them must attend for publike examination and triall, the first day of euerie quarter of the yeere, onely in the Consistorie of Lichfielde, where the said reuerend, or his Chauncelor with the Archdeacons and other assistantes and forenamed Preachers to be called, making due proofe by publicke examination of all circumstances required by law, and immediately setting down their iudgements accordingly, and if he or they vpon such triall shall be found worthy, then by the said reuerend Father to receiue orders, if the said reuerend Father shall thinke it so meete and conuenient, otherwise either to be cleane reiected, or referred ouer to their further sufficiencie: and no priuate orders otherwise either to be sued, looked for, or performed within this Diocease of Couentrie and Lichfield.

5. Item, for that sundrie and manifold inconueniences haue ensued the graunt of Licenses to marrie, these cir-

cumstances shal be obserued by the Officers who are to graunt the same. First, that they do not rashly without aduertisement from the Minister, or some such as they know to be of good credit and honestie graunt the License. Secondly, that they include in the bands taken consent of the Parents, Tutors, or Gouernors. Thirdly that the direction of the license be made to one of the ministers, where the parties to be maried shall dwell, who cannot be ignorant of the estate of the parties, and may stay the proceeding to mariage according to the License, if he know or suspect any lawful impediment, aduertising the Chauncelor with all conuenient speed of the cause of his stay. Otherwise no License to be graunted, vnlesse the matter be notoriously knowne to the Officer authorised to dispence in that behalfe.

6. Item, that none denounced or to be denounced and published excommunicate, shall hereafter be admitted to the Church, or receiuing of the Sacraments, without his absolution testified to the Minister and Churchwardens, vnder the Ordinaries hand or Seale: and that such as continue obstinately so denounced or excommunicate, be publikely notified to the whole Congregation from time to time to their amendment or further discredite.

7. Item that the ordinance of the Booke of Common Praier bee from henceforth obserued in this, that the Bread deliuered to the Communicants, be such as is vsual to be eaten at the Table with other meats, yet of the purest and finest Wheat: and no other bread to be vsed by the Minister, nor to be prouided for by the Churchwardens and Parishners then such finest common bread.

8. Item, whereas priuate Baptisme in time of necessitie seemeth tollerated by the Booke of Common Praier, and therevpon not onely diuers old women and Midwiues haue both against Gods laws and the meaning of the said Booke, presumed to intrude themselues into that ministerie and function, but also vnder cullor of such priuate Baptismes, many times wicked Jesuits, masse Priests or Reconcilers haue been knowne to Baptise Infants: It is therefore ordered to be receiued and obserued, that if vpon any reasonable causes mouing the Parents and Minister they thinke not good to expect the next Sabaoth or Holyday, for the more commendable performance of that Sacrament in the presence of the whole Congregation at Church: That then it be performed with a conuenient multitude of such as shalbe knowne sound and well effected to Religion, and either by the Minister of the Parish himselfe, or other knowne Minister with his priuitie or consent. And that henceforth no women presume to intrude themselues into Babtizing of Infants in any respect or condition.

9. Item, for the better obseruing of all and singular these aduertisementes and due presentment of the seuerall breaches and defaults of the same and the foresaid Articles, it is ordered that speciall choyse and regarde be made of such Churchwerdens and Sidemen in euery Parishe, Village and Humlet (*sic*), which are knowne to fauour and conforme them selues to the lawes and Religion nowe established, and be of honest and good accompt for their life and maners and not towardes such as bee professed and obstinate Recusantes, and that according to the wholesome aduertisements and Canons in that behalfe prouided, no elections be made of the foresaide Officers in the Ministers absence or without hys consent. And that euery Minister shall haue a speciall care and regarde of his duetie in this behalfe vpon his credite with his Ordinary, as whervpon dependeth the whole direction of reformation of things amisse.

10. Item, whereas the foresaid Officers stande charged by vertue of their corporall othes taken faithfully and carefully to discharge their dueties, and without fauoure, malice, or feare, truely to present all defaults and abuses as they fall out from time to time, aswell for the auoyding of wilfull periurie, as the preuenting and cutting off of sinne and offences before they grow to full and perfect ripenesse, the Minister shall do well euery sonday and holiday after euening prayer to call the Churchewardens, and Sidemen of euery Parishe vnto him in the Churche, and there to conferre and aduise together vppon perusall and consideration of these articles and aduertisements, what hath fallen out within that their Parish contrarie to any of them worthy reformation or presentment, or worthy priuate admonition for amendment: And so eyther according to their discretions to admonish the parties to preuent their own discredites, and any publike offence like to growe: or els to present or notifie all suche euill misdemeanours to the Chancellour, or such Commissaries, Deane, Rurales, or other Officers, as hee shall thinke best to appoint in euerie Deanrie from time to time.

11. Item, that euery Minister within this Diocease bring in and exhibite to the Chauncellour at the Visitation, his letters of orders, his letters dismisories if he came out of an other Diocease, his Institution, his Qualification, and dispensation to remaine in recorde in the Office.

12. Item, for that some offences and greuaunces haue alreadie and may grow hereafter to the subiect, by taking or exacting excessiue fees contrarie to law and the vsuall custome of this Diocease, to the misliking and discredite of Ecclesiasticall iurisdiction and the Officers thereof, and therefore the Ordinarie to preuent all inconueniences in that behalfe, hath geuen order, that as well his Chauncellor and Commissarie from time to time, as his Register shall haue a Table in either of their Offices openly and publickely hanged vp to be seene, read, and considered of by euery one that shall be disposed or occasioned so to doe: wherein shall be fairely written and contained the seuerall rates of all and singuler fees due and appertaining to either of their Offices, and euery particularitie by them or either of them to be dispatched: whereby the sueters can not or neede not to be abused: yet for that some of simplicitie may be ouer-reached, and either for their daily labours whereby they liue are not able, or for feare of charges with delay would bee loth to prosecute reformation to their restitution. It hath further pleased the Lorde Bishop to prouide further in that behalfe, that euery Minister hearing any such griefe of any of his Parishners, may be bold by his Letters onely directed to the Chauncellour, to certifie him of any such complaynt, with all the truth and circumstance of their dealing, and that by the Chauncellour the fault be presently looked into and reformed, whether it concerneth himselfe or the Register, without anye further charges or adoe, as they will haue the good fauour and liking of the Bishoppe, and aunswerre vppon their perill to the contrary.

FINIS.

AYLMER, BISHOP OF LONDON, 1586.

ARTICLES to be inquired of within the Dioces of London, in the visitation of the Reuerend father in God, John Bishop, of London, 1586. In the xxviii yeare of the raigne of our most gracious soueraigne Lady Elizabeth by the grace of God Queene of England, Fraunce, and Ireland, defender of the faith, &c.

At London, printed by Richard Iohnes, 1586.

The tenor of the Othe ministred to the Church-Wardens and sworne-men.

Yee shall sweare, that all affection, fauour, hatred, hope of reward and gayne, or feare of displeasure, or malice set a side, you shall vpon due consideration of the Articles giuen you in charge, present all and euerye such person of or within your parish as hath committed any offence or fault, or made any default mentioned in these or any of these Articles, or which are vehemently suspected, or otherwise diffamed of any such offence, fault or default, wherein you shal deale vprightly and according to equity, neither of malice presenting any contrary to truth, nor of corrupt affection sparing to present any, and so conceale the truth, hauing in this action God before your eyes: with an earnest zeale to maintaine truth, and to suppresse vice. So helpe you God, and his faithfull promises contayned in these his holy bookes.

The charge of the Church-Wardens and sworne-men set downe for the better perfourmance of their duties, and discharge of their Oathes.

They are straightly charged to heare all these articles read ouer vnto them, and diligently to consider and enquire thereof. And for that the time is so short in this the visitation, that they shall not be able to make a perfect aunswere vnto all of them, and that notwithstanding there are many notorious faultes presently worthye of presentment and reformation: they are charged to make their aunswere vnto them presently so farre forth as their memory shal now serue them: and to present now such faultes in their Parish, as at this present time are worthy of presentment and reformation. And that after their comming home betwixt this and Michaelmas next, they shall againe heare all the Articles read ouer vnto them, and diligently consider and enquire thereof with the Minister of the Parishe, who shall (if he knowe anye thing in the Parishe to be reformed) together with them make a due presentment and a true and full aunswere in writing, signed with their handes and markes, wherein they shall present as well all such faultes or offences contrary to the Articles, as they forgot or omitted to present at the time of the visitation, as also all such faults and offences contrary to

the Articles, as shall happen and chance betwixt this and then.

. . . . . *

the Dioces of London in this visitation, holden in the yeare of our Lord God 1586.

Articles concerning the Cleargie.

Whether Common praier be song or sayde by your Parson, Vicar or Curate in your seueral Churches or chappels distinctly and reuerently, and in such order as it is set forth by the lawes of the realme, without any kind of alteration omitting or adding to anye thing, and at due and conuenient howres, and whether your Minister so turne him selfe, and stand in such place of your Church or Chauncell as the people may best heare the same, and whether the holy Sacraments be likewise ministred reuerently in such maner as by the lawes of this Realme is appointed, and whether vpon Wednesdaies and Fridaies, not being holy daies, the Letany and other Praiers appointed for the day be sayd accordingly.

2. Item, whether the forme of Comination against sinners, with certaine Praiers following the same set forth in the latter end of the booke of Common prayer to be vsed at diuers times in the yeare, be by your Minister plainely and distinctly read in your Church or Chappell vnto the people, betwéene the Letany and the Commemoration or ministration of the holy Communion thrée times at the least in the yeare.

3. Whether your Parson or Vicar haue preached or caused to be duely preached in your Church, his quarterly or monethly Sermons, as by the Quéenes iniunctions he is bound, and what be the names of such as haue preached for him, and whether he hath admitted any man to preach not hauing sufficient licence.

4. Whether any Parson or Parsons not beeing ordered at the least for a Deacon do saye Common prayer openly in your Church or Chappell, or any not being at the least a Deacon do solemnize matrimony, or administer the Sacramentes of Baptisme, or deliuer to the Communicantes the Lordes cup at the celebration of the holye Communion, and what be their names that do so.

5. Whether the Parson, Vicar, or Farmer of your Benefice do cause or suffer any Curate or Minister to serue your Church before he be examined and admitted by the Ordinary, or his deputy in writing, and do shew his licence to the Church Wardens: and whether any Curate doe serue two Cures at one time, without the speciall licence of the Ordinary or his deputy in that behalfe in writing first had.

6. Whether your Parson, Vicar, or Curate do euery Sonday, when There is no Sermon read distinctly and plainely some part of the Homelies prescribed and set foorth by the Queenes authoritye to be read, and whether any Minister not admitted by the Ordinarye, or by other lawfull authority do expound any scripture or matter of doctrine by the way of exhortation, or otherwise, and thereby omit and leaue off the reading of the Homelies.

7. Whether any Lectures, conuenticles or priuate meetings be read or vsed within your Parishes, either publique in the Church, or priuate in the house, by any person, sufficiently licensed thervnto by the Ordinary, or whether anye such reader doe teach any doctrine of innouation to with draw the people from due obedience to the ordinances of the Church set forth by publique authority, or to cause them to forbeare participating in prayer and Sacraments with our Church.

8. Whether your Parson, Vicar, or Curate, doe euery sonday and holy day openly in the Church call for, heare, and instruct all the Children apprentices, and seruants of both sexes, that be of conuenient age within your Parish, or at the least so many of them by course as the time wil serue, and as he maye well heare or instruct for one hower at the leaste, before or after euening praier, in the ten commandements, the Articles of the beliefe, and the Lordes prayer, and diligentlye examine and teach them the Catechisme, as it is now allowed and set foorth in the booke of common prayer: or Maister Nowels Catechisme and no other, with the vnderstanding thereof, and whether for that purpose he doth take the names of them al, and by course cal certaine of them euery Sonday and holy day to come to the teaching of this Catechisme.

9. Whether your Parson, Vicar, Curate or other Minister in your Church or Chappell, hath admitted to the holye Communion anye open and notorious fornicator, adulterer, or euill liuer, by whom publique offence is giuen without due penaunce, firste done to the satisfaction of the congregation enioyned him by his Ordinary or Archdeacon, or any malitious person, that is notoriously knowne and detected, to be out of charity, or that hath done any open wrong to his neighbor by word or deed, without due reconciliation first made to the party that is wronged.

10. Whether in anye of your Parishes your Minister be brought in by popular election, sent by some peculier election of ministerye, confirmed by the Parish, and so allowed priuately of before the sayd Minister be presented to his Ordinary.

11. Whether your Parson, Vicar, Curate, or Minister hath admitted to the holy Communion any of his Parish being aboue twenty yeares of age either mankind or woman kinde that cannot say by heart the ten Commaundementes, the Articles of the faith, and the Lordes prayer in english, or be confirmed, and what be the names of suche as can not say the same, or being aboue fourteen yéeres and vnder twenty yeares of age, that can not saye the Catechisme, allowed and set forth in the sayde booke of common praier: and whether he marry any persons which were single before, that can not saye the Catechisme, and whether he vseth to examine his parishioners at conuenient times before he administer vnto them, and namely before Easter, yearelye to the intent he may know whether they can saye by hart the same which is required in that behalf or no.

12. Whether your Preachers or Minister be peace makers and no brawlers, or sowers of discorde, and exhort their Parishioners to obedience towardes their Prince, all other that be in authority, and to charity and mutuall loue among them selues, whether they be diligent in visiting the sicke and comforting them, and do mooue them earnestly (especially when they make their Testaments) to consider the necessity of the poore, and to giue to their box or chest, their charitable deuotion and almes.

13. Whether any of your Parsons, Vicars, Curates or Ministers be fauorers of the Romish or forraign power, letters of true religion, preachers of corrupt and popish doctrine, or maintainers of sectaries, or doe set forth and extoll vaine and superstitious religions, or maintainers of the vnlearned people in ignoraunce and error.

14. Whether any do preach, declare, or speake any thing in derogation of the booke of common prayer, which is set foorth by the lawes of this Realme, dispraising the same, or any thing therein contained, or against the Preachers or Ministers of the word and Sacraments.

15. Whether the Parson or Vicars when they be absent from their benefices do leaue their Cures to a rude and vnlearned Person, and not to an honeste and well learned expert Curate which can and doth teach the people wholsome doctrine, and whether in their absence, they do procure learned men to preach in their Churches and Cures at leaste one Sermon euery moneth in the yeare.

16. Whether your Parsons, Vicars, Curates, and Ministers kéepe well their registers of all weddings, burials and Christninges within your Parishe, according to the order of the Quéenes iniunctions, and whether they reade the Queenes Maiesties iniunctions euery quarter of a yeare once or no.

17. Whether they or anye of them kéepe anye suspected Woman in their houses, or be incontinent persons, giuen to drunckennes, idlenes, or be hunters (*sic*) of Tauerns, Alehouses, or suspected places, or be hunters, hawkers, dicers, carders, table swearers, liers, false dissemblers, dauncers, or otherwise suspected of anye notorious crime, or giue any euill example of life, or vse disordered and vnseemely apparrell either in colours, gardes, or light fashion.

18. Whether they or any of them do kéep, or suffer to be kept in their Parsonage or Vicarege houses, any Alehouses, Tipling-houses or Tauerns, or do sell Ale, Béere, Wine, or any other victuall.

19. Whether your Parsons or Vicars haue bought the presentations of their benefices, or come to them by Simony, fraude, or deceipt, or by any colourable part or vnlawfull mean whatsoeuer, or be vehemently suspected or defamed thereof, and whether they kéepe in their owne handes, or haue demised and let to farme their Parsonages or Vicaredges, or their glebe lande or tithes, or any part thereof, and whether anye such lease be made for the performance of any simonicall compact, made directly or indirectly betwéen the incumbent and the Patron, or between the incumbent and any other person for the presenting of the same Incumbent to that Benefice.

20. Whether any Priest or Minister be come into this Dioces out of any other Dioces to serue any cure here without letters testimoniall of their Ordinary from whence they came, vnder his autentique seale and hand, to testifie the cause of his departing from thence, and also his behauiour there, and whether you do receiue any Curate before you see his licence to serue in your Parish vnder my L: or his Officers seale.

21. Whether for the retaining of the perambulation of the circuite of your Parish, the Parson, Vicar, or Curate,

* Line cut off.

Church wardens and certain of the substantiall men of the Parish in the daies of the Rogations commonly called, the gange dayes, walke the accustomed boundes of your Parish, and whether in the same perambulation, or going about, the Curate do vse anye other rite or ceremony then such as be appointed by the Quéenes Maiesties iniunctions.

22. Whether for the putting of the Church wardens and swornmen the better in remembraunce of their duety in obseruing and noting such as offend in not comming to deuine seruice, your Minister do openly euery Sonday after he haue read the second lesson at morning and euening prayer, monish and warne the Church wardens and sworn men to looke to their charge in this behalfe, and to obserue who contrary to the sayde Statute offende in absenting them selues negligently or wilfully from their Parish Church or Chappell, or vnreuerently, as is afore sayde vse them selues in the time of diuine seruice.

23. Whether any new Presbiteries or Eldershippe be lately among you erected, and by them any Ministers appointed without orders taking of the Bishops, do Baptise, minister the Communion, or deale in any function Ecclesiasticall, or contrary to law, gather any priuate conuenticle, whereby the people be drawen from the Church.

24. Whether there be anye in your Parish that readeth any priuate lectures in the same, or vseth exposition of the Scriptures, in any priuate mans house whatsoeuer contrary to law. And whether any preacheth and doth not at certaine times in the yeare minister the Sacraments in their owne person, and in such Church where he readeth his Lecture.

25. Whether there be anye in your Parishe Ministers or Preachers that vse either priuate or other assemblies out of their Dioces with other Preachers, or others with them: and do in them vse to set downe any orders contrary to the orders obserued in the Queenes booke, or anye in your Parishe that doe contribute to any such Preachers, and what be the names as well of the contributors, as of them to whom they do contribute, and what seuerall summes do they contribute.

26. Whether anye Minister doe reiect those women beeing married, which doe come to the Church to giue thankes after childe byrth, according to the order set downe in the booke of common prayer: or do winke at such fantasticall women, as contemne to come to Church, and giue thankes according to the same order.

27. Whether your Parson, Vicar, or Curate, haue married anye person not being thrée seuerall Sondaies or festiuall daies lawfully asked in their Parishe Churches, or haue married anye persons at anye time or times by the Ecclesiasticall lawes of this Realme forbidden not beeing sufficientlye licenced therevnto, and by whose licence the same persons were so dispensed withall to be married.

22. (*Sic.*) Whether any contention haue growen amongest the Preachers in these parts for any matter of doctrine or ceremonies, and what and who was the cause thereof, and whether any strife hath growne about pewes or seates in the Church, and between whom was it.

29. Whether your Parsons, Vicars, or Curates do kéepe a iust and perfect note of all such as doe Communicate in their seuerall Parishes, and doe not rather regarde their priuate gaine in receiuing their offeringes at Easter, and deliuering them tokens, doe enter them into their booke, and certifie as communicantes who neuer receiued.

30. Whether there be anye Ministers or Priestes within your Parish which liue idlely without any cure, neither seruing in any place, nor hauing any place of reading or preaching

. . . . . *

Whether haue you in your parish Churches and Chappels al things necessary and requisite for common prayer, and administration of the Sacraments, especially the booke of common prayer with the new Kalender, two Psalters, the englishe Bible in the largest volume of the edition set foorth by the Bishops, and lately imprinted by the Quéenes Printer, as by letters sent the last yeare from my Lords grace of Caunterbury, to that effect was inioyned you, the two Tomes of the Homelies, the Paraphrasis of Erasmus translated into Englishe, the table of the ten Commaundementes, a conuenient pulpet well placed, a comely and decent table standing on a frame for the holye Communion, with a fayer linnen cloth to lay vpon the same, and some couering of silke, buckerame, or other such like, for the cleane kéeping thereof, a fayer and comely Communion cup of Siluer, and a couer of Siluer for the same, which maye serue also for the ministration of the Communion bread, a decent large surplesse with sleeues, a sure cofer with two lockes and keyes for keeping of the Register booke, and a strong chest or box for the almes of the poore, with thrée lockes and keyes to the same, and all other thinges necessary in and to the premisses.

2. Whether your Churches and Chappels with the Chauncell therof bee well and sufficientlye repayred and kept without abuse of anye thing, and whether your Churchyardes be well fenced and cleanly kept, and if any part thereof be in decay through whose default it is so.

3. Whether the Church of your Parish be now vacant or destitute of an incumbent or no, and if it be, how long it hath béen so, and who is the Patron, and whether he suffereth the benefice to lie vacant, and occupieth the glebe land, and taketh the tithes and other fruict to him selfe, during the time of the vacation, or who els occupieth and taketh the same and by what authority.

4. Whether your Church be a Parsonage or Vicaredge, presentatiue, a donatiue, or otherwise serued by a bare cure, whether did your (*sic*) euer heretofore heare or know that it was a Parsonage on (*sic*) Vicaredge, and how came it to be decayed from a presentatiue to be in the estate it now is: and when was it first decayed from being a benefice presentatiue, as you remember.

5. Whether your Fonts or Baptisteries be remooued from the place where they were wont to stand, or whether any persons leauing the vse of them, doe Christen or Baptise in Basons or other prophane vesselles not customably vsed in the Church before time, and whether anye christen without either godfather and godmothers, and the signe of the cross appointed by the booke of Common prayer.

6. Whether any man hath pulled downe or vncouered any Church, Chauncell, or Chappell, or any part of any of them, anye Church porch, Vestrie, or steeple, almes house or such like, or haue pulled down the bels, or haue felled or spoyled any wood or tymber in any Churchyarde.

Articles concerning Ecclesiasticall Officers.

Whether the Chauncellor, Archdeacon, Commissary, Officiall, or any other vsing Ecclesiasticall iurisdiction in this Dioces, their Registers or Actuaries, Apparitors, or Sumners, haue at any time winked at, and suffered any Adulterors, Fornicators, incestes, or other faultes or offences presented vnto them to passe and remaine vnpunished and vncorrected, for money, rewardes, bribes, pleasure, friendship, or any other partiall, or affectionate respect, or haue commuted any penances, and how many penances haue been commuted since the last visitation, and what be their names that haue had their penances commuted: and for what faults: and by whom were they committed (*sic*).

2. Whether at the Archdeacons visitations which haue been sithence 1583: the Archdeacon of your archdeaconry, or his Officers, hath called to the Churchwardens for a certificate from the Parson, Vicar, or Curate of your Parishe, thereby to vnderstande whether the iniunctions of the sayd Bishop giuen in his visitation helde in that yeare 1583: haue been duly and precisely obserued or not, according to the tenor and effect of one of those iniunctions.

3. Whether your Archdeacons and Ecclesiasticall officers do obserue the iniunctions set out at the last Conuocation, and confirmed by her Maiesty for quarterly exercises appointed for the Ministers.

Articles concerning Schoole-Maisters,

Whether the Schoolemaisters which teach within your Parish openly or priuately in anye noble or Gentlemans house, or in any other place, be of good and sincere Religion, life and conuersation, and be diligent in teaching and bringing vp of youth, and whether they haue been examined, allowed and licensed for Schoole-maisters by the Ordinary or his Officer in that behalfe.

2. Whether your Schoolemaisters do them selues receiue the holye Communion as often as they ought to do, and whether they bring with them so many of their Schollers of age sufficient, and of capacity by instructions, to receiue the Lordes Supper, according to an iniunction giuen at the last visitation held Anno. 1583.

3. Whether your Schoolemaisters do orderly on Sondaies and holy daies with their Schollers come to the Church of their Parishe where they teach, and there see their schollers placed in some conuenient place, so as they doe not disquiet the minister or Parishe in time of diuine seruice, but may exercise them selues godly in reading and hearing the seruice and sermons, and in aunswering with the congregation in reading of publique Prayers.

4. Whether the Schoolmaisters either priuate or publique, do teach their schollers, Maister Nowels Catechisme, authorized by publique authority, at the least once euery week, and do instruct and examine them in the same, or

* Line cut off.

doe teach any other Catechisme, and what Catechisme is it that they so teach.

5. Whether any of your Schoolemaisters be knowen or suspected to reade vnto their Scollers priuately anye bookes, or priuately to instruct them in their yong yeares, either in popery, supersticion, or disobedience, or contempt to her Maiesty, and her lawes, either Ecclesiasticall, by publique authoritie allowed, or Temporall.

6. Whether any Schoolmaisters vnder pretence of catechising their schollers (which is a most godly order carefully by them to be obserued) do keepe Lectures, readings or expositions, in Diuinity in their houses, hauing continuall repayre vnto them of such people as seeke after Innouations, and refuse their owne Parish churches, and their Minister.

Articles concerning the Parishioners and others of the Laity.

Whether all Fathers and Mothers, Maisters and Dames of your Parish cause their Children, seruaunts and apprentises, both mankind and womankind being aboue seuen yeares of age, and vnder twenty, which haue not learned the Catechisme, to come to the Church on Sondaies and holydaies at the times appointed, and there diligently and obediently to heare, and to be ordered by the * . . . . chisme, and what be the names of those that do not cause their Children, seruaunts and apprentises so to come to the Church to be instructed and examined, and how many of the sayd Children, Seruaunts and apprentises be in your Parish, which being aboue seuen yéeres olde, and vnder twenty yéeres of age cannot say by hart the sayde Catechisme, and what be their names and age, and with whom they dwell.

2. Whether you your selues or Churchwardens in the yeares before you, haue suffered any vnmarried women being begotten with childe to goe out of the Parish before shée hath done penaunce, vppon their direction appointed by the Ordinary, and foorth of whose houses haue they so gone away with childe vnpunished: and how many vnmarried women which haue beene deliuered of childe within your Parishe these three yeares last past haue gone away without doing of penance.

3. Whether anye man kéepeth or readeth any seditious and Schismaticall Bookes, or Pamphlets, written by Browne, Harryson, or by any other which inueigheth against the Religion now receiued, or the order of the Church now publiquely established.

4. Whether the Parishe Clarke be appointed according to the auncient custome of the Parishe, and whether he bee not obedient to the Parson, Vicar, or Curate, especiallye in the time of celebration of diuine seruice, or of ministring the Sacramentes, or in anye preparation therevnto, and whether he bee able to reade, and whether he keepe not the Bookes and ornamentes of the Church fayer and cleane, and cause the Church and Quier, the Communion table, the Pulpet and the Font to be kept cleane and decent against the seruice time, the Communion, sermon and Baptisme.

5. Whether there be anye man or woman in your Parishe that resorteth to anye Popishe Priest for shrift, or Auriculer confession, or anye that within thrée yeares last past hath beene reconciled to the Pope or to the Church of Rome, or any that is reputed or suspected so to be.

6. Whether there be any person or persons Ecclesiasticall or Temporall within your Parishe or ells where, within this Dioces, that haue reteyned or kept in their custody, or that read, sell, vtter disperse, carry or deliuer to others any english bookes set foorth of late yeares in any other place beyond the seas by Papists, Jesuits, or Seminary priests, either against the Quéenes maiesties supremacie in matters Ecclesiasticall, or against true Religion, and Catholique doctrine, now receiued and established by common authority within this realme, and what their names and surnames are.

7. Whether there be any in your parishe that vseth to pray in English, or in Latine vpon beades, or any such like thing, or vpon anye supersticious popish Primer, or other such like booke.

8. Whether anye of your Parishioners hauing a Preacher to their Parson, Vicar, or Curate do absent them selues from his Sermons, and resort to anye other place to learne or follow after such innouations as are there taught.

9. Whether the people of your parishe, especiallye Housholders, hauing no lawfull excuse to be absent, do faithfully and diligently indeuor them selues to resort with their Children and Seruauntes to their Parish church, or chappell on the Holydayes, and chiefly on the Sondayes to morning and euening praier, and vpon reasonable let thereof to some vsuall place where common prayer is vsed, and then and there abide orderlye and soberly, during the time of Common praier, Homelies, Sermons, and other seruice of God there vsed, reuerentlye and deuoutly giuing them selues to the hearing thereof, and occupying them selues at time conuenient in priuate prayer, and who they bee that either negligently or wilfully absent them selues, or come verye late to the Church vpon the Sondaies especially, or that walke, talke, or otherwise vnreuerently behaue them selues in the Church, or vse any gaming or pastime abroad, or in any house, or sit in the stréete or Churchyard, or in any Tauerne or Alehouse vpon the Sonday, or other holiday in the time of common prayer, Sermon, or reading of the Homilies either before or after noone.

10. Whether the forfeiture of twelue pence for euerye such offence appointed by a statute, made in the first yeare of the Queenes Maiesties raigne, be leuied and taken according to the same statute, by the Church Wardens of euerye person that so offendeth, and by them be put to the vse of the poore of the Parishe, and if it be not, by whose default it is not leuied, and what particuler summes of mony haue been forfeited and leuied that way, and by whome, since the feaste of Easter, in the yeare of our Lord God 1586: vntill the day of the giuing vp your present-ment, concerning these Articles from time to time, and how much of such forfeitures haue beene deliuered to the vse of the poore of the Parishe, and to whom the same hath been deliuered.

11. Whether anye Children that be borne in your Parishe be carried forth of the Parish to be Baptized by any popish ceremony, or otherwise then is appointed by the booke of common prayer.

12. Whether there be any Innekéepers, Alewiues, Victailers, or Tiplers, that suffer or doe admit anye person or persons in their houses to eate or drincke, or play at Dice, Cardes * . . . . . games in the time of Common praier, or Sermon on the Sondaies or Holydaies, or any Butchers, or other that commonly vse to sell meat, or other thinges in the time of Common prayer, Preaching, or reading of Homelies, and whether in any Fayres or common markets falling vppon the Sonday there be anye shewing of anye wares before morning prayer be done, and whether any markets or selling of wares be vsed or suffered in any Churchyardes by common packmen or pedlers, going about to any such people either of your Parish or not of the same Parish.

13. Whether the Churchwardens of the laste yeare haue giuen to the Parish a iust accompt of the Church goods and rents that were committed to their charge, according vnto the custome that hath béen aforetime vsed, and what church goods they or any other haue sold, and to whome, and whether to the profit of your Church or no, and what hath béen done with the mony thereof comming.

14. Whether the Churchwardens and swornmen since the visitation holden 1583: haue of any priuate corrupt affection concealed any crime or other disorder in their time done in your Parishe, and haue not presented the same to the Bishop Chauncellor, Archdeacon, Commissary, or such other as had authority to reforme the same, and whether they or any of them at any such time as they shoulde haue béene at diuine seruice on Sondayes or Holydayes, and should there haue obserued others that were absent, haue been away them selues, at home, or in some Tauerne, or Alehouse, or els about some worldly busines, or at Bowles, Cardes, Tables, dice or other gaming, without regarde of their office and duety in that behalfe.

15. Whether any of your Parishe beeing of conuenient age, haue not receiued the holy Communion thrice this last yeare at the least, and namely at Easter last, or there abouts for once, and what their names are, or at which receiuing haue not signified the same before to your Parson, Vicar, or Curate, that he might conueniently examine them and who haue refused to come to him to be examined.

16. Whether there be any in your Parish that administer the goods of those that be dead without lawfull authoritye, or anye that suppresse the last will of the dead, or any executors that haue not fulfilled their Testators will, specially in paying of legacies giuen to the Church, or to other good and godly vses, as to the reliefe of pouerty, to Orphanes, poore schollers, poore Maidens marriages, high wayes, Schooles, and such like, and by whom are they so detained.

17. Whether there be any in your Parishe that hath or doth offende contrary to the Statute made in the xxxvii

* Line cut off.

* Part of a line cut off.

yeare of the raigne of King Henry the eight, for the reformation of vsurye, and reuiued by an act made in the xiii yeare of the raigne of the Quéenes maiesty that now is. And what be the names of such offenders.

18. Whether there be any among you that vse sorcery or witchcraft, or that be suspected of the same, and whether any vse any charmes or vnlawfull prayes (*sic*), or inuocations in Latine or otherwise, and especiallye midwiues in the time of womens trauaile of childe: and whether anye do resort to any such for helpe and counsell, and what be their names.

19. Whether any couples that be married in priuate houses within these thrée yéeres last, haue béene knowne or suspected to haue béen married after any popish order, or anye other order then is appointed by the Church of England, by reason that the one party or the other are noted to be such as refuse to come to the Church.

20. Whether there be among you any blasphemers of the name of God, great or often swearers, adulterors, fornicators, incestuous persons bawdes, or receiuers of naughty and incontinent persons, or harberers of women with childe which be vnmarried, conueighing or suffering them to go away before they do any penance, or make satisfaction to the congregation, or any that be vehemently suspected of any such faults, or that be not of good name and fame touching any such crime and fault, any drunckardes, or rybawdes, or any that be malitious, contentious, or vncharitable persons, common slaunderers of their neighbours, railers, skoulders, or sowers of discord betwéene neighbours, and specially raylers against Ministers, and against their marriages.

21. Whether there be any in these partes that haue married within the degrées of affinitie or consanguinitie by the lawes of God forbidden, set out in an admonition in a table now appointed to be fixed in euerye Parish church within this Dioces, or anye that being diuorced or separated from the same, do yet notwithstanding inhabite and kéepe company still together, or any that beeing married without those degrées haue vnlawfully forsaken their wiues or husbandes, and married others, any man that hath two wiues, or any woman that hath two husbandes, any that being diuorsed or separated a sunder haue married againe, any that haue maried or contracted them selues without the consent of their Parentes, Tutors or gouernours, anye that haue married without Banes thrice solemnly asked, any couples married that liue not togeather, but slanderously liue apart, any that haue married out of the Parish church where they ought to haue solemnized their marriage.

22. Whether the Minister and Churchwardens haue suffered anye Lordes of misrule, or summer Lordes or Ladies, or any disguised persons, or others, or maigames, or any Morrice dauncers at Christmas or at any other times to come vnreuerently into the Church or Churchyard, and there to daunce or play any vnséemely partes, with scoffes, Jestes, wanton iestures, or ribauld talke, especially in the time of common prayer, and what they be that committe such disorder, or accompanied or maintained them.

23. Whether the Quéenes maiesties Iniunctions and the Bishop of their Dioces his Iniunctions giuen at his last visitation be duely and precisely obserued on the part of the Cleargie or the Laity, according to the articles therein contained.

24. Whether there be among you any notorious euill liuers, or any suspected of any notorious sinne, fault or crime, to the offence of Christian people committed; any that stubbornely refuse to conforme them selues to vnity and godly Religion, now established by publique authority, or any that beareth abroad rumors of the alteration of the same, or otherwise that disturbeth good orders, and the quietnesse of Christes Church, and the Christian congregation.

25. Whether all such admonitions and iniunctions as haue come to your Parishes from my Lord of London, in and sithence the last visitation, for the obseruing of any order for the Church, or putting downe of any disorder, haue béen duly kept euer since or no, and by whose default they haue not béen kept.

26. Whether any carry out the infants to be christened in other parishes, as misliking the order of Christening in their owne Parishes: whether any preach in any Noble mans or Gentle mans house not being licensed of the Bishop.

27. Whether any within your Parishes doe resort vnto Barnes, fieldes, woods outhouses, or to any extraordinary expositions of scriptures, or conferences togethers, and so do (as it were) make a seuerall Church or sect vnto them selues, or bée drawers or perswaders of others to any such scismaticall and damnable sectes.

28. Item whether your Parson, Vicar or Curate, haue wittingly maried together any couples, whereof the woman hath béene begot with child, or carnally known before mariage, or whether the man for money or reward hath maried any woman that hath committed adultery with an other man without publique acknowledgment of their offences, and reconciliation to the Parish; and what are the names of all such that haue béen so maried in any such case: and when, and by whom were they so maried together.

29. Whether any doo kéepe their children vnbaptised longer then the Sunday after birth, vnles it be for sicknes of the child or other vrgent occasion, and whether any doo cary their children from the Parish they are borne in, to other parishes, to be baptised?

30. Whether the order of praiers on Wednesdayes and Frydayes, set forth lately by the most reuerend father, the *Archbishop* of Canterbury, by him appoynted to be obserued through his whol prouince, be obserued as it is required, and who be they that vnder color of it do bring in any new deuised order, praiers or fastes, leauinge the prescribed order of that booke.

FINIS.

The second byls which are to be deliuered at Michaelmas next, are to be brought into Maister Blackwels office in Iuie Lane, Register to my Lord Bishop of London, betwixt Michaelmas and the eyght day of October following, or els the Church-Wardens and Side-men making default herein, are at their perils to shew cause the x. of October next in the Consistorye in Powls why they shoulde not bee proceeded againste for their contempte, according to law.

Imprinted at London by Richard Iohnes, dwelling at the Rose and the Crowne, neere vnto Holborne Bridge. 1586.

KING, ARCHDEACON OF NOTTINGHAM, 1599.

ARTICLES ministred in the Visitation of the Right Worshipfull Maister JOHN KING, Archdeacon of Nottingham, in the yeare of our Lord God 1599.

Printed at Oxford by Joseph Barnes, printer to the Vniversitie.

The Church or Place of Common Praier.

In primis whether your Chancel, & Church, or Chappell be sufficiently repaired, as wel in stone, tymber, lead, tile, glasse, as al other necessarie things, & if they be not, through whose default the same is omitted?

2. Whether your Church-yard be sufficiently fenced and decently kept, and the trees thereing growing, not spoiled, if not in whose default?

3. Whether the wals of your Church, be within whited, & beautified with fruitfull sentences out of the holie Scriptures, & paued comelie in the bodie of the Church and Chancell, and conuenient seates placed in the Church and Chancell, for the necessary vse of the parishioners in time of diuine seruice?

4. Whether you haue in your parish Church and Chappell, all thinges necessary for the setting forth of common praier, and the administration of sacramentes: namely the booke of common praier, two Psalters in prose and meeter, the English Bible in the largest volume, the two tomes of homilies, the paraphrases of Erasmus in English, the table of the tenne commandements: a convenient pulpit well placed, a decent table standing on a frame, for the holie communion, with a faire linnen cloth to laie vpon the same, and some covering of silke buckerome, or other such like, for the cleane keeping thereof, a comely communion cup of silver, with a cover of silver for the same, a decent surples with large sleeues, a register booke of Christenings, weddings, and burials. A font fastned in some convenient place of the Church sweete and decently kept. A sure coffer with two lockes and keies for the keeping of the said Register booke, and a strong chest or box, with two lockes and keis to put in the almes, and other thinges belonging to the premisses?

5. Whether your Church and Chancel be kept cleane & decentlie at all times, and especially against time of diuine service, by such as are especiallie appointed for that purpose: and whether is your Chancell well paved or no?

The service vsed in the Church.

6. Whether doth your Parson, Vicar, or Curate, or the Parson, Vicar, Curate, or anie other of, or in, any other Parish, neere about the same, within the Archdeaconrie of Nottingham, to your knowledge, or as you haue heard by common reporte, vppon Sundaies or holi-daies, vse to saie the Morning and Eveninge Prayer, and the Letanie, in such manner and forme, and vnder such wordes as are set forth and prescribed, in, and by the booke of common praier? If

not, then what other forme or manner hath or doth he or they vse?

7. Whether your Parson, Vicar, Curate, or anie other within your parish, or els where, neare about the same, within the Archdeaconrie of Nottingham to your knowledge or as you haue heard by common report, hath preached, declared, vttered, or spoken anie thing against the said booke of common praier, or anie thing therein contained, or against any doctrine, office or calling ecclesiasticall within this realme, established by publique authority or against the ordination or election of Archbishops, Ministers, Deacons or anie of them, and what was the thing, or fault found vttered declared or preached and by whome?

8. Whether hath your Parson, Vicar, or Curate, or anie other within your Parish or els where neare aboute the same within the Archdeaconrie of Nottingham to your knowledge or as you haue heard by common report, preached, declared or vttered in worde or writing, anie thing in maintaining, commending or perswading of anie doctrine or discipline, or anie other forme of common prayer election or ordination of anie other offices, officers, Deacons, pastors, elders, presbiteries or ecclesiasticall censures, then are by the lawes of this realme established, or whether haue you heard of anie that vseth to disswade anie parson from the religion now professed, or to perswade them to the Romish Religion?

9. Whether haue you aswell vpon Sundaies, and holidaies, as vpon Wednesdaies, Fridaies, and Saterdaies, service in your Church and Chappell, according to the order, appointed by lawfull authoritie, and whether doth your Minister in time of divine service and at the ministration of the sacramentes alwaies vse and weare the surplesse and reade the service plainelye and distinctlye, that the people may bee edyfied thereby, and bidde such Holidaies and fastingdaies, as are appointed by the booke of common praier?

10. Whether haue you sermons, preached by able and sufficient men, lawfullye licenced therevnto, at times convenient, and namelye everie quarter once at the least, according to Her Maiesties iniunctions?

11. Whether your Parson, Vicar, or Curate, doe every Sunday when there is no sermon read plainly some part of the Homilies prescribed to be read: Or whether any of them not beng founde to haue sufficient ability to preach, or not lawefully admitted thereunto, doe take vpon them to expound anie part of the scripture, and thereby omitte the reading of Homilies?

12. Whether your children and servantes, that be aboue seven yeares & vnder twenty, be Catechised vpon Sundaies, & Holiedaies by the space of one hower, before euening praier by order of householdes, at the appointment of the minister: and whether the saide minister doe giue notice thereof plainely the next Sundaie or holi-daie before in the Church that everie one may knowe the time that he is to resort thether to be catechised? and if this be not done who they be that make default therein?

13. Whether any doe presume to saie service in your Church or chappell openly, who is not a lawefull Minister and sufficiently licensed by the ordinarie of this Archdeaconrie, vnder the seale of his office?

The ministring of the sacraments and other rights [sic] and Ceremonies vsed in the Church.

14. Whether doth your Parson, Vicar, or Curate, or any other within your parish, or else where neare aboute the same within the Archdeaconrie of Nottingham, to your knowledge, or as you haue heard by common report, vse the ministration of the Lordes supper, and Baptisme, instruction of children, solemnization of matrimony, the Visitation of the sicke, the buriall of the dead, and the churching of women, in such manner and forme and vnder and with such manner of wordes, as are set forth and prescribed in the booke of common praier. If not then what other forme or manner doth he or they vse in the premisses, or any of them? And doe not they vse the ring in mariadge, and crossing the childes head in Baptisme?

Communion. 15. Whether the communion bee administred monthly, where the parishes be great, or else so often everie year as that the parishioners may receiue three times at the least yearly?

Private baptisme. 16. Whether your children Baptised at home in cases of extreame weaknesse and danger, be brought to Church after their recoverie, that the minister may examine whether they bee lawfullye Baptised or no?

Matrimonie.

Mariage. 17. Whether anie haue beene maried within your parish that haue not had their banes asked three seuerall Sundaies or Holidaies in time of divine service in the presence of the people, vnlesse the same haue beene lawfollye licensed by the Ordinarie, vnder the seale of his office, and with such bandes as are vsually taken in like cases?

18. Whether anie have beene maried within your parish, that haue dwelt in other parishes, without a certificat of the banes asking from the Minister, or Curate of the parishes, where the said parties or anye of them haue dwelt. And whether any mariage haue bin solemnized in any other place, then in the Church, or at any time of the day that is not lawfully vsuall or in the night?

Visiting of the sicke.

19. Whether your Minister hath bene diligent in visiting the sicke persons of your parish, and comforting them with godly and wholesome sentences out of the sacred scriptures, and in perswading them to dispose of their goods, by making their testament, and to bestow some part of their goods to good and godly vses?

The office, function, and behaviour of Ministers.

20. Whether your Parson, Vicar, or Curate doe labour diligently and painefullie according to his ability, aswell by doctrine, as by good example of life to set forth true Religion, to beate downe superstition and Idolatry, and all other vice to exhort the people to vnity and brotherly loue, and to dutiful obedience to their Prince, and to such as be in authority vnder her, and to the diligent hearing, reading, and teaching, of Gods Word.

Private exercises of religion. 21. Whether there be within your parish, or else where neare about, any preaching, reading, or other such like exercise, in any privat houses wherevnto others not [*sic*] resorte, not being of the same family? And whether any doe preach, reade, or Catechise, in the Church, or else where, that doth not at diverse times yearelye saye service, and minister the sacraments according to order appointed by publike authoritie?

Register. 22. Whether the Register of all weddings, Buryings, and Christenings within your parish be wel kept, and a coppy of the same once every yeare by Indenture presented to the Ordinarie?

23. Whether in the weeke before Whitsontide, commonly called Rogation weeke, your perambulation bee kept by your Minister with a sufficient number of the parishioners of all sortes aswell of the Elder, as younger sort, for the better knowledge of the circuits, and boundes of the parish, with praiers for better increase of the fruites of the earth, according to the order in that behalfe provided:

24. Whether the Mansion houses of your Parsons and Vicars be kept in good Reparation?

25. Whether your Minister bee suspected to bee guiltie of any notorious crime, as Symonie, adultery, blasphemy, periurie, drunkennesse, idlenes, vnseemely and vaine talke, and whether hee bee scandalous, in his conuersation, through brawling, fighting, quarelling, peace-breaking, vnlawfull gaines, or haunting of places suspected, and not of good report:

26. Whether your Parson, or Vicar, hath at any time since the thirteenth yeare of the Queenes Maiesties Raigne, made any lease or grant of his personage or Vicaridge, or any part thereof hee being absent and not Resident vppon the same, to anie other then to his Curat, that did or doth serue the cure in his absence. And whether your Parson, or Vicar, if hee bee not resident with you, and may dispend twenty pounds yearly or aboue, doe not distribute euery yeare among the poore of your parish at the least the fortith part of the benefice where he is not resident?

Schooles and Schoole-maisters.

27. Whether your Schoole-masters, and other teachers within your Parish, bee allowed by the Ordinary? And whether they doe teach their Scholers the Catechisme, and doe encourage them to loue true Religion, and doe cause them daily, Morning and Euening, to ioine togither in praier vnto God, for increase of Learning and of other his good graces: and whether they doe instruct them to say grace before and after meate:

Church-wardens accompt.

28. Whether the church-wardens yearely doe make their accompts to their Parish, of all their receits and necessarie expenses of the said Parish, if not, who haue not accompted?

29. Whether they doe levie for not comming to Church, to heare divine service vpon Sundaies and Holydaies, xii. d. for every person that is absent without lawfull cause?

30. Whether they doe faithfully distribute the stocke of the poore mans Box, and are carefull to call for, and to gather al such money, as is due vnto the Church, or to the poore of the Parish, either by Legacie, or by such as are buried in the Church, or by other meanes?

The Parishioners.

31. Whether the people aswell men as weomen doe resort vnto their owne parish Church or Chappell one

Sundaies, and Holidaies at time of divine service, and remaine and abide, and there behaue themselues reverently during all the whole time of service and sermons?

32. Whether any of the said parishioners doe vse any prophane worke or labour, or selling of victuals or wares vppon the Sabboth daie, or anie other daie, that is appointed to bee kept holy by publicke authority?

33. Whether all the Parishioners being of lawfull yeares, haue received the holy communion thrise for the yeare last past, & namely at Easter last.

34. Whether any person within your Parish, bee suspected or knowen to tell destinies, or to restore things lost, and to vse charms, or to exercise witchcraft, sorceries, southsayings, and such other supersticious and divelish illusions?

35. Whether any within your Parish, haue to your knowledge or by common fame or reporte, committed adultery, Fornication, Incest, or bee common Drunkardes, Swearers, and Blasphemers of Gods holy name, or vsurers, or bee commonly suspected thereof, and what are their names?

36. Whether any within your Parish doe keepe company together as Man and Wife, who be not lawfully married, or who haue beene lawfully and vpon iust cause divorced?

37. Wheiher there be within your Parish, Baudes, or that doe receiue into their houses weomen begotten with Childe vnlawfully, and doe keepe them vntill they bee delivered, and then let them depart before they haue done pennance?

38. Whether you know any within your Parish, that receiveth into their house any Massing Priest, Jesuit, or other seminary man come from beyond seas?

39. Whether there be any within your parish, that presume to administer the goodes of those that be departed out of this world, without lawfull authority, or have falsified or suppressed the will of anie Person deceased, without sufficient authority from the Ordinarie, vnder the seale of his office?

40. Whether any Lords of Misrule, or other disguised persons in maie-games, and such like disordred pastimes, haue daunced, or vnseemely entered into your Church, or Church-yarde? Or whether there hath bin any common feasting kept in your Church or Church yarde, or any plaies or enterludes there had?

41. Whether any excommunicate person be suffered to come in to the publike assembly or congregation in time of divine service?

42. Whether any of your parishioners doe detaine in their hands any of Their church Goods, and who they bee that doe detaine or withholde the same?

43. Finally, if you doe knowe any other crime or offence to bee committed within your parish, which is punishable by the ecclesiasticall lawes of this lande, and not mentioned particularly in these Articles aboue specified, you shall likewise detect it and truely present it.

The oath of the Church-wardens and side-men.

You shall faithfullie administer all such Church-goods as are, or shall come to your hands to the vse of your Church, and thereof make a true and faithfull account at the end of your office, delivering all that remaineth thereupon to your next successors. Also you shall diligently enquire of, and faithfully present all such persons as you shall either vpon your owne knowledge, or by publike fame vnderstand to be guilty of any offence or fault mentioned in any of the Articles afore-said, or any other fault which is to be punished by the lawes ecclesiasticall of this realme, wherein you shall not present any person for malice, hatred, or evill will, nor spare any for favour, for feare, or any corrupt affection, but you shall faithfully dischardge your consciences, as men having the feare of God before your eies, and seeking the reformation of his Church, so God helpe you in Christ our Saviour.

Finis.

BANCROFT, BISHOP OF LONDON, 1601.

Articles to be enquired of within the Dioces of London, in the Visitation of the Reuerend Father in God, Richard Bishop of London, in his Second generall Visitation.

Holden

In the three and fortieth yeere of the raigne of our most gratious soueraigne Lady Elizabeth by the grace of God Queene of England, France, and Ireland, Defender of the faith, &c.

Printed at London by William Barley, 1601.

A Branch of the statute made in the first yeere of the raigne of our Souereigne Ladie Queene Elizabeth, intituled, An act for the vniformitie of common prayer and seruice in the church.

That from and after the feast of the Natiuitie of St. John Baptist next comming, all and euerie person and persons inhabiting with in this Realme, or any other the Queenes maiesties dominions, shall diligently and faithfully (hauing no lawful or reasonable excuse to be absent) indeuour themselues to resort to their parish church or chappell accustomed, or upon reasonable let thereof to some vsual place where common prayer and such like seruice of God shalbe vsed in such time of let, vpon euery Sunday and other dayes, ordained and vsed to be kept as holydayes; and then and there to abide orderly and soberly during the time of common prayer, preaching or other seruice of God there to be vsed and ministred upon paine of punishment by the Censures of the Church. And also vpon paine that euery person so offending shall forfeit for euery such offence twelve pence to be leuied by the Church wardens of the Parish where such offence shalbe done, to the vse of the poore of the same parish, of the goods, lands, and tenements of such offender by way of distresse. And for due execution hereof, the Queenes most excellent Maiestie, the Lords temporall, and all the commons in this present Parliament assembled, doth in Gods name earnestly require and charge all the Archbishops, Bishops, and other Ordinaries, that they shall indeuour themselues to the vttermost of their knowledge, that the true and due execution hereof may be had throughout their Diocesse and charges, as they will answer before God for such euils and plagues, wherewith almighty God may iustly punish his people for neclecting this good and wholesome Lawe.

. . . . . [*part of a line cut off.*] the Dioces of London in this Visitation holden in the yeare of our Lord God 1601.

Articles concerning the Clergie.

1. Whether is common prayer read by your minister in your Church or Chappell distinctly and reuerently vppon all Sundayes and holy dayes, and in such order as is set forth by the lawes of this Realme in the booke of common prayer, without any kynd of alteration, omitting or adding any thing, and at due and conuenient houres.

2. Whether doth your minister vppon Wednesdayes and Fridaies, not being holy daies, read in your church or chappell, publikely the Letanie and other praiers appoynted in the saide booke for those dayes, and whether doth he read the comination against sinners, in such order and forme as it is there also prescribed.

3. Whether doth your Parson, Vicar, or curate in the administration of the Lords Supper, or of baptisme, when he solemnizeth matrimonie, burieth the dead, churcheth women &c. vse the formes and prayers prescribed in the communion booke, without omitting or altering any part of them, and without any of his owne additions.

4. Whether doth your parson, vicar, or curate read publike praier and administer the Sacraments ordinarily himself, vsing such rites and ceremonies as are prescribed in the booke of common prayer; as namely whether doth he kneele at the receiuing of the holy communion: make the signe of the Crosse vpon the childes forehead in the administration of baptisme: baptise any without Godfathers and Godmothers: vse the ring in marriage: and generally whether doth he in the discharging of all these dueties and when he readeth common prayer eyther vpon Sundaies holidaies wednesdaies and Fridaies weare a surplice.

5. Whether doth your minister vppon Sundayes at morning prayer declare vnto the parishioners what holydaies and fasting dayes are appoynted to be kept the weeke following: whereby they may be put in mind to prepare themselves, and to repaire to the church to publike praier according to the lawes of the Realme.

6. Whether doth your parson, vicar, or curate, or either of them reiect at any time those women being married which doe come to church to giue God thankes after their childbirth or refuse or neclect to visit the sicke, or to burie the dead, according to their duties prescribed in the booke of common prayer.

7. Whether doth your minister in the Rogation dayes of procession vse the perambulation of the circuite of your parish, appoynted by her Maiesties Iniunctions: and whether doth he in the sayd perambulation moue the people to giue thankes to God in the beholding of his benefits, for the increase and aboundance of his fruits vppon the face of the earth: and sing or say the two

Psalmes beginning: *Praise the Lord O my soul, &c.* with the Letany and suffrages therunto belonging: and at certain conuenient places reade the homily of thanksgiuing to God, alreadie deuised and diuided into foure parts, without addition of any superstitious ceremonie heretofore vsed.

8. Whether doth any man, being neither minister nor deacon read common prayer openly in your church or chappell, or administer the sacrament of Baptisms; or solemnize matrimonie, or take vpon him to practise any other ministeriall dutie in the church, that is prescribed to be executed particularly by such as are eyther ministers or Deacons: and what is his name that so doth.

9. Whether is your parson or vicar a preacher, licensed to preach by lawfull authoritie according to her maiesties Iniunctions: if he be, how many sermons doth he preach yearely, if he be not, how many doth he procure to be preached by others: who hath preached them, and whether were they preachers licensed, as is before expressed.

10. Whether doth your parson, vicar or curate euery sunday when there is no sermon, reade distinctly and plainely some part of the homilies prescribed and set forth by her maiesties authoritie.

Whether doth the parson, vicar, or farmour of the benefice in your parish cause or suffer any curate or minister, either to reade seruice, &c. or to preach, before he the said curate being no preacher, be examined and admitted by the ordinarie in writing: and before he the said curate being a preacher be therevnto admitted according to her maiesties Iniunctions, and before they shew their sayd seuerall licences vnto the churchwardens.

11. Whether doth your Preacher in his prayer which he maketh at the entrance into his sermon, vse at all times the prayer for her maiestie, with her whole title prescribed in her highnesse Iniunctions: as, Queene of England, France, and Ireland, defender of the fayth, &c. and of all causes and over all persons within her highnesse dominions, as well ecclesiasticall as temporall, next and immediately vnder God, supreme gouernor and whether doth he in like manner then pray for the Archbishops and Bishops, as by the sayd Iniunctions it is also appoynted.

13. Whether your minister doth serue two cures in one day.

14. Whether doth your parson, vicar or curate every Sunday and holy day openly in the Church earnestly call for, heare, and instruct all the children, apprentises, and seruants of both sexes, that bee of conuenient age within your parish, or at the least so many of them by course as the time will serue, and as he may well heare and instruct one houre at the least, before or after euening prayer in the tenne commandements, the articles of the beleefe, and the Lords praier, and diligently examine and teach them the Catechisme, as it is now allowed, and set forth in the booke of common prayer.

15. Whether is there any man in your parish, being neyther your parson, vicar, nor curate, that taketh vppon him to preach or reade lectures eyther in priuate houses, or publikely in your church or chappell, who is not licensed so to preach or reade according to her maiesties Iniunctions, or who doth not once a yeare at the least administer the sacraments in your said church or chappell, where he so preacheth or readeth.

16. Whether your minister hath or doth receiue to the holy communion any persons which be not of his owne parish, without testimonie from the minister of the place where they dwell, what they be, that it may appeare that they be not persons excommunicate or otherwise infamous.

17. Whether doth your parson, vicar, or curate, administer the holy communion vnto any communicants which do not receiue the same deuoutly and humbly kneeling vppon their knees, or whether doth he administer it confusedly to some kneeling, and to some, either sitting or standing, or walking.

18. Whether hath your parson, vicar, or curate, or other minister in your church or chappell, contrary to the order set downe in the communion book, and contrary to her maiesties Iniunctions in that behalfe, admitted to the holy communion any open or notorious fornicator or adulterer, or other wicked liuer, by whom publike offence is giuen, without due penance inioyned by his Ordinarie first done, to the satisfaction of the congregation, and without such further submission, as in the sayd booke and Iniunction is required.

19. Whether doth your parson, vicar, or curate, or any other minister or preacher, baptise in your parish church or cnappell, any infants, not in the Fonte according to the ancient custome, but in a bason, and vrge the parents of the saide infant to be present, in place of Godfathers for their children.

20. Whether doth your parson vicar, or curate once euerie quarter of the yeare reade her maiesties Iniunctions openly and deliberately before his parishioners at one time or at two seuerall times in one day, according as in the saide Iniunctions it is prescribed.

21. Whether hath your parson, vicar, or curate, or any other minister preached, declared, or spoken any thing in your parish in derogation of the booke of common prayer, which is set forth by the lawes of this Realme, dispraising, or deprauing the same, or any thing therein contained, or against the present estate of the ecclesiasticall gouernement, established by the same authoritie, or against any office, function, or part thereof, affirming the same to be vnlawfull.

22. Whether hath your parson, or vicar, more benefices then one, if he hath not, whether is he resident vpon that one: if he be not resident, where doth he remaine, and whether doth he leaue a sufficient minister and preacher to supply his absence, allowing something yearely towards the reliefe of the poore: and what doth he so allow.

23. Whether is your parson or vicar who hath two benefices within this Dioces: or one benefice in this Dioces, and another forth of the same, resident one halfe of the yeare on one of them, and the other half yeare or the greater part thereof vpon his other benefice, and whether doth he leaue the benefice in your parish prouided of a sufficient preacher to serue it: and hath an especiall care of some conuenient hospitality to be kept in his absence according to his abilitie, and the proportion of that liuing.

24. Whether doth your parson, vicar, or curate keepe a iust and perfect note of all such as do communicate in your parish, and do not rather, regarding their priuate gaine, receiue their offerings at Easter, deliuer them tokens, enter them into their booke, and so certifie as communicants those who neuer receiued.

25. Whether doth your parson, vicar, or curate keepe any man or woman in their houses, that are suspected to be, either of euill religion, or of badde life, or whether be they or any of them incontinent persons themselues, or giuen to drunkennesse, or be haunters of Tauernes, alehouses, or suspected places, common dicers, carders, tableplayers swearers dauncers or otherwise suspected persons of any notorious crime, or light and vnseemely behauiour, or giue euill example of life, or vse disordered or vnseemely apparrell, eyther in colours, guardes or light fashion.

26. Whether there be any ministers or priests within your parish, which liue idlely without any cure, neither seruing in any place, nor hauing any place of reading or preaching, and so become offensiue to their calling.

Articles concerning the Church.

1. Whether haue you in your parish Churches and Chappels all things necessarie and requisite for common prayer and administration of the sacraments, especially the booke of common prayer with the new Kalender, two Psalters, the English Bible in the largest volume of the edition sette forth by the Bishops, and lately imprinted by the Queenes Printer, the Table of the ten commandements, a conuenient pulpit well placed, a comely and decent Table standing vppon a frame, for the holy communion, with a fayre linnen cloth to lay vppon the same, and some couering of silke, buckram, or other such like for the cleane keeping therof, a faire and comely communion cup of siluer, and a couer of siluer for the same, which may serue also for the ministration of the communion bread, a decent large surples with sleeues, and a strong chest or box for the almes of the poore, with three locks and keyes to the same, and all other things necessarie in and to the premises.

2. Whether there haue growne in your Church since the last visitation in the year 1598, any contention betwixt any of the parishioners, touching the placing or displacing of any in any seate or pew in the church, and whether there haue beene any pew buylded since the foresayd yeare 1598 in any your churches, without the expresse leaue and consent first had of the Ordinary of the Dioces, and by whom haue any such bene built.

3. Whether is your Church or Chappell, and the Chauncell well and sufficiently repaired and kept without abuse of any thing: whether doth your Parson, vicar, or curate or the proprietarie or farmour of your parsonage or vicarage in your parish keep the parsonage or vicarage house with al other the edifices thereunto appertaining in good and sufficient reparations: and

whether is your churchyard well fenced and cleanely kept without any laystall or other annoyances.

4. Whether your Church be a parsonage or a vicarage presentatiue or donatiue, or otherwise serued by a curate: whether did they euer heeretofore heare or know that it was a parsonage or vicarage, and how came it to bee decayed from being presentatiue, to be in the state it now is, and when was it first decayed, from being a benefice presentatiue, as you remember.

5. Whether your fonts or baptisteries be remoued from the place where they were wont to stand: or whether any persons, leauing the vse of them, do christen or baptise in basons, or other vessels, not accustomably vsed in the church before time, or do vse any kind of lauor with a remoueable bason, or haue taken downe the olde and vsuall font heretofore vsed in your parish.

6. Whether is there in your parish a sufficient Register booke of parchment, of marriages, christnings, and burialls, prouided at the charge of the parish: whether are all the names of those that haue bin, either christened, married, or buried since the beginning of her maiesties raigne newly written into the saide parchment booke: whether doth the Minister euery sunday read the names publikely of those, that were eyther christned, married, or buried the weeke before: whether haue you a publike chest with 3 locks for the minister, and the two churchwardens to keepe the said booke in: and whether haue you brought a transcript of all the names of such as haue been christned, married, and buried this last yeere into M. Blackwel my Register his office, as you are bound to do euerie yeere hereafter within a month after the feast of Easter by the constitutions last authorized by her Maiestie.

Articles concerning Ecclesiasticall Officers.

1. Whether the Chancelor, Archdeacon, Commissarie, Officiall, or any other vsing Ecclesiasticall Jurisdiction in this diocesse, their Registers or Actuaries, Apparators, or Summoners, haue at any time winked at and suffered any adulterers, fornicators, incests, or other faultes or offences presented vnto them, to passe and remaine vnpunished, and vncorrected for mony, rewards, bribes pleasure, frindship, or any other partial respect.

2. Whether doth the Chancellor, Commissaries, Archdeacons, or any other officialles heare any matters of office, or correction priuately in their chambers without the presence of the sworne Register or his deputy, or do discharge any mans penance for money, without the consent of the L. Bishop, according to the last constitutions by her Maiestie confirmed, or doe send any writing vnder their owne hands to your church, without the Registers presence at the dooing of it, eyther for marriage of any couples, or for ending or ordering of any matter or penance.

Articles concerning Schoolemasters.

1. Whether the Schoolemaster or Schoolemasters within your parish openly or priuately in any noble or gentlemans house, or in any other place be of good and sincere religion, life, and conuersation, and bee diligent in teaching and bringing vp of youth, and whether they haue beene examined allowed, and licensed for Schoolemasters by the Ordinarie or his officers in that behalfe.

2. Whether your Schoolemaster or Schoolemasters do themselues receiue the holy communion as often as they ought to doe, and whether they bring with them so many of their Schollers as bee of age sufficient, and of capacitie by instruction to receiue the Lords Supper, or else be able to giue testimonie, in what Church their Schollers doe receiue and heare publike prayers.

3. Whether your Schoolemaster or Schoolemasters do orderly on Sondayes with their Schollers, come to the Church of their parish where they they (*sic*) teach, and there see their Scholers placed in some conuenient place, so as they doe not disquiet the minister or parish in time of diuine seruice, but may exercise themselues godly in reading and hearing the serulce (*sic*) and sermons, and in aunswering with the congregation in reading of publike prayers.

4. Whether the schoolemaister or schoolemaisters eyther priuate or publike do teach their schollers the Catechisme authorized by publike authoritie, at the least once euery weeke, and do instruct and examine them in the same, or do teach any other catechisme. and what catechisme is it that they so do teach.

5. Whether your schoolemaister or schoolemaisters or any of them bee knowne or suspected to reade vnto their schollers priuately any vnlawful books, or priuately to instruct them in their yong yeares either in popery, superstition, or disobedience, or contempt to her Maiestie and her lawes ecclesiasticall by publike authoritie allowed.

6. Whether your schoolemaister or schoolemaisters or any of them vnder pretence of Catechising their schollers, which is a most godly order, carefully by them to be obserued, do keepe lectures, readings, or exposition in diuinitie in their houses, hauing repaire vnto them of people not being of their owne family and household.

7. Whether the schoolemaister or schoolemaisters within your parish do teach his or their scollers any other grammer then that which is commonly called the Kings grammer, sette forth by the authoritie of King Henrie the eight.

Articles concerning Parishioners and others of the Laitie.

1. Whether all householders in your parish cause their children, seruants, and apprentises, both mankind and womankind being aboue seuen yeares of age, and vnder twentie, which haue not learned the catechisme, to come to the church on sundaies and holydayes at the times appoynted for catechising, and there diligently and obediently to heare, and what bee the names of those that do not cause their children, seruants and apprentises so to come to the church to be instructed and examined.

2. Whether the churchwardens do quarterly deliuer to the Archdeacon a note of all those who do not send their children and servants to be catechised.

3. Whether any do worke or keepe any shoppe open vpon Saboth daies, or vpon any holy daies appoynted by the lawes of this realme to be kept holiday, or vse any worke or labor, or open shew of their wares in any of those dayes.

4. Whether you your selues or the Churchwardens in the yeares before you haue suffered any vnmarried women being begotten with child, to goe out of your parish before she hath by you or them bin presented to your Ordinarie, or any man defamed of whoredome to depart vnpunished, vppon direction appoynted by the ordinarie. And forth of whose houses haue they gon away with child vnpunished, and what be the names of such vnmarried women which haue beene deliuered within your parish this three yeares last past, haue gone away without doing of penance.

5. Whether the parish Clarke be appoynted according to the law, by the parson or vicar of the parish, with the allowance of the Ordinarie, and whether hee be not obedient to the parson, vicar, or curate, and whether hee be able to reade, and whether he keepe the bookes and ornaments of the Church faire and cleane, and cause the church, and quire, the communnion table and the fonte to bee kept cleane and decent against the seruice time, the communion, sermon, and baptisme.

6. Whether there be any person or persons ecclesiasticall or temporall within your parish or elsewhere within this Dioces, that haue retained and kept in their custodie, or that reade, sel, vtter, disperse, carrie, or deliuer to others any English bookes or libels, sette forth eitheron this side or beyond the seas, by Papists or others, against the Queenes supremacie in causes ecclesiastical,or against true Religion and Catholike doctrine, or the gouernment or discipline of the Church of England, now within this Realme receiued and established by common authoritie, and what theyr names and surnames are.

7. Whether there be any in your parish who are noted, knowne, or suspected to conceale or keepe hidden in their houses any masse bookes, portesses, breuiaries, or other bookes of poperie and superstition or any challices copes, vestments, albs, or other ornaments of superstition, vncancelled or vndefaced, which it is to be coniectured they do keep for a day, as they cal it.

8. Whether there be in your parish any popish or sectary recusant or recusants, which for any cause whatsoeuer forbeare to come to Church to common prayer or to heare Gods word preached, pretending it vnlawfull to to (*sic*) come to our assemblies, as the church of England now standeth, established by her maiesties authoritie, and what their seueral name or names are, and how long they have beene recusants.

9. Whether any do refuse to receiue the holy communion at their owne ministers hands eyther because he is not a preacher, or because he duly obserueth the order of ministration appointed by the booke, and who they be that do go from their own parish, to receiue at any other ministers hands.

10. Whether any of your parishioners hauing a preacher to their parson, vicar, or curate, do absent themselues from his sermons, and resort to any other place to heare other preachers.

11. Whether all the people of your parish aboue 16 yeares of age, and especially householders, hauing no lawfull excuse to be absent, doe resort with their seruants and children to their parish Church or Chappell on the holydaies, and on the Sundaies to morning and evening prayer, and who they be that eyther negligently or wilfully absent themselues or do vnreuerently behaue themselues in the church, or vse any gaming or pastime abroade or in any house, or sitte in the streete or churchyard, or in any tauerne, or alehouse, vpon the Sunday, or holyday, in the time of common prayer, sermon, or reading of the homilies, or any of them eyther before or after noone.

12. Whether the forfeiture of XII pence for euery time of absence from the church vpon euery sunday and holyday appoynted by a statute made in the first yeare of the Queenes maiesties raigne to be leuied and taken according to the same statute (the tenor whereof is sette downe in the beginning of this booke) by the churchwardens of euerie person that offendeth, and by them be put to the vse of the poore of the parish, if it be not so leuied, by whose fault it is?

13. Whether there be any Inkeepers, alewiues, victuallers, or tiplers, that suffer or do admitte any person or persons in their houses, to eate, drinke, or play at dice, cards, tables, bowles, or such like games, in the time of common prayer or sermon on the sundays or holydayes, or any Butchers or other that commonly vse to sell meate or other things in the time of common prayer, preaching, or reading of homilies: and whether in any faires or common markets falling vppon the Sundayes, there be shewing of any wares before morning prayer be done: and whether any markets and selling of wares be vsed or suffered in any churchyards on the Sabboth day by common packmen or pedlers going about, or any Butchers.

14. Whether the Churchwardens of the last yeare haue giuen to the parish a iust account of the church goods that were committed to their charge according to the custome that hath beene afore time vsed: and what church goods they or any other have sold, and to whom and whether to the profite of your church or no: and what hath bin done with the money thereof comming?

15. Whether the churchwardens and swornemen, since the fourth day of August, 1597, haue of any priuate corrupt affection concealed any crime or other disorder in their time done in your parish, and haue not presented the same to the Bishop, Chauncelor, Archdeacon, Commissarie, or such other as had authoritie to reforme the same: and whether they or any of them at any such time as they should haue been at diuine seruice on sundayes and holydayes, and should there haue obserued others that were absent, haue beene away themselues at home, or in some tauerne or alehouse, or else about some worldly businesse, or at bowles, cards, tables, dice or other gaming, without regard of their office, and dutie in that behalfe.

16. Whether your minister and you the churchwardens, or any other in your parish haue in your reuestries made any orders, or do vse to call any parties before you for any cause to be ordered by the ecclesiasticall lawes, and so do vse a kind of Presbiterie or censuring ouer your neighbours, vnder pretence of your vestrie meetings.

17. Whther any of your parish being of conuenient age, haue not receiued the holy communion thrice this last yeere at the least, and namely at Easter last or thereabouts for once, and what their names are, or which at their receiuing haue not signified the same before to your parson, vicar, or curate, that he might conueniently examine them, and who haue refused to come to him to be examined.

18. Whether there be any in your parish that doth administer the goods of those that be dead without lawfull authoritie, or any that suppresse the last will of the dead, or any Executors that haue not fulfilled their Testators last will, in paying of legacies giuen to the church, or to other good and godly vses, as to reliefe of pouertie, to orphants, (*sic*) poore schollers, poore maidens marriages, high wayes, and such like, and by whom are they so deteined.

19. Whether there be any in your parish, that since the fourth of August 1597, hath or doth offend contrarie to the statute made in the seauen and thirtieth yeere of the raigne of King Henrie the eight, for the reformation of vsurie, and reuiued by an Act made in the thirteenth yeere of the raigne of the Queenes Majestie that now is, taking aboue the rate of ten pounds for the lending of an hundred pounds by the yeare, and what be the names of such offenders.

20. Whether hath your minister or any of the parish, without the consent or priuitie of the Ordinarie, caused any to do penance, or be punished either openly or otherwise for any crime punishable by the Ecclesiasticall lawes onely, and what be the names of the parties that haue been eso punished, and in what manner.

21. Whether there be any amongst you that do vse sorcerie or witchcraft punishable by the ecclesiasticall lawes, or that be suspected of the same: and whether any vse any charmes or vnlawfull prayers: and whether any do resort to any such for help and councell, and what be the names, both of such as vse it, and of such as resort to them for helpe.

22. Whether any couples that be married in priuate houses within these three yeares last past haue bin knowne or suspected to haue bin married by any popish priest or otherwise, after any other order then is appoynted by the Church of England.

23. Whether there be among you any blasphemers of the name of God, great or often swearers, adulterers, fornicators, harlots or whoremasters incestuous persons, bawdes, or receiuers of naughtie and incontinent persons, or harborers of women with child which be vnmarried, conueying or suffering them to goe away before they doe any penance, or any that be vehemently suspected of any such faults, or that be not of good name and fame touching such crimes and faults of drunkards, or ribawds, or any that bee malitious, contentious, or vncharitable persons, railers, scolders, or sowers of discord between neighbours, and especially railers against ministers and against their marriage.

24. Whether there be any in these partes that haue bin married within the degrees of affinitie or consanguinitie, by the lawes of God forbidden, or any that being diuorced or seperated for the same, do yet notwithstanding cohabite and keepe company still together, or any that being married without those degrees haue vnlawfully forsaken their wiues or husbands, and married others, any man that hath two wiues, or any woman that hath 2 husbands, any that being diuorced or seperated asunder, haue married againe, any that haue married without banes three severall sundayes or holydayes solemnely asked and without lawfull license therunto, or any couples married that liue not together, but slaunderously liue apart.

25. Whether there be any in your parish who wil come to heare the sermon, but will not come to the publike prayer, appoynted by the booke of common prayer making a schisme or diuision, as it were, betweene the vse of publike prayer and preaching. And whether there be any, who being present at publike prayer, do not deuoutly and humbly kneele vpon their knees, at such times as by the Booke of common prayer they are appoynted: to wit, when they make a generall confession of their sinnes: when all prayers and collects are read: in the time of the Lettanie: when the tenne Commandements are read, &c. And what are their names that haue at any time shewed themselues vndutifull and vnreuerent in this behalfe.

26. Whether the minister and churchwardens haue suffered any lord of mis-rule, or summer lord or ladies. or any disguised persons, any players, or maie-games, or any moris dauncers, at any time to come vnreuerently into the church or churchyard, and there to dance or play, or shew themselues disguised in the time of common prayer, and what they be that commit such disorder, or that accompanied or maintained them, or any playes to be played in the church.

27. Whether there be any married women or others within your parish, which after childbirth refuse or contemne to come to the church to giue God thanks for their deliuery, and to haue the prayers publikely appoynted in that behalfe by the booke of common prayer.

28. Whether any within your parish do resort into barns, fields, woods, priuate houses, or to any extraordinary expositions of scriptures, or conferences together, or that be drawers or perswaders of others to any such sismaticall conuenticles,

29. Whether any do keepe their children vnbaptized longer then is conuenient, vnles it be for sickness of the child, or other vrgent occasion: And whether any doe carrie their children from the parish they are borne in, to other parishes to be baptized, and so refuse their owne parish, or doe bring strange ministers into their owne houses to babtize (*sic*) their children priuatly according to their owne fantasies.

30. Whether any notorious recusant who obstinately refuseth to be partaker with the Church of England in

publike prayer, and hearing of the word of God preached, who is for his disobedience and contempt excommunicated, and dyeth excommunicate, be buried in Christian buriall, not hauing before his death sought to bee absolued, and testified the same his submission to some honest and discreete man who shal vpon his oath signifie to the Bishop of the Dioces, whereby his Lordship may giue order to the Ordinarie, before whom he was excommunicate for his absolution.

At the deliuerie of your Bill of presentment, at the time and place aboue set downe, you are likewise, in the sayd Bill, to set downe the names of all such as have beene buried at any time since the tenth of August 1601. being men, maides, or widdowes, and likewise the names of such as haue beene married by any licence since that time, and out of what Court they haue beene granted, since the sayd tenth of August.

THORNBOROUGH, BISHOP OF BRISTOL, 1603.

ARTICLES to be ministred and to be enqvired of, and answered in the first generall visitation of the reverend father in God, John, by Gods permission, Bishop of Bristoll.

Oxford, printed by Joseph Barnes, Printer to the Vniversitie, 1603.

The Tenor of the oath ministred to the Church-wardens, and sworne men.

You shal sweare by almighte God, that yee will diligently consider all and every the Articles given to you in charge, and make a true answere to every of the same in writing; Presenting all and every such person and persons, dwelling within your parish, as haue committed any offence or fault, or made any default, mentioned in any the saide Articles, or which are vehemently suspected or defamed, of such offence fault, or default. Wherein you shall not present any person or persons of any evil-will, malice, or hatred, contrary to the truth, nor shall for loue, favour, meede, dread, or corrupt affection, spare to present any that be offenders, suspected, or defamed, in any of these cases, but shall doe vprightly, as men having the feare of God before your eyes, and desirous to maintaine vertue, and suppresse vice. So helpe you God.

Concerning the Clergie.

Preaching without

Inprimis, Whether any man hath presumed to preach in any of your parishes not being thervnto licenced by the Lord Archbishop of Caunterbury, or by the Bishop of the Dioces, vnder his authenticque seale of office, and present what his name is, where he dwelleth and when he so preached.

Seditious sermons and false doctrine.

2. *Item,* Whether any preacher in any of your parishes hath preached any thing or matter tending to dissention or sedition, any false doctrine contrary to, or in derogation of the Religion and doctrin received and now established in the church of England, or tending to the derogation of the booke of common praiers, or any thng (*sic.*) therin conteined, or to the late Queenes Maiesties Iniunctions, or to the derogation of the law, statute or institution, established for the present government of the Church of England; if yea: Then present what his name is, where he dwelleth, and in what particular he hath offended.

Private preachers.

3. *Item,* Whether you do know any that presumeth to preach in any nobleman, or gentlemans house, privately or publikly, not being allowed by the Bishop of the Dioces, or some other having auctority thervnto, and licenced in writing vnder Seale, according to common forme; if you know any such, present his name, where he dwelleth, and where he vseth to preach.

The vocation (*sic.*) of a benefice.

4. *Item,* Whether your church, Parsonage or Vicaridge be voide or no, and how long it hath so bin, who gathereth the fruites thereof in the vacancie, and by what auctority, and who is the Patron thereof for this vacancy.

Residence.

5. *Item,* Whether your Parson, or Vicar, be resident vpon his benefice or no: If not; howe long, or howe many daies hath hee beene absent from the same togither, or at severall times, in any one yeare since the Parliament last past.

Pluralities and distances of Benefices.

6. *Item,* Whether your Parson or Vicar have any more benefices then one; and if hee hath, then whether hee hath a lawfull dispensation to keepe the same, how farre bee they asunder, and in what countrie doe they lie, and whether doth he not distribute the fortieth part of the benifice, wherevpon hee is not resident, to the poore of the parish, according to her late Maiesties iniunctions in that behalfe provided.

A good curate vpon the benefice wherevpon the incumbent is not resident.

7. *Item,* Whether your Parson or Vicar, not being resident vpon his benefice, doth leave there an honest, learned, and sufficient Curate; who is able, and doth painfully, and diligently instruct the people, and catechise their youth, and serve the Cure in due time and order.

Plaine and distinct reading of publique Praiers without all alteration.

8. *Item,* Whether your Parson, Vicar, Curate, or Minister, doth plainely and distinctly reade the publique prayers, and service of the Church vpon every Sunday and holyday, and the Evenings going before, in due time, so as the parishioners and auditors may well heare the same, and in such manner and forme, as is prescribed in the booke of common praier, without any alteration and without adding there therevnto or omitting therefrom any thing whatsoever: and whether he doth at any time, celebrating the divine service, omitte, or alter any of the collects, prayers, psalms, or one or both of the Lessons, or any part of divine service whatsoever, appointed in the saide booke of common praier.

Laye persons executing the office of a Minister in the church.

9. *Item,* Whether any hath presumed to execute the office of a Minister or Deacon in any of your Churches, and to say and celebrate the divine service there, or to serve the Cure of your parish, not being a Minister or Deacon: and whether any Deacon hath presumed to minister the Sacraments in any your churches, not having first received the full orders of Priesthood? If yea: Present what his name is, where hee dwelleth, and how often hath he offended heerein.

The Surplice.

10. *Item,* Whether at any time and during the whole celebration of divine Service and ministration of the Sacraments, in everie your churches, your Parson, Vicar, or Curate, doth weare a Surplice, according to the lawes and statutes of this Realme of England in that behalfe provided, and howe often default hath beene made heerin, and by whom.

Kneeling at the Communion.

11. *Item,* Whether your Parson, Vicar, or Minister doth at any time minister the Communion or Sacraments of the Lords Supper, to any his parishioners or other, sitting or standing, but alwaies humbly kneeling; and not in their severall seates, where they vsually sitte in the church, but kneeling in the seates severally appointed in your severall churches for the Communicants, to receave the same: And how often default hath beene made heerein, and by whome.

Signe of the Crosse in Baptisme.

12. *Item,* Whether your Parson, Vicar, or Curate in the Administration of Baptisme, doth vse to signe every child baptised with the signe of the Crosse, and whether in the whole action of Baptisme hee doth observe the orders and forme prescribed in the booke of common praier: if not, wherein hee differeth, and varieth from the same.

Catechizing, and visiting the sicke, &c.

13. *Item,* Whether your Parson, Vicar, or Curate, doth duely and orderly Catechise all that bee of convenient age, of his parish, and whether the parents and maisters of the youthes of the Parish, do either refuse or neglect to send them to be so Catechised, according to the order in that behaife prescribed in the booke of common prayer, and in her late Maiesties iniunctions: And whether they, or any of them doe refuse to visite the sicke, or burie the dead, or doe any such like office and function, as belongeth to his or their places and calling.

Depraving of the book of common praier.

14. *Item,* Whether your Parson, Vicar, or Curate, or any Preacher, or other person whatsoever, within your parish, have by word, writing, or otherwise, depraved or spoken against the booke of common praier, or any thing therein contained, or against any forme or matter of government Ecclesiastical now established in the Church of England.

Incontinency and other faults in the Incumbent or Curate.

15. *Item,* Whether your Preacher, Parson, Vicar, or Curate be a seditious person, or a sower of discord among his neighbours, or whether hee keepeth any suspected woman in his house, or whether he vseth to frequent the company of any suspected woman else-where; is he suspected, or knowen to have committed incest, adultery, or fornication with any woman whatsoever? And present the same to the vttermost of your knowledge, and how the common fame and report of the people goeth thereof.

Simony.

16. *Item,* Whether your Parson or Vicar hath obtained his benefice or his presentation, or admission to the same by any Simoniacal

pact, covenant, conclusion or agreement, directly or indirectly: if yea; then with whom hath he so committed such Simony, and for what consideration; And present how the common fame thereof goeth.

Drunkennes and other faults in the Incumbents or Curates.

17. *Item*, Whether your Preacher, Parson, Vicar, or Curate be suspected, noted or knowen, to be a drunkard, or a frequenter of Taverns, Innes, or Alehouses, is he a common gamster, at cards, dice, or tables, or other vnlawfull games, doth he goe decently apparelled, or is he suspected to be otherwise vicious or lewd of life and conversation, or any waies scandalous and offensive to the godly, and well-affected of his parish.

Expounding or preaching in his owne Cure without licence.

18. *Item*, Whether your Parson, Vicar, or Curate, bee a preacher allowed by the Ordinarie, or no; If he be not allowed or so licensed by the Ordinary, whether he presumeth or taketh vpon him to preach or expound the Scriptures in his owne Cure or els where, and whether he doth every Sunday and Holi-day, when there is no sermon in his church, reade one of the Homilies, or some part of one of them, according as is prescribed and appointed by the late Queenes Maiesties Iniunctions.

Reade the Iniunctions once every Quarter.

19. *Item*, Whether your Parson, Vicar, or Curate, doth plainely and distinctly once every Quarter, read publikely to their parishioners the said late Queenes Maiesties Iniunctions, vpon some Sunday or holi-day, that the people may the better know their duties to God and their Prince.

20. *Item*, Whether any Minister hath presumed or taken vpon him to say the divine service, or to minister the Sacraments in any of your churches, or to serve the Cure of the same not being before therevnto Licensed and authorised by the Bishop of the Dioces, or his Chancelor, in writing vnder their Seale of Office? And present what his name is, and where he dwelleth that presumeth so to doe.

Serve two Cures.

21. *Item*, Whether any Minister, or Curate, of any your Churches, or Chappelles, presumeth to serve two Cures; Present his name, and by what authority he presumeth to do the same?

Perambulation.

22. *Item*, Whether your Parson, Vicar, or Curate, doth vsually every yeere in the Rogation weeke goe with the Parishioners in the perambulations about the Parish, according to the custome and vse of ancient time, and doth say the praiers and suffrages appointed for the same, according to the late Queenes Maiesties iniunctions in that behalfe provided, and according to the booke of Advertisements?

The Communion not to bee ministred to any that is out of charity.

23. *Item*, Whether your Parson, Vicar, or Curate, doth admit to the Communion any of his parishioners or others, that be knowne not to be in love and charitie, or any that hath maliciously and openly contended, vnlesse the same first doe charitably and openly reconcile themselves againe, and bee soary for his or their transgression: or any that hath committed any notable sinne, or offence, before he hath made satisfaction to the Congregation offended; and present who hath transgressed heerein, and how often?

Purifying women that have borne Bastards.

24. *Item*, Whether your Parson, Vicar, or Curate, hath admitted to her thankesgiving, or purification, any woman that hath beene delivered of a bastard in adulterie, or fornication, before the same woman hath beene adioyned (*sic*) by order from the Ordinarie of the place to do pennance, and to make satisfaction to the Congregation for her offence?

Holy-daies and fasting daies.

25. *Item*, Whether your Parson, Vicar, or Curate, doth every Sunday, when occasion serveth, commaund and exhort his parishioners to keepe the holi-daies and fasting-daies, happening the weeke following, according to the lawes, and statutes of this Realme in that behalfe provided: or whether for any corrupt conceipt or sinister opinion in matters of Religion, or government hee hath refused, or neglected to doe the same; and present how often he hath transgressed heerein, since the late Parliament?

Residence.

26. *Item*, Whether your Parson, or Vicar having two benefices, with cure of soules, bee resident vpon one of the saide benefices, and keepeth hospitalitie vpon the same: And hath hee demised or letten to farme the benefice wherevpon he is not resident, to any other man then his Curate, and to whom?

Excommunicated persons not to be present at publike Praiers in the Church.

27. *Item*, Whether your Parson, Vicar, or Curate, hath celebrated and saide divine service, and praiers in the Church, when any person that he knew to be excommunicated, or denounced for an excommunicate person, was present in the same Church, at that time among the congregation: and whether he hath suffered such an excommunicated person (being a member cut off from the church, and from Christian society) to be partaker of those praiers, and hath not commanded the Churchwardens of the parish, or some other, to put him out of the church, or otherwise ceased from saying any divine praiers, during the time of the presence of such excommunicated person thereat: And present who hath offended herein, and how often.

An excommunicated or suspected Minister may not execute his office.

28. *Item*, Whether your Parson, Vicar, or Curate (being himselfe for his contempt and disobedience to his Ordinarie, or to Ecclesiastical Jurisdiction, or for other iust cause suspended or excommunicated) hath presumed to preach, reade, say, or celebrate divine service or common praiers, or publike service in the church? And present what his name is, that hath so done, and where, and how often he hath offended heerein.

Ministring divine Offices to another mans Parishioners.

29. *Item*, Whether your Parson, Vicar, or Curate, hath Christened any infant in his church, or chappell, being borne in another parish, or ministred the holy communion in his church to any inhabitant of another parish, or solemnized mariage betweene any parties of his owne parish in the time prohibited, or without the banes of Matrimonie vpon three severall Sundaies or holi-daies before published, not having first obtained a speciall Licence or dispensation from the Bishop of the Dioces, or his Chancelor so to do: or betweene any other parties of any other parish, or parishes without the like lawfull Licence and dispensation in that behalfe first obtained; or buried the dead of any other parish in his own church: or hath presumed to intrude himselfe into another mans Cure, charge, or church, to do and execute any of the premises, or to celebrate and read any publike praiers, in any other man's church without the consent of the Incumbent and the Minister of the place so to do? And present who hath offended heerein, when, where, and how often?

Staying the publishing of excommunication or suspension.

30. *Item*, Whether your Parson, Vicar, or Curate of any your church or chappels, having received any excommunication, suspension, or aggravation from the Bishop of the Dioces, his Chancelor, or other Ordinary, against any of their parishioners, have presumed to make stay of, and not published such excommunication, suspension or aggravation according to the Tenor thereof, the next Sunday or Holy-day after the receipt of the same, in your church or chappell at the time of divine service? If any be faulty heerein, present their names, and how often default hath bin made in that behalfe.

Reparation of the Church.

31. *Item*, Whether your church, chancell, or churchyard be in due and good reparation or no? If not; then present wherein the default is, and in whom.

Reparation of Parsonage and Vicaridge howses.

32. *Item*, Whether the parsonage or vicaradge-house of your parish be in decay and wanteth reparations yea, or no; if yea, then who ought to repaire the same, and what the fault is.

Trees in the churchyard.

33. *Item*, Whether any of the trees growing in your church-yard be cut downe by any man and imploied to any other vse then to the necessary reparation of the chancell or of the body of the church; if yea, Then present who cut downe the same, and present to what vse it is or hath bin imployed and by whom.

Patrons.

34. *Item*, Who is the Patron of the benefice, parsonage, or vicaridge of your church, and what is the value of the same in the late Queenes or now Kings bookes; And whether the Incumbent therevpon be a Doctor or a Bachelor of divinitie, or what other degree of Schoole is he?

Hospitals and Almeshowses.

35. *Item*, Whether there be any Hospitals or Almes-howses in your parish, and whether the same be vsed, kept, and ordered, according to the foundations, Lawes and Satutes (*sic*) thereof, and in whom the fault is, that they are not so vsed and kept.

The churchyard to bee kept cleane.

36. *Item*, Whether your church and churchyard be cleanly and decently kept, and whether any noysome or offensive cattell be suffered to moyle and defile the same in any sort; And present in whose default it is so defiled.

Simony in Patrons.

37. *Item*, Whether the Patron of any beneficelor Eccleisiasticall (*sic*) promotion, or Living, hath taken any money, monworth (*sic*), or reward, directly, or indirectly for presenting of any Minister or Clarke to the same? If yea; what is his name, and where such Patron dwelleth, and what mony, moniworth or reward he hath taken or received for the same, and whom

hath he so simonaically presented therevnto, and whether there be in any your parishes any common fame or report, that any such Simony was committed by any such person, or by any Incumbent that he hath so presented to any such benefice.

¶ *Concerning the Laitie.*

Choosing of Churchwardens.

1. IMPRIMIS, Whether the Churchwardens of every of your parishes bee chosen according to the custome of the parish, by the consent of the parishioners and the Ministers, and whether they have continued in the Office aboue one yeare, and whether such Church-wardens have given vp a iust and perfect accompt of all such money as they have received by vertue of their Office, to the vse of the church, and in the end of the year have restored and satisfied the same to the next Church-wardens of the yeare following without wast or diminution, except such part thereof as they have imployed and bestowed in reparations, and the necessary vse of the church.

The duetie of Churchwardens.

2. *Item*, Whether the Church-wardens of every of your parishes do carefully and diligently see, that the churches be wel repaired in all things necessary and convenient for the same, and whether in every Bishop or Archdeacons severall visitations they have omitted or neglected to present the defaults thereof, and whether they have omitted or neglected to present to the Ordinary the names and surnames of all those which have rudely behaved themselues, or brawled or chid in the church or church-yard, or which by walking, talking or making of any stirre or noise, have letted or interrupted the Minister or Preacher in the execution of his Office. And present who hath offended heerein, how, when, and how often.

Ornaments for the publike service in the Church.

3. *Item*, Whether your Church-wardens doe carefully and diligently see that your churches be provided of a comlie and decent Surplice for the Minister to read the publike praiers, and to minister the Sacraments in, of a decent Communion Table covered with a cloath, a faire communion Cup of silver, covered, a faire and decent Pulpit for the Preacher, a Bible of the largest volume, a faire booke of common Praiers, the Paraphrase of Erasmus, or the booke of Martires, our late Queenes Maiesties Iniunctions, the two bookes or Tomes of Homilies, a Psalter, a booke of Psalmes, a faire Font for the christening of Infants, and of all other things, and ornaments necessary for the celebration of the holy Sacraments. And present what default or want there hath bin, or is heerein, and in whose default.

Feasts in Churches.

4. *Item*, Whether the Church-wardens or Sidemen, or any of them have suffered any banquets, Feasts, Dinners, Suppers, or any common Drinkings in any of your churches, or whether they have suffered any Faires, Markets, or selling of wares, or any vnlawful gams to be kept and vsed in the church or churchyard; or vpon the Sunday or Sabaoth day, or any other day appointed by the Lawes of this Realme to be kept holy? And present who hath offended herein, and when.

Twelue pence for absence from the Church.

5. *Item*, Whether your Church-wardens do levy twelue pence of every of the parishioners, for every Sunday or Sabaoth day, that hee, or they, absenteth himselfe, or their selves from the church? And whether the same so levied, they have imployed to the vse of the poore, according to the statute in that behalfe provided? And present who hath offended herein, and how often.

Serving Cures without Licence.

6. *Item*, Whether they or any of them, have suffered any Curate to serve the Cure of their church or chappell, or to celebrate, and reade the publike service and praiers there, or any Preacher to preach in any of your churches, or any schole-master to teach in any of your parishes, not having first shewed vnto them, a lawfull licence or toleration in writing, vnder the Bishop of the Dioces or his Chancelors seale of Office in that behalfe, first obteined so to doe? Present who hath made default heerein, when and how often.

Excommunicate persons no partakers of publique prayers.

7. *Item*, Whether your Church-wardens or any of them, have suffered and permitted, or winked at, any excommunicate, or suspended person or persons to be present in the church, at the celebration of divine service or publike praiers there, and to be partaker therof, knowing him to be excommunicated or suspended, or to be publikely denounced for such a one? Present who hath offended herein, and how often.

Wasting of Church-goods.

8. *Item*, Whether your Church-wardens or any of them, have wasted any of the church-goods, or alienated, or done away any of the same, or any part thereof? And present what, and how much they have so alienated, and wasted, and who did alienate and wast the same, and when.

Register-booke of christnings and buryings.

9. *Item*, Whether your Church-wardens doe carefully see to, and provide that there bee in every of your churches a Register booke of Christnings, weddings and burials, orderly kept, and whether within one month after Easter in everie yeare since the Parliament holden in the nine and thirtith yeare of our late Queene of famous memory Queene *Elizabeth*, they have brought vnto the Bishops Registers office a true transcript, and copy of the same there to be kept amongst the said Bishops Records, to the vse and behoofe of posterity, according to the Canons, established in the said Parliament, and confirmed by her Maiesties auctority? And whether according to the late canons in that behalfe made, it be put into parchment, containing the names and sur-names of al such as have bin christned, married, or buried, since the beginning of her Maiesties raigne? And whether doth your Minister vpon every Sabaoth day after morning and evening prayer openly reade the names of all such as have bin Registred the weeke before, and whether the Minister and church-wardens of every parish, do subscribe their names, or markes, to the end of every page of the said booke? And whether the said booke be kept vnder three locks, and three keyes, as by the said canons is required? And present what fault you know herein, and by whom the offence is committed.

Abuses in Churches.

10. *Item*, Whether the Ministers and Church-wardens, have suffered any Lords of mis-rule, or Summer-Lords, or Ladies, or any disguised persons, with may-games morishdances, or the like, to come vnreverently into the church, or church-yard, and there to dance, or play any vnseemely parts, with scofes, iestes, wanton gestures, or ribauld talke, especially in the time of common praier? And what they be that commit such disorder, or keepe them company, or maintaine them? And whether there be any which fight, braule, or chide in church, or church-yard, or any which strive for seats or pews, and what be their names.

Faults not present.

11. *Item*, Whether any church-wardens or side-men since the last visitation, or at that time, concealed any disorder, or crime done in your parish, or not presented the same to be reformed? And where they have suffered any vnmarried woman, begotten with child, to depart out of their parish before such pennance done, as was enioyned.

Gifts given to the vse of the Church.

12. *Item*, Whether doe you know, or have heard of any legacy, by any mans will, or any gift otherwise given to the poore, to the church, or to anie other holie vses, and not performed, or bestowed according to his will and gift, and in whose hands the same doth now remaine?

The poore mans box.

13. *Item*, Whether the poore mans box within your parish be duely and orderly kept, according to the lawes in that behalfe established.

Recusantes of all sorts.

14. *Item*, Whether there be in your parish any Recusant, Papist, Brownist or Puritan, or any other Sectary whatsoever, that vseth or frequenteth any private conventicles, meetings, or assemblies, in any houses, barnes, woods, or any such like places, vnder pretence to heare the word Preached, or the Scriptures expounded? Or doth not vsually frequent, and resort to his parish church, or some other vsuall place of common praier to heare divine service, and the common praiers there vsed, according to the lawes and statutes of this Realme? What are their names, sur-names, and degrees, that have offended herein, and how often, and how long they have bin Recusants, and who be the mainteiners, abbetters, and favourers of them.

Mainteiners of Recusants.

15. *Item*, Do you know, or have you heard in your parishes, of any housholder, or other, that keepeth or maintaineth, with meate, drinke, or other sustenance, any such Recusant, or Sectarie, except his wife, father, mother, child, ward, brother or sister, or his wives father, and mother? What is the name, sur-name, and condition of such Recusant, or Sectary: and by whom he is so maintained.

Resorters to Recusants.

16. Whether there is in your parish any Recusant, Papist, or other, that hath resorting vnto him any Jesuites, Seminaries, or Massing-Priests, or any other reconciled to the Church of Rome. Or whether any such Recusant, or suspected person doth keepe in his or their house, any Schole-master, or any person that teacheth children, not licenced, or authorized thervnto, by the Bishop, or Chancelor of the Dioces? What be their names, sur-names, degrees, and conditions, and how long, and how often have they vsed such frequenting, and resorting either to other? Present the vttermost of your knowledge herein.

Seditious bookes and pamphlets.

17. *Item*, Whether do you know or have heard of any that have received into their hands, and kept, or keepeth any slanderous, and seditious bookes, pamphlets, libels, or scroles devised, written, or printed, against the present government Ecclesiastical of this Realme, or against any Archbishop, or Bishop, or magistrates of the same? What bookes, pamphlets, libels, or scroles were they? Against whom devised and made, who gave countenance, allowance, or credite, and entertainment thervnto? And present what is the vttermost of your knowledge herein.

Contempt of their owne Minister.

18. *Item*, Whether do you know any of your parishe, that in contempt of his own Minister, or for any other corrupt cause doth resort to any other church, to heare divine service, to baptize their children, to receive the holy communion, and what is the cause wherfore he, or they, have so done; and how they have vsed the same, and what disorder or fault, hath bin committed herein.

Receiving the Communion.

19. *Item*, Whether there be any in your parish that have not received the holy Communion, three times every yeare at the least, wherof Easter to be one; and present their names?

Talkers and walkers at prayers.

20. *Item*, Whether there be in your parish any common ianglers, walkers, talkers, or sleepers, in the church, in the time of divine service? And what be their names?

Repaire to the church.

21. *Item*, Whether all persons within your parish, of convenient age, do repaire to the church vpon Sundaies, and Holidaies to heare divine service; who are faulty therein? And present their names.

Swearers and blasphemers.

22. *Item*, Whether there be in your parish any common swearers, or blasphemers of the name of God, or any that by common fame, or report, are suspected to be such persons, what be their names, and where they dwell?

Drunkardes and Slanderers.

23. *Item*, Whether there be in any your parishes any common drunkards, or any common scolds, disturbers of their neighbors, revilers, slaunderers, backbiters, or any such as by false rumors do endevour to take away the good name and credite of any of their neighbours, by false reports, informations, or other sinister practises, or any that are suspected, or by common fame reported to be such persons? Present their names, and where they dwell, and how ofte they have offended herein.

Vsurers.

24. *Item*, Whether there be in any your parishes, any vsurers, or any such as put their mony, marchandizes, or wares, to vsury, and take for the lone, or vse of the same, above the rate of X pound for the hundred, for a yeare; or any that are suspected, or noted by common fame or report, to be such persons? Present their names, and what mony or mony, worth, they, or any of them, have taken of any person, aboue the said rate of X pound for the hundred, for the yeare? When and how often they have so done.

Witches and such like.

25. *Item*, Whether do you know in any your parishes, any witches, soothsayers, conjurers, charmers, or sorcerers, or any that be suspected for such persons? Present their names, and what speciall hurt they have committed.

Incest, adultery, fornication, and bauds, or receivers of such persons.

26. *Item*, Whether doe you know, or have heard, of any person or persons, whatsoever, that have committed any incest, adultery or fornication, or have vsed suspiciously the company of any woman, to the intent to commit any such sinne? or any that is vehemently suspected or defamed to have committed any such crime, or any man that hath attempted the chastitie of any woman, or hath sollicited any woman to have the carnall knowledge of her body, or any in your parishes to bee bauds or receivers of any such persons? Present them that have so offended, and where they dwell, and what common fame or fames have you heard of any person or persons in the premises, or any of them.

Vnlawfull marriages and company keeping betweene man and woman.

27. *Item*, Whether there be any man in your parish that hath two wives, or any woman that hath two husbands liuing, or any that being lawfully divorced for Adultery hath maried againe or any that being lawfully married doe offensively live asunder without lawful divorce, or any man or woman, that live togither not being lawfully maried, or any that have maried togither, within the forbidden degrees of consanguinity or affinity, or any that have married in the time prohibited, or without the banes of Matrimony three severall Sundaies, or Holidaies lawfully and orderly published; not being licenced thervnto by the bishop or Chancelor of the Dioces? Or any woman that hath bin begotten with childe before mariage? If any such be, present their names, and where they dwell.

Brawling in Church or Church-yard.

28. *Item*, Whether there be in your parish any person or persons that have fought, brawled, or chidden in the Church, Church-portch, or church-yard, or vsed any vnlawful games or sports there, as bowling, tennis, or any such like, contrarie to the lawes of this Realme? Present their names, and where they dwell.

Abuses of the Minister or Preacher.

29. *Item*, Whether there bee in any yourparishes, any that hath vnreverently abused or given any evill and vnseemlie Termes, of any Minister of God's word and Sacraments, or of any Preacher allowed by the Bishop of the Dioces; either in the time of his celebration of divine service, or sermon, or in the time of the administration of the Sacraments in the church, or at any other time or place? Present the abuse so given, and to whome.

Administers in dead mens goods without authority.

30. *Item*, Whether there be any in your parishes any executors of dead mens Willes, or Testaments, or any that doe administer in dead mens goods before the Will be proved or the Administration granted; or any deceased whose Will is not yet proved, or the Administration of his goods according to the lawes Ecclesiasticall of this Realme granted: Present the names of such as are offenders herein, and whose willes are not yet proved, and whose goods are administered without the Administration thereof lawfully obtained of the Ordinary.

Excommunicated persons.

31. *Item*, Whether there be in any of your parishes any person, or persons that hath stood excommunicated, and denounced for excommunicated persons, by the space of forty daies, and yet doe continue vnreformed, without feare of God, or danger of the lawes? Present their names and how long they have so continued.

Persons presented and not reformed.

32. *Item*, Do you know any person or persons that have bin presented by the Wardens or Side-men in any visitation, or otherwise to any Ecclesiastical Judge within the Dioces of *Bristoll* whatsoever, for any matter, crime, or offence, whatsoever corrigible by the Ecclesiastical lawes of this Realme, and hath not received due correction and reformation by the order of the said Courts, to the reasonable satisfaction of the congregation where such offence was committed, for the same? If any such be, present the name of such persons so presented or detected, to whom he was so presented or detected, and what fault or offence the congregation did receive thereby.

Butchers Mercers Drapers and such like.

33. *Item*, Whether there be in any your parishes any Butchers, Victuallers, Mercers, Drapers, Chandlers, Tailers, Shoomakers, or any other of any trade, faculty, or occupation whatsoever, that vse to keepe their Shop-windowes, or doores open, and so sell or exchange any of their meate, victuals, wares, or merchandizes whatsoever vpon any Sundaies, or Holi-daies; specially in the time of common-praiers, Sermon, or Service; Present their names, and how often they have offended herein.

Vintners and Inkeepers.

34. *Item*, Whether there bee in any of your parishes, any Vintners, In-keepers, or Alehouse-keepers, or any their servants or familie, that have solde, or vttered any meate, drinke, or other victuals vpon any Sunday ar (*sic.*) Holy-day at the time of divine service, or common praier, to any person or persons whatsoever, or suffered any vnlawfull games to bee plaied in their houses vpon any such the said daies, at the saide time of divine service or sermon; what be their names, that have so done, and how often they have offended heerein.

Conveying and maintaining women with child.

35. *Item*, Whether any strange woman great with child, hath bin brought, or conveied by any man, into any of your parishes to be delivered of a child? Whether such woman were maried or vnmaried? Whether such woman hath bin delivered of such child there, yea or no? And at whose coste and charges, hath such woman bin convaied, caried and maintained, and in whose house shee hath bin so maintained and delivered of child? And whether the partie in whose house she was so delivered of child, and maintained, did suffer such woman to depart his house or parish, before he, or some other, have made the fault knowen to the Ordinarie of the place, or before shee hath received condigne punishment for the offence committed? And whether any woman being great, or suspected to be great with any base child, hath departed out of your parish, to any other place; If yea: out of whose house shee departed, and who hath bin noted, or suspected to have had carnal knowledge of her

body, and to be the father of her child; whether such woman is gone, and by whose meanes she hath bin so caried and conveied away; and whether your Minister hath admitted any such woman to her thankes-giving, after childbirth, before she hath done open pennance, and reconciled her selfe to God, and to the congregation for her offence? And what is the common fame, in any the premisses you shall present.

Eating flesh vpon forbidden daies.

36. *Item*, Whether there have bin, or be in your parish any person or persons whatsoever, that have eaten any flesh, or have dressed any flesh to bee eaten vpon any fasting daies, or any daies prohibited by the lawes and government of the Church of England, to eate flesh vpon, or in the time of Lent, without lawfull licence in that behalfe first obteined, and vpon the conditions in the lawes mentioned and provided? Present their names that have so eaten flesh, and who dressed the same: and heerein especially require of all Vintners, In-keepers, Victualers, and Tipplers.

Keeping company with persons excommunicated and aggravated.

37. *Item*, Whether do you know of any person, or persons within your parish, that for his, or their contempt in not obeying the Ecclesiasticall lawes of this Realme, hath stood excommunicated forty daies, and by meanes therof standeth aggravated? And whether any of your parish, have or doe keepe any such person agravated (*sic*) company, or doth, or hath bought, sould, eaten, drunke, or by any meanes conversed, or bin familier with any such person? If any such be, present their names.

Extortion in Ecclesiasticall officers.

38. *Item*, Whether do you know any of the officers, belonging to any Court, or Ecclesiasticall iurisdiction within this Dioces, that have extorted or exacted any more, or other fees, then are prescribed and allowed in the table of fees, made and established for that purpose? If any such be, present their names, and the Summes of money which they have so extorted exacted, or received: that restitution may be made to the partie grieved, and the partie dulie punished for his offence committed herein, according to the statutes, lawes, and constitutions, in that behalfe provided.

Staying of Excommunications by the Apparitors.

39. *Item*, Whether do you know or have you heard credibly reported, that any Apparitor belonging to the Ecclesiasticall Court of the said reverend father in God, his Chancelor, or of any the Archdeacons, within this Dioces, who having received any excommunication, suspension or aggravation against any the parishioners of your severall parishes, from any the said Courts, have either willingly, or negligently omitted to deliver the same to the Parson, Vicar, or Curate of the severall parishes where such excommunicated, suspended or aggravated persons do dwell, according to the Tenor of such excommunication, suspension, or aggravation? If yea: what bribe or other reward hath he, or they, taken for staying therof, and how long have they made stay of the same, what is such Apparitors name, and the name or names of such persons so excommunicated, suspended, or aggravated? And present the vttermost of your knowledge herein.

40. *Item*, Whether all Popish reliques, and monuments of superstition and Idolatrie bee vtterly taken away out of your churches and chappells, and whether any Masse-bookes, Chalices and Copes, be secretly kept in any private house, and in what place they be.

41. Generally you shall enquire by the oath that you have taken, and true presentment make in writing not onely of all the names and sur-names of all such person and persons as have offended, or are vehemently suspected to have offended according to the particular Articles before written, and the contents of the same, but also of all other, which have offended, or are vehemently suspected to have offended against any point of the late Queenes Maiesties Lawes, Statutes, Iniunctions, and ordinances Ecclesiasticall of this Realme: and all other such misdemenours and offences, by such persons committed, against such lawes and ordinances, you shall commit to writing, and deliver the same in your presentments, that due reformation may bee had, to Gods glory and the peaceable government of the Church within this Dioces of *Bristoll*.

FINIS.

BRIDGES, BISHOP OF OXFORD, 1604.

ARTICLES to be enquired of within the Dioces of Oxford, given by the Reuerende Father in God, John, by Gods permission now Bishop of Oxford, in his Visitation begun the second day of October, 1604.

At Oxford, printed by Joseph Barnes. 1604.

The Church or place of Common praier.

Whether your Chancell, & Church or Chappel be sufficiently repaired, aswel in Stone, Tymber, Leadde, Tyle, Glasse, as all other necessary things, and if they be not, through whose default the same is omitted?

2. Whether your Church-yard bee sufficiently fenced, & decently kept, & the trees therein growing, not spoyled.

3. Whether the walles of your Church, be within whited and beautified with fruitfull Sentences out of the holy Scriptures, and paued comely in the body of the church & chancell, and conuenient seats placed in the church & chancell, for the necessary vse of the parishioners in the time of diuine service?

4. Whether you have in your Parish Church and Chappell, all things necessary for the setting forth of common praier, and the administration of Sacraments; namely the booke of common praier, two Psalters in prose and meeter, the English Bible in the largest volume, the two tomes of Homilies, the Table of the tenne commandements: a conuenient Pulpit well placed, a decent Table standing on a frame, for the holy communion, with a faire Linnen cloth to lay vpon the same, and some couering of silke, buckerome, or other such like, for the cleane keeping thereof. A comely communion cup of siluer, with a couer of siluer for the same. A decent Surples with large sleeues, a Register booke of christnings, weddings, and burials in partchment. A Font fastned in some conuenient place of the Church sweete and decently kept. A sure coffer with two lockes and keyes, for the keeping of the said Register booke, and a strong chest or boxe, with two lockes and keies to put in the Almes, and other things belonging vnto the premisses.

5. Whether al Monuments of Superstition be defaced & cleane removed, as Altars, Roodlofts, Vestiments, Holy-water, stocks, Images, and al Popish bookes, either in Latine or English

The Service vsed in the Church.

6. Whether doth your Parson, Vicar or Curate, or the Parson, Vicar, or Curate or any other of, or in any other parish neere about the same, within the Dioces of Oxford, to your knowledge, or as you haue heard by common report, upon Sun-daies or Holy-daies, vse to say the Morning & Euening praier, and the Letanie, in such manner and forme, and vnder such words as are set forth and prescribed, in and by the book of common praier? If not, then what other forme or manner, hath or doth he, or they vse?

8. (*Sic.*) Whether your Parson, Vicar or Curate, or any other within your Parish, or elsewhere, neare about the same, within the Dioces of Oxford, to your knowledge, or as you have hearde by common reporte, hath preached, declared, vttered, or spoken anything against the said booke of common praier, or anything therein contained, or against anye doctrine, office or calling Ecclesiasticall within this Realme, established by publique authoritie, or against the Ordination or Election of Arch-Bishops, Priests, Deacons or any of them, and what was the same thing, or fault found, vttered, or preached, and by whome?

9. Whether any your Parson, Vicar or Curate or any other within your Parish or elsewhere neere about the same, within the Dioces of Oxford, to your knowledge, or as you haue heard by common report, preached, declared or vttered in worde or writing, anie thing in maintaining, commending or perswading of any other doctrine or discipline, or any other forme of common praier, Election or Ordination of any other Offices, Officers, Deacons, Pastours, Elders, Presbitaries or Ecclesiasticall Censures, then are by the lawes of this Realme established, or whether haue you heard of any that vseth to disswade any person, from the Religion now professed, or to perswade them to the Romish Religion?

10. Whether doth your Minister, or any other, appoint any Fast or solemne or publique exercise, vpon any day, not appointed by the saide booke of common praier, and who haue resorted vnto the saide Fast or exercise?

11. Whether haue you, aswell vpon Sundaies and Holidaies, as vpon Wednesdaies, and Fridaies, and Satterdaies, seruice in your Church and Chappell, according to the Order, appointed by lawfull authority? And whether doth your Minister in time of divine Service, vse and weare the Surplesse, and reade the saide service plainly and dis-

tinctly, that the people may be edified thereby, and bidde such Holy-daies and fasting-daies, as are appointed by the booke of common praier?

12. Whether haue you Sermons preached by able and sufficient men, lawfully licensed therevnto at times convenient, and namely everie quarter now past once at the least, & heereafter every moneth according to his Maiesties Canons?

13. Whether your Parson, Vicar or Curate, do every Sunday when there is no Sermon, reade plainely some part of the Homilies prescribed to be reade? Or whether any of them not beeing found to haue sufficient abilitie to Preach, or not lawfully admitted thervnto, do take vpon them to expound any part of the Scripture, and thereby omitte the reading of Homilies?

14. Whether your children and seruants that bee aboue seauen yeares and vnder twenty, bee Catechised vpon Sundaies and Holidaies, by the space of one houre, before Evening praier by order of housholdes, at the appointment of the Minister: And whether the saide Minister doe giue notice thereof, plainely the nexte Sunday or Holiday before the Church, that every one may know the time that he is to resort thither to be Catechised? And if this be not done, who they be that make defaulte therein?

15. Whether any doe presume to say service in your Church or Chappell openly, who is not a lawfull Minister, and sufficiently lycensed by the Ordinary of the Dioces vnder the seale of his Office?

The ministring of Sacraments and other Rites and Ceremonies vsed in the Church.

16. Whether doth your Parson Vicar or Curate or any other within your parish, or else-where neare about the same within the Dioces of Oxford to your knowledge, or as you haue heard by common report, vse the ministration of the Lords supper and Baptisme instruction of children, Solemnization of matrimonie, the visitation of the sicke, the buriall of the deade, and the churching of weomen in such manner and forme, and vnder, or with such manner of words as are set forth and prescribed in the booke of common praier: If not, then what other forme or manner doth he or they vse in the premisses, or any of them, and doe they not vse the Ring in Mariage and crossing the childrens head in Baptisme?

17. Whether the communion bee administred monthly where the parishes be great, or else so often euery yeare as that the parishioners may receiue three times at the least yearely.

18. Whether your children bee baptised in the time of morning and euening praier in the presence of the congregation, at the vsuall font in the Church, upon the Sundaie or holy-day nexte after the birth of any such children, and whether the same children be christned by godfathers and godmothers according to the manner heretofore vsed: so that the said godfathers and godmothers bee sufficiently catechised, and at the least able to say the Lordes praier, the articles of the christian faith and the ten commandements?

19. Whether your children baptised at home in cases of extreame weakenes and daunger, be brought to Chruch (*sic*) after their recoverie that the Minister may examine whether they bee lawfully Baptised or noe?

Matrimonie.

20. Whether any haue bin maried within your parish that haue not had their Banes asked three seuerall Sundaies or Holidaies in time of divine service, in the presence of the people, vnlesse the same haue bin lawfully licensed by the Ordinary vnder the Seale of his office, and with such hands (*sic*) as are vsually taken in like cases?

21. Whether any haue bid (*sic*) maried within your parish that haue dwelt in other parishes without a certificate of the Banes asking from the Minister or Curate of the parish where the said parties, or any of them haue dwelt. And whether any mariage haue bin solemnized in any other place then in the Church, or at any time of the day that is not lawfull and usuall, that is to say, betweene the howers of eight and twelue in the forenoone?

22. Whether any bee suffered to marrie that are not sufficientlie catechised, or not of sufficient yeares of consent, or without the consent & liking of their parents, masters & governors, if they haue any such.

Visiting of the sicke.

23. Whether your minister hath beene diligent in visiting the sicke persons of your parish, & comforting them with godly & wholesome Sentences out of the Sacred Scriptures, and in perswading them to dispose of their goods, by making their testaments & to bestow some part of their goods to good and godly uses, namely, to the Cathedrall Church of the Dioces, if they be of sufficient abilitie?

The Office, function & behaviour of Ministers.

24. Whether your Parson, Vicar or Curat, do labour diligently & painefully according to his ability, aswell by doctrine as by good example of life, to set forth true Religion, to beate downe Superstition and Idolatry, and all other vice, to exhort the people to vnity, peace and brotherly loue and to dutifull obedience to their Prince, and to such as be in authority vnder him, & to the diligent hearing, reading, and teaching of Gods word?

25. Whether do your Ministers at Morning & Evening praier, and in their Sermons pray for the preservation of the Kings Maiestie, his Councell Archbishops, and Bishops, namely, and expresly for all the Nobility and for all the whole body of this Realme?

26. Whether there be within your parish, or elsewhere neere about, any preaching, reading, or other such like exercise, in any private houses wherevnto others doe resort, not being of the same family? And whether any doe preach, reade or Catechise in the Church or elsewhere, that doth not at diverse times yearely saie service and minister the Sacraments according to order appointed by publike authoritie?

27. Whether the Register of all weddings, buryings, & Christnings within your parish be well kept, and a coppy of the same once every yeare by Indenture presented to the Ordinary, and publike notice given weekely by your Minister of all weddings christnings and burialls that happen within your parish that weeke?

28. Whether in the weeke before Whitsontide, commonly called the Rogation weeke, your perambulation be kept by your Minister with a sufficient number of the parishioners of all sortes, aswell of the elder, as younger sort, for the better knowledge of the circuits & boundes of the parish, with praiers for better increase of the fruites of the earth, according to the order, in that behalfe provided?

29. Whether the Mansion houses of your Parsons and Vicars be kept in good Reparation.

30. Whether your Minister be suspected to be guilty of any notorious crime, as Symony, Adultery, Blasphemy, Periury, Dronkennes, Idlenes, vnseemely and vaine talke, and whether he be scandalous in his conversation, through brawling, fighting, quarelling, peace-breaking, vnlawfull games, or hunting of places suspected and not of good Report?

31. Whether your Minister doth vse for himselfe, or his wife, or his children at home or abroade, any other apparell then such as is fit and decent for his calling?

32. Whether your Parson, or Vicar, hath at any time since the 13. yeare of our late Queenes Maiesties Raigne, made any lease or grant of his parsonage or vicaradge or any parte thereof, hee being absent and not resident vpon the same, to any other then to his Curate, that did or doth serve the cure in his absence. And whether your Parson or Vicar, if he be no Resident with you, & may dispend twentie pounds yearly or aboue, doe dot (*sic*) distribute every yeare among the poore of your parishe at the least the fortith part of the benefice where he is not resident? And whether he bee not personally resident some good part of the yeare upon any Benefice that hee possesseth within this Dioces. And whether he doe keep Hospitality thereon?

33. Whether your Parson or Vicar having two Benefices with cure doe maintaine a Curate vpon that hee doth not reside, who is a Preacher lawfully licensed by the Ordinary, except he preach himselfe ordinarily at both Benefices.

34. Whether your Parson or Vicar hath made or delivered vnto the Ordinary a true terrier of his glebe lands and other possessions belonging to his Church. And whether he doth not sell or exchange his land to the hurt of his Church?

35. Whether any Parson or Vicar hath married any couples wherof the woman hath bin begotten with child or carnally knowne before mariage, without satisfaction of the Law therein?

Schools and Schoole-masters.

36. Whether your Schole-masters, and other teachers within your Parish be allowed by the Ordinarie? And whether they do teach their Scholers the Catechisme, and do encourage them to loue true Religion, and doe cause them daily, Morning and Evening, to ioine togither in praier vnto God, for encrease of Learning and of other his good graces: and whether they do instruct them to say grace before and after meate? And whether the Schoolemasters & Schollers doe come to Schoole, and leaue it at due times and houres?

Church-wardens.

37. Whether the Church-wardens yearely doe make their accompts to their Parish, of all their Receites and necessary expenses of the said Parish.

38. Whether they doe leuy for not comming to Church, to heare diuine seruice vpon Sundaies and Holy daies, xii. d. for euery person that is absent, without lawfull cause?

39. Whether they doe faithfully distribute the stock of the poore mens Boxe, and are carefull to call for, and to gather all such money as is due vnto the Church, or to the poore of the Parish, either by Legacie, or by such as are buried in the church, or by other meanes?

The Parishioners.

40. Whether the Church-wardens and sworne men since the last visitation haue of any priuat or corrupt affection concealed any crime or other disorder in their time done in your parish and haue not presented the same.

41. Whether there be any within your parish that carry their infants to other places to bee baptised or refuse to haue them baptised according to the Lawes of the Church of England.

42. Whether the people aswell men as women, doe resorte vnto their own parish Church on Sundaies and Holydaies, at time of Divine seruice, remaine and abide and there behaue themselves reuerently, during all the whole time of seruice and Sermons?

43. Whether any of the said Parishioners doe vse any prophane worke or labour, or selling of victuals or wares vppon the Sabboth day, or any other day, that is appointed to bee kept holie by publique authoritie?

44. Whether all the Parishioners being of lawfull yeares, haue receiued the holy Communion thrise for the yeare last past, & namely at Easter last?

45. Whether any Person within your Parish, bee suspected or knowne to tell destinies, or to restore things lost, and to vse charmes, or to exercise witchcraft, sorceries, south-sayings, and such other superstitious and diuelish illusions?

46. Whether any within your Parish, haue to your knowledge. or by common fame or reporte, committed adulterie, Fornication, Incest, or bee common Drunkardes, Swearers, and Blasphemers of Gods holy name?

47. Whether any within your Parish doe keepe companie togither as Man and Wife, who bee not lawfully marryed, or who haue beene lawfully and vpon iust cause diuorced?

48. Whether there bee within your Parish, Baudes, or that doe receiue into their houses women begotten with Childe vnlawfully, and doe keepe them vntill they bee deliuered, and then let them depart before they haue done penance.

49. Whether you knowe any within your Parish, that receiueth into their house any Massing Priest, Jesuit, or other Seminary man come from beyonde seas?

50. Whether there bee any within your parish that presume to administer the goods of those that bee departed out of this worlde, without lawefull authoritie, or haue falsified or suppressed the will of anie Person deceased, without sufficient authoritie from the Ordinarie, vnder the seale of his office?

51. Whether any Lordes of Misrule, or other disguised persons in may games, and such like disordered pastimes, haue daunced, or vnseemely entered into your Church, or Church-yarde? Or whether there hath bin any common feasting kept in your Church or Church-yard, or any plaies or enterludes there had?

52. Whether any excommunicate person be suffered to come in to the publike assembly or congregation in time of diuine seruice?

53. Whether there bee any Ringing at burials or at any other time more then such as is seemely and conuenient, not according to the mainetenance of the popish purgatory or praier for the deade and who they be that vse the same.

54. Whether any of your parishioners doe detaine in their hands any of their Church Goods, and who they be that doo detaine or withholde the same?

55. Finally, if you doe knowe any other crime or offence to be committed within your parish, which is punishable by the Ecclesiasticall lawes of this lande, and not mentioned particularly in these Articles above specified, you shall likewise detect it and truely present it.

The Oath of the Church-wardens and Sidemen.

Yov shall diligently enquire of, and faithfully present all such persons, as you shall either vpon your ovvne knowledge, or by publike fame vnderstand to be guiltie of any offence or fault mentioned in any of the articles aforesaid, or any other fault which is to be punished by the Lawes Ecclesiasticall of this Realme: wherein you shal not present any person for malice, hatred, or evil will: nor spare any for favor or fear, or any corrupt affection, but you shal faithfully discharge your consciences as men having the feare of God before your eies and seeking the reformation of the Church so God helpe you in Christ our Saviour.

CHADERTON, BISHOP OF LINCOLN, 1604.

ARTICLES to be enquired of, within the Diocesse of Lincolne. In the Visitation of the reuerend Father in God, William, L. Bishop of Lincolne.

In the yeare of the raigne of our gratious Soueraigne Lord, James, by the grace of God, King of England, France, and Ireland, the second, and of Scotland the xxxvii.

Cambridge. Printed by John Legat, 1604.

The tenour of the Oath ministred to all and euery the Churchwardens and sworne-men.

You and euery of you shall sweare by Almightie God, that, all affection set aside, you shall vpon due consideration of these Articles, giuen you in charge, present all and euery such persons, of, or within your parish, as hath committed any offence, or made any default, mentioned in the same Articles, or which are vehemently suspected, or otherwise defamed of any such offence, fault, or default: wherein you, and euery of you shall deale vprightly as before God: so helpe you God, and his faithfull promises contained in these his holy Bookes.

Articles.

Church and Churchyard.

First, whether your Church, Chappell, or Chancell, be well and sufficiently repaired, & cleanely kept, and the mansion house of your Parson, or Vicar, with the buildings thereunto belonging, be likewise well & sufficiently repaired, and your Churchyard well fenced, and cleanly kept? And if any default be made in the premisses: or your said Church, Chappel or Churchyard, be abused or prophaned by any vnlawful, or vnseemely act, game, or exercise; as by lords of misrule, sommer lords, or ladies, pipers, rushbearers, morice-dancers, pedlers, bowlers, beare-wards, and such like. Then through whose default, and what be the names of the offenders in that behalfe.

Necessarie ornaments.

2. Whether you haue in your Church or Chappell all things necessarie and requisite for Common praier, and administration of the holy Sacraments, specially the New booke of Common praier lately set forth by the Kings Maiesties authoritie, the Psalter, the Bible of the largest volume, the Homilies both first and second Tome, Master Iewells replie, and Apologie against Master Harding, a comely and decent table, standing on a frame for the celebration of the Lords Supper, with a faire linnen cloath to lay vpon the same, and some couering of silke, buckram, or other such like, for the cleane keeping thereof: a faire and comely communion cuppe of siluer for the same: with a faire pot or two of pewter, for the sweete keeping of the wine: and a comely large surplesse with wide sleeues: a sure coffer with two locks & keies, for the keeping of the Register booke, and all other things necessarie for the premisses, with a decent pulpit, conueniently placed, and also a chest or boxe for the poore.

Pluralities.

3. Whether hath your Parson or Vicar any moe benefices, or spirituall promotions then one: how many, and in what countrey be they, what are their names, and who is the Patron of euery of them; and how farre are they distant one from the other? and whether is he resident interchangeably vpon them by a good part of the yeare, keeping hospitalitie according to the cleare reuenues of his liuing by the yeare: and when he is absent from either of them, whether doth he keepe a sufficient curate there, who can and doth informe the people according to the law in that case prouided?

Residence.

4. Whether is your parson or vicar resident, and dwelling vpon his benefice or no? If he be resident, whether doth he keepe the parsonage or vicaridge with the glebe and other his tithes and commodities in his own hands, or doth he demise the same, or any part thereof to his Patron, or any other person or persons, what parcels are so demised, to whome, and for what intent? If he be not resident, or absent aboue fourescore daies in the year, then whether doth he demise his benefice to his Curate: and if he be able to dispend twentie pound by the yeare, doth he distribute the fortieth part thereof yearely to the poore of the parish or no? And whether doeth he keepe a licensed preacher vpon his benefice during his absence yea or no?

Prebendaries & their hospitality.

5. Whether is your parson or vicar a Prebend of any Cathedrall Church, and if he be, then of what place, and whether doth he after a moneths absence, keepe a family, and hospitalitie vpon his benefice during his absence?

Residentaries.

6. Whether doe those, who be necessarie Residentiaries in your Cathedrall Church, and receiue their seuerall portions or diuidents which fall vnto them, either by their statutes or auncient customes, so part the yeare among them, as either the great number, or one halfe of them at the least keepe residence in your said Cathedrall church, as they are bound by the statutes or ancient customes thereof.

Sermons in Cathedrall Churches.

7. Whether hath your Deane, and all and euery such your Canons and Prebendaries, who are admitted into holy orders, & are bound to make certaine sermons in your said Cathedrall church, either by lawe, or by the statutes, and ordinances, or laudable custome of your said church, in their owne proper person, and persons, made such sermons or no? And if they haue not, then what hath beene the cause? And whether haue they appointed one of their fellowe Canons or Prebendaries, or other learned & allowed preachers by sufficient authoritie, to supply their turnes: what be their names that haue done so, and how often haue they so done, and who be they that haue supplied their places, & what consideration or allowance haue they, and euery or any of them receiued for their paines?

Simonie.

8. Whether your parsons or vicars haue come to their benefices by any Symonie, fraud, or deceit, or by any conference or agreement of friendes, or any other bond, composition or agreement, or by any other colourable pact, or vnlawefull meane whatsoeuer, or be vehemently supected (*sic*) or defamed thereof? And whether in performance of any such pact, couenant or promise, there hath beene any bond or lease made between the Patron & Incumbent, directly or indirectly.

Suspected men.

9. Whether your parson, vicar, or curate, doe keepe any suspected woman in his house, or be an incontinent person giuen to dunkennesse (*sic*), or idlenesse, or a haunter of Tauerns, Ale-houses, or suspected places, a common hunter, hawker, dicer, carder, tabler, swearer, or otherwise giue an ill example of life? And whether his apparell be comely and graue, as becommeth his calling and function.

Curats.

10. Whether your churches or chappels be, or haue beene destitute of a curate, and how long, and by whose default: & whether any curate haue served, or doe serue without license of the Ordinarie?

Readers.

11. Whether any parson or parsons, not beeing a deacon at the least, or licensed by the Ordinarie, doe say common praier, openly in your Church or chappell, or any not beeing at the least a Deacon, doe solemnize matrimonie, or administer the Sacrament of Baptisme: or any other ceremonie of the church, and what he or they be that so doe: and whethe the parson, vicar, Farmer of the benefice, Churchwarden or any of them, doe cause or suffer any Minister or Curat to preach or serue your Church before he be examined and admitted by the Ordinarie, or his deputie in writing, vnder his or their hand at the least, and shewes the same to the Churchwardens.

Excommunication.

12. Whether hath your Minister beeing iudicially excommunicated, said any seruice, preached any sermons, or otherwise administred any Sacraments or ceremonies of the Church of England, before he was lawefully absolued from his said excommunication? or whether hath any of the inhabitants of your parish beeing excommunicate as aforesaid, bin present in your church at seruice, sermons, or administration of the said sacraments or ceremonies? and whether hath any such excommunicate person or persons, beeing admonished and willed either by your minister, or any of your churchwardens to depart out of the congregation wilfully and stubbornly refused so to doe, or giuen any vnseemely speeches to the said Minister and Churchwardens. And whether haue those who haue beene excommunicate by any competent Iudge Ecclesiasticall, vpon their absolution, brought a certificate thereof to your minister. And whether hath your minister denounced the same publikely in that parish church or chappell where the said excommunicate person or persons haue his or their habitation.

Admonition to Churchwardens.

13. Whether for the putting of the Churchwardens and sworne-men the better in remembrance of their dutie in obseruing and noting such as offende in not comming to diuine seruice, your minister or reader, doe openly euery sonday, after he haue read the second lesson at morning and euening praier, monish and warne the Churchwardens and sworne-men, to looke to their charge in this behalfe, and to obserue who contrary to the said statute offend in absenting themselues negligently or wilfully from their parish Church or chappell, or vnreuerently, as is aforesaid, vse themselues in time of diuine seruice.

Seruice.

14. Whether common praier be said in your church or chappell vpon sondaies, holidaies, and other weeke daies, appointed by the laws of this realme, at conuenient houres, reuerently, distinctly and in such order (without any kind of alteration) as is appointed by the booke of common praier, and the lawes of this realme? And whether your Minister so turn himselfe, and stand in such place in your church or chancell, as the people may best heare the same? And whether your parson, vicar, & preacher, doe each of them in their owne persons twise euerie yeare at the least, read diuine seruice and administer the sacraments, wearing a surplesse according to the ecclesiasticall Constitutions, agreed on in the last Conuocation, and confirmed by the Kings Maiesties roiall authoritie, and the lawes of the realme? and whether the holy sacraments with other rites and ceremonies contained in the booke of common praier, be dulie and reuerently ministred, in such manner as is set forth by the same booke, without adding or diminishing from the same. And whether your minister at all times vpon sundaies and holidaies doe weare in time of diuine seruice and administration of the Sacraments, the surplesse, yea or no, or doe suffer any other to saie the common praier, or minister either of the sacraments in your church not wearing the same.

Resort to common praier.

15. Whether the people of your parish, especially housholders, hauing no lawefull excuse to be absent, doe diligently resort, with their children and seruants to their parish church or chappel, on the holidaies, and chiefly vpon sundaies, to morning and euening praier, and then, and there abide orderly and soberly during the time of common praier, homilies, preachings, catechising, and other seruice of God there vsed, reuerently and deuoutly giuing themselues to the hearing thereof, and who they be that either negligently or wilfully absent themselues, or come very late to the Church or chappell vpon sondaies especially, and howe long togither or at seuerall times hath any of your parish absented himselfe from his parish church or chappell, what be their names, surnames, and conditions, and in what towneship doe they dwell? or who be they that walke, talke, or otherwise vnreuerently behaue themselues in the church or chappell, to the disturbing of the minister in the time of reading the diuine seruice, or chatechisme, or the preacher in his sermon or other godly exercise, or vse any gaming abroad, or pastime in any house, or sit in the streetes, or churchyard, or in any tauerne or alehouse, vpon the sondaie and holidaie in the time of common praier, sermon reading of the Homilies, or catechising, either before noone or after noone? And whether doe the inhabitants of your parish or at the least one out of euery house, duely repaire vnto their church or chappel vpon wednesdaies, fridaies, and saterdaies, there to heare such seruice and praiers as shall be said or made by the Minister according to the ecclesiasticall Constitutions and lawes of this realme.

Papistrie, masse and Priests.

16. Whether doe you know any popish priests, Seminarie, Iesuit, or runnagate persons, that doe preach, say Masse or minister any popish sacraments or ceremonies, or else doe resort secretly or openly into your parish. And whose house doe they so resort vnto, and of whome are they harboured, and what be the names of such popish priests, Seminaries, Iesuits, or runnagates, and such as so harbour and releiue them.

Preaching.

17. Whether your parson or vicar be a preacher licenced, and hath preached, or caused to be preached foure sermons at the least euery yeare in your church, & what be the names of him or those that so did preach, and whether they were lawefully licensed so to preach, if any other then your parson or vicar did preach the same. And whether when there be no sermons, your minister doe read euery sunday distinctly and plainely, some part of the Homilies appointed to be read.

Homilies.

Fasts. Extraordinarie Assemblies.

18. Whether hath your parson, vicar, curat, or preacher, or any other person or persons whatsoeuer, appointed and kept any priuate Fasts, or other extraordinarie assemblies within your parish, whereunto the people haue resorted, without order & warrant from the L. Bishop of the Dioces? what time of the day haue the same Fasts or assemblies bin begun, and at what time ended? What be the names of him or them that appointed or warned the said Fasts or extraordinarie assemblies, and of those who preached at the

same? And whether were there any praiers and seruice read, or said at such fasts or assemblies, and whether the order prescribed in the booke of Common praier was there obserued, if praier or seruice was read or said there?

Preachers. Sermons. 19. Whether any stranger hath of late preached in your parish, who either hath not beene indeede, or suspected not to be a Deacon or minister? And whether any haue preached without shewing their licences before their Sermon? And whether the names of all Strangers, who haue preached, be noted in a booke, vnder a title made for that purpose?

Catechisme. 20. Whether your parson, vicar, or Curate, doe euery sunday and holiday openly in the Church call for, heare, and instruct all the children, apprentises, and seruants of both sexes, that be of conuenient age within your parish, or at least so many of them by course as the time will serue, and as he may well heare and instruct for halfe an houre at the least, before euening praier, in the tenne Commandements, the Articles of the beleefe, & the Lords praier, and diligently examine and teach them the Catechisme, as it is now allowed and set forth? And whether for that purpose he doth take the names of them all, and by course call certaine of them by name euery sunday and holiday to come to learne the same Catechisme? And whether the churchwardens and swornemen doe assist the minister, as he doth prescribe them in that godly action?

Resort to the Catechisme. 21. Whether all fathers, mothers, masters, and dames of your parish, cause their children, seruants, and apprentises, both mankind and womankind, beeing aboue sixe yeares of age, to come to the Church or chappell on the sundaies and holydaies, at the times to them appointed, or at the least such or so many of them as your minister shall appoint, and there diligently and obediently to heare, and to be ordered by the minister, that they may be instructed in the grounds and principles of true religion, and what be the names of those that doe not cause their children, seruants, and apprentises so to come to the church or chappell to be instructed and examined: or the names of the parties themselues that haue absented themselues from that godly exercise?

Superstition. Innouation. 22. Whether your parson, vicar, or curate, or any other within your parish, be a fauourer of the Romish church or religion, or of any other sect or schismaticall opinion, or hath or doth maintaine or teach any doctrine contrarie or repugnant to any of the Articles agreed vpon by the Cleargie in the Conuocation holden at London Ann. Dom. 1562. And whether they haue publikely or secretly taught any doctrine tending to the discredit or dispraise either of the Booke of common praier, or of the preachers and ministers of the word and sacraments, or of the receiued order for gouernment by Archbishops, Bishops, Deanes, Archdeacons, and other officers in the Church of England, or make any other innouation? And whether they haue permitted any man so teaching, or making such innouation? And whether any keepe secret or priuate conuenticles, preachings, lectures, or priuate communions in their houses or elsewhere, contrarie to the law, and what be their names: or any that doth read or preach in priuate houses, or elswhere.

Baptisme. 23. Whether your Font be sweetly kept, and renewed from time to time with cleane and fresh water: and whether any Minister leauing the vse of the Font, doe christen or baptize in any basons, or other prophane vessells, not customably vsed in the church before time? Or whether your minister doe baptize or christen any out of the face of the church and congregation, and at any other time then vpon sundaies and holidaies without speciall cause, or without godfathers and godmothers: and whether any person or persons be admitted to answer as godfathers and godmothers at the christening of any child, except hee or shee haue before receiued the holy communion, and can say by heart the Articles of the Christian faith, the tenne Commandements of God, and the Lords praier, and will recite the same before the minister, if hee or shee be thereunto required? And whether doth your minister in the baptizing of children, obserue the orders, rites, and ceremonies appointed and prescribed in the Booke of common praier, without any addition, omission, or other innouation?

Christenings out of the parish. 24. Whether do you know any parents, hauing children that are yet vnchristened, or that were not christened at their owne parish church, or chappell & for what cause they remaine yet vnchristened, or haue not bin christened at their parish church, or chappel: or doe you know, haue heard, or vehemently suspect any such parents, whose children haue bin christened by any popish priest, or otherwise then by the laws of the Church of England is allowed.

Register of christenings, marriage, and burialls. 25. Whether hath the Register booke of your parish church or chappell for christnings, marriages, and burialls, which haue happened in your parish or chappelrie from time to time beene heretofore duly kept: and the same christenings, marriages, and burialls, entred into the same booke by your minister according to the late Q. Elizabeths Iniunctions, and if otherwise, by whose default hath the same beene omitted. And whether is there a new Register booke of parchment prouided at the charge of your parish or chappelrie, for the purpose aforesaid: and whether are the names and surnames of all such persons as haue bin christened, married, or buried, since the beginning of the late Queene Elizabeths most gratious and prosperous raigne, bin truly, faithfully, and orderly coppied forth and translated out of the old Register bookes of paper into your new booke of parchment, at the charges also of your parish or chappelrie: and whether is your saide booke of parchment locked vp and safely kept in a strong chest with three sufficient lockes and keies, whereof the minister is to keepe one, and two of your Churchwardens the other two? And whether hath your minister euery Sabbath day these three years last past, truly, faithfully, orderly, and weekely registered in your said new Register booke of parchment all and euery such persons as haue been christened, married, or buried in your said parish or chappelrie, and vpon euery Sabbath day immediatly after the ende of morning or euening praier, publikely rehearsed the same to the bodie of the parish in such sort and manner, as they haue bin entred into the said Register? And whether your churchwardens, or some of them, haue yearly within one moneth after the feast of Easter transmitted all and euery the names of such as haue bin christened, maried, or buried, within your parish or chappelry to the Bishops Register: And whether hath he receiued the same without fee, according to the Canons in that behalfe prouided?

Communion. 26. Whether your parson, vicar, or curate, doeth admit any to the receiuing of the holy Communion aboue sixteene yeres of age that cannot render a sufficient account of their faith, and for their worthie communicating this sacrament, or aboue fourteene yeares of age, and vnder sixteene, that cannot say the catechisme set forth in the booke of common praier, or hath admitted any of any other parish to receiue the holy Communion, without reasonable cause or special license from their owne minister, vnder his hand: or whether hath he admitted to receiue the holy communion any open and notorious blasphemer, fornicator, adulterer, drunkard, or euill liuer, by whom the congregation is offended, without due pennance first done to the satisfaction of the congregation: or any malitious person that is notoriously knowne to be out of charitie, or that hath done any open wrong to his neighbour by word or deed, without due reconciliation first made to the partie that is wronged according to the order prescribed in the booke of common praier.

Not communicating. 27. Whether there be any in your parish, man or woman, beeing aboue 14 yeares of age that hath not receiued the holy communion thrice at the least euery yeare, and namely, at Easter last, or there abouts for once, and what be their names, and for what cause (in your iudgement) they do abstaine from comming to the holy communion: and whether any haue receiued the holy communion in any other parish church, chappell, or priuate place, and for what causes in your opinions.

Marriage. 28. Whether your minister hath married any persons priuately in any house or corner out of the Church or face of the congregation, or the banes not beeing thrice solemnly on three sundaies or holidaies asked in the parrish Church where such persons dwelled: or any such person or persons married at any other parish church or chapell? and whether your minister hath married any infants, or children vnder age, or any within the degrees prohibited by Gods lawes, and the lawes of this realme sette downe in a table, published for that purpose, or any that hath a husband or wife liuing, and if he haue done so, then who be the parties, and who were present at any such marriage, and in what place was the same solemnized?

Churching women. 29. Whether your minister doe church any vnmaried women after they haue beene deliuered of their children begotten vnlawefully, before they haue acknowledged their faults openly, according to the order prescribed by the Ordinarie or his deputy.

Visitation of sicke, and buriall. 30. Whether your parson, vicar, or curate, be diligent in visiting the sicke and comforting them, and doe mooue them earnestly (especially when they make their testa-

ments) to consider the neede of the poore, and to giue to their boxe or chest, their charitable deuotion. And whether they burie the dead in such Christian and comely manner as is prescribed in the booke of common praier: and whether any lay-man other then a lawefull minister, hath taken vpon him to bury the dead contrarie to order?

Perambulation. 31. Whether for the retaining of the perambulation of the circuit of your parish, the minister and clarke with the Church-wardens and certaine of the substantiall men of your parish in the daies of Rogations, walke about your parish according to the late Queene Elizabeths Iniunctions: and whether doe they vse in such perambulation, any banners, crosses, hand-bels, or any such like popish ceremonies, other then is prescribed and permitted by the booke of common praier, and the lawes of this realme.

Chauncelour, Commissaries and Sumners. 32. Whether the Chauncellour, Commissaries, or any other vsing Ecclesiasticall iurisdiction in this diocesse, their Registers or Actuaries, Apparators or Sumners, haue at any time winked at, and suffered any adulteries, fornications, incests, or other faults or offences, to passe and remaine vnpunished and vncorrected for money, rewardes, bribes, pleasure, friendship, or any other partiall, or affectionate respect, or haue permitted (*sic*) any pennance without speciall licence of the Bishoppe.

Schoolemasters. 33. What schoolemasters haue you within your parish or chappelrie, that teach either openly or priuately in any schoole, gentlemans hose, (*sic*) or elswhere, and whether be they of good and sincere religion, and licenced to teach by the Bishoppe of the diocesse vnder his seale, and whether be they diligent in teaching and bringing vp youth, and to instruct them in godlinesse and vertue, and especially in Master Nowels Catechisme lately set forth. And whether teach they any thing contrarie to the religion nowe godly established, or doe not cause their children to resort vnto the church to hear diuine seruice and sermons.

Parish-clarke. 34. Whether the parish clarke be appointed by the minister: and whether he be obedient to the parson, vicar, or curate, especially in the time of celebration of diuine seruice, and of the sacraments, and in any preparation thereunto: whether he can write and read and be able to answer the minister as occasion shall require: and whether he keepe the bookes and ornaments of the church or chappell faire and cleane, and cause the Church and quier, the communion table, the pulpit, and font, to be made decent and cleane against the seruice time, the holy Communion, sermon, and baptisme?

Church-wardens. 35. Whether haue your Churchwardens and sworne-men assisted your minister in his office and function, from time to time, and whether haue they done their diligence to bring such to the Church as stand gazing and talking in the churchyard, and frequent and lurke in alehouses or tipling houses in the time of diuine seruice: and whether haue they bin carefull and diligent, to see good order and silence kept in the Church during the time of sermons and seruice: and whether haue they diligently noted the names of all such parties euery sunday and holiday, as haue been absent from diuine seruice at any time?

Churchwardens account. 36. Whether your Churcwardens haue yearely at the accustomed time, giuen an account of the Church goods committed to their charge, and of other receipts and expenses: and whether they haue sold any bells, or other church goods without consent of the Ordinarie first had in writing: and whether they haue imploied all such goods, receipts, and summes of money, to the vse of the church or no? And what be the names of the offenders?

Churchwardens concealers. 37. Whether the Churchwardens and sworne-men in former yeares, haue of any priuate corrupt affection, concealed any crime or other disorder done in their times, and haue not presented the same? And if so, then what faults they haue so concealed, and what were the names of such Churchwardens and sworne-men so concealing the same?

Ringing and tolling of bells. 38. Whether when any Christian bodie is in passing, the bell be tolled to mooue the people to pray for the sicke person: and whether after the time of his or her passing out of the world, there be any more ringing but one short peale before the buriall, and another short peale after the buriall? And whether All-saints day after euening praier, there be any ringing at all in your church or chappell, or any other superstitious ceremonies vsed, tending to the maintenance of the popish Purgatorie, praier for the dead, and who they be that vse or doe the same? and whether there be any ringing on saturdaies or holydaies in seruice time, or between morning praier and the Letanie, or any other times, contrarie to good order and law?

Suppressors of Testaments. 39. Whether there be any within your parish, that minister the goods of those that be dead, without lawefull authoritie: or any that supresse the Testaments or last will of the dead, or any executor that hath not fulfilled the Testators will, especially any such as haue not discharged such Legacies as were bequeathed to the Church, or to orphans, poore maides marriages, high waies, schooles, or other goldy (*sic*) vses, and what be their names.

Testaments not prooued. 40. Whether doe you knowe any housholder, or other person whatsoeuer within your parish or chapelrie, that is disceased, that haue made their last wills and Testaments, and the same not hitherto been prooued, nor administration taken from the Ordinarie or other Iudge competent, of the goods, debts, & cattailes, of the said deceased. If any such be, make knowne their names, & of them who vnlawefully doe detaine any the said goods, debts, or cattailes in their hands.

Hospitals and Spittle houses. 41. Whether your hospitals, Spittles, and Almes-houses be well and godly vsed according to the foundation and auncient ordinances of the same? whether there be any placed in them other then poore, impotent, and needie persons, and haue not wherewith to liue.

Alehouses, Markets, and Faires. 42. Whether there be any In-keepers Ale-wiues, victuallers, or tiplers, that suffer or doe admitte any person or persons in their houses, to eate, drinke, or play at cardes, tables, or such like games, in the time of common praier or sermons, on the sondaies, holidaies, and other times when there is seruice and sermon: and whether there be any shops open on sondaies or holidaies, or be there any butchers, pedlars, or others that vse to sell meate and other things in the time of common praier, preaching, catechizing, or reading of the homilies: and whether in any faires, or common markets falling on Sondaie, there be any shewing of wares before the diuine seruice be done in the forenoone.

Incest, &c. 43. Whether there be any maried in the degrees forbidden, as afore, or that haue married two wiues, or two husbands both liuing, or that liue not together with their wiues, and what be their names? Whether there be any married that haue made precontracts, or any married without banes thrice solemnely asked, or whether there be any that haue bin married forth of their parish church, where they ought to haue solemnized marriage?

Adulterie. 44. Howe many adulteries, incests, and fornications haue beene committed within your parish or chappelrie, since the last visitation, and how many offenders in those faults haue beene put to pennance, and openly corrected: and who be spared, dispenced withall, or not done pennance for their offences.

Pennance. 45. Whether hath there beene any permutation of pennance allowed of by the ordinarie in your parish? and whether hath your minister publikely signified to his congregation, what summes of money hath therefore beene paid: and whether haue the said summes of money bin distributed by your minister or church-wardens to the poore, or otherwise employed to some such godly and charitable use, as was prescribed by the Ordinarie.

Vsurers. Whether any person or persons within your parish haue committed vsurie, contrarie to the act against vsurie, made in the xxxvii yeare of the raigne of the late king Henrie the eight, and lately reuiued, and what are the names of such vsurers, and what is the manner of their vsurie.

Sorcerie. 47. Whether there be any man or woman in your parish, that vseth witchcraft, sorcerie, charmes, or vnlawefull praier, or inuocations in latine or english, or otherwise vpon any Christian bodie or beast, or any that resorteth to the same for councell, or help, and what be their names?

Contention, drunkenes, &c. 48. Whether there be any in your parish that be malitious, contentious, or vncharitable persons, seeking the vniust vexation of ther neighbours: scoldes, common swearers, or blasphemers of the name of God, any fornicators, adulterers, incestuous persons, bawds, or receiuers of such incontinent persons, or harbourers of women beeing with child, which be vnmarried, conueying or suffering them to goe away before they haue done any pennance, or made satisfaction to the congregation: or any persons that are vehemently suspected of such faults, or that be not of good name and fame touching such crimes and faults: any common drunkards, ribaulds, or other notorious euill liuers?

Rebellious bookes.

49. Whether there be any person or persons, ecclesiasticall or temporall within your parish, or elsewhere within this Diocesse, that of late hath receiued or kept in their custodie, or that read, sell, vtter, disperce, carrie, or deliuer to others, any english books, set forth of late yeares at Louain, or in any other place beyond the seas, or within this land by any Papists, either against the Kings Maiesties supremacie in matters Ecclesiasticall, or against true religion, and catholike doctrine nowe receiued and established by common authoritie within this realme, and what their names and surnames are?

Seditious bookes and libels.

50. Whether there be any person or persons knowne or vehemently suspected to haue written, printed, or by any meanes published and dispersed, or otherwise to haue, or to haue had in his or their vse, or keeping any of those slanderous or scismaticall, and seditious Libels, or other bookes, that impeach the booke of common praier, or the religion, and Ecclesiasticall gouernement, or any part thereof established by lawe in this realme, or doth impeach the credit, or estate of any Ecclesiasticall person, or gouernour, within the same.

Phisitions. Chirurgions.

51. Whether there be any that pretending themselues to be Phisitions or Chirurgions, doe take vpon them to practise, phisicke, or chirurgerie, not beeing lawefully licensed thereunto, or which refuse to shewe their said license to the Minister or Curate and Church-wardens of your Church or chappell, when they shall be thereunto required.

William Lincolne.

FINIS.

BANCROFT, ARCHBISHOP OF CANTERBURY, 1605.

ARTICLES to be inquired of in the first Metropoliticall Visitation of the most Reuerend Father Richarde by Gods Prouidence, Archbishop of Canterbury, and Primat of all Englande: in, & for, all thiese Diocesses following, (Viz.) Exeter, Norwich, Chichester, St. Davids, Landaffe, Heriford, Worcester, Bristol, Bath & Welles and Coventrie & Litchfielde, in the yeare of our Lorde God 1605, and in the first yeare of his Graces Translation.

At London Printed by Ralph Blower, for Thomas Pavier, and are to be solde at his Shop neare the Royall Exchaung. An. Dom. 1605.

The Tenor of the Oath, to be ministred to the Church-wardens and Swornemen.

You shall sweare, that all Affection, Fauour, Hatred, hope of Rewarde and Gaine, or feare of displeasure or malice set aside; You shall vpon due Consideration of the Articles giuen you in chardge: present all and euery such person, of, or within your parish: as hath comitted any offence or fault: or made any default mentioned in thiese, or any of thiese Articles: or which are vehemently suspected and defamed of any such Offence: fault or default: wherein You shal deliuer vprightly, and according to truth: neyther of malice, presenting any contrary to truth: nor of corrupt affection sparing to present any, and so conceale the truth: Hauing in this action God before your Eyes: with an earnest Zeale to maintaine truth and to suppresse vice: so help you God, and the contents of this booke.

GOD saue the King.

ARTICLES to be inquired of, by the Churchwardens and sworne-men: in the Visitation of the Lordes Archbishop of Canterbury: with the X. Diocesses mencioned in the first Title of this Booke. Anno Dom. 1605.

INPRIMIS, Whether haue you in your seuerall Churches and Chappels, the booke of *Constitutions*, or *Cannons* ecclesiasticall ready to be Read by your Minister, according to his *Maiesties* pleasure, Published by his *Highnes* auctoritie, vnder the great Seale of ENGLANDE: And whether hath your Minister read the same, or any part thereof, vppon Sundayes and Holydayes in the afternoone, before divine Seruice accordingly; yea or no?

2. *Item*, Whether is there any within your Parish, that hath or doth impugne the *Kings Maiesties* Supremacy and Aucthority in causes Ecclesiasticall: or do any way, or in any part impeach the same, being Restored to the Crowne by the Lawes of this Realme established in that behalfe?

3. *Item*, Whether is there any in your Parish, that denyeth the Church of *Englande*, by Law established vnder the *Kinges* most Excellent *Maiestie*, to be a true and an Apostolicall church, Teaching and mainteyning the doctrine of the Apostles?

4. *Item*, Whether is there any in your Parish, that doth impugne any of the *Articles* of *Religion*, agreed vpon in *Anno* 1562, and established in the Church of *England*?

5. *Item*, Whether doth your *Minister* vse to pray for the Kings *Maiestie*, *King* JAMES, and for the *Queenes Maiestie*, the *Prince*, and all their royall *progeny*, with addition of such Stile and tytles, as are due and apperteyning to his Maiestie, and exhort the People to obedience to his Highnes, and other Maiestrats being in aucthority vnder him?

6. *Item*, Whether is there any in your parish, that doe impugne or speak against the Rites and Cerimonies, established in the Church of *Englande*, or the lawfull vse of them? You shall present their names.

7. *Item*, Are there any in your Parish, that doe impugne the gouerment of the *Church* of *Englande*, vnder the *Kings* most Excellent *Maiestie*, by *Arch-bushops*, *Bushops*, *Deanes*, *Archdeacons*, and the Rest that beare Office in the same: Affirming that the same is Antechristian, or Repugnant to the worde of God?

8. *Item*, Is there any in your Parish, that doth impugne the Forme of Consecrating and Ordeyning of *Arch-bushoppes*, *Bushoppes*, *Priests*, or *Deacons*: Affirming that the same is Repugnant to the word of God? or that they who are soe ordeined in that forme, are not lawfully made.

9. *Item*, Is there any in your Parish that doth holde or frequent any Conventicles, or priuat congregations: Or any that do eyther make or maintaine any *Constitutions* agreed vpon, in any such priuat conventicles or assemblies?

10. *Item*, Whether any persons haue lurked and Tipled in Taverns or Ale-houses, vpon Sundayes or other Hollydayes, or vsed his or their manuel Craft or Trade, vpon the saide Dayes or any of them, and especially in the time of diuine Seruice.

11. *Item*, Are there any in your Parish, that doe or haue Prophaned (since his *Maiesties* last Generall Pardon) the Lordes Day called Sunday, or other Holydaies, contrary to the Orders of the Church of *Englande*, prescrybed in that behalfe?

12. *Item*, Whether is the prescript forme of diuine Seruice vsed by your *Minister*, vpon Sundayes and holydayes, according to the Booke of Common prayer? And whether doth your Minister duely obserue all the Orders, Rites and Ceremonies, prescribed in the said Booke of Common Prayer: as well in Reading publicque Prayers, the Letany: as also in Administring the Sacraments, in such manner and forme as in the Booke of Common Prayer is inioyned?

13. *Item*, Whether hath any Person in your Parish quarelled or stricken, or vsed any Violence, vnto, or with your Minister, or any other in the Church or Church-yarde, or vsed himselfe disorderly in the church, by filthy and prophane talke, or any other rude and immodest behauiour?

14. *Item*, Whether is that due Reuerence, and humble submission vsed within your Church or Chappel, in the time of diuine Seruice, as by the Eighteenth *Constitution* is prescribed? Whether each one in the Church or Chappell, do apply, and order himselfe there, in time of diuine Seruice, as by the latter parte of the same *Constitution* is most commendably enioyned?

15. *Item*, Whether the *church-wardens* and *Questmen*, from time to time, doe their dilligence, in not suffring any idle persons or Loyterers, to abide eyther in the *Church-yarde* or *Church-porch*, in Seruice or Sermon time: But causing them eyther to come into the *Church*, to heare Diuine Seruice, or to depart, and not to Disturbe such as are Hearers there.

16. *Item*, Whether the *Church-wardens* doe prouide against euery Communion with the advice of the Minister, a sufficient quantity of fine whit Bread, and of good and wholsome Wine for the Number of the Communicants that shal receiue, and that to be brought in a cleane and sweet standing Pot of Pewter, or of other pure Mettle?

17. *Item*, Whether doth your Minister administer the holy Communion so often, and at such times as that euery parishioner may Receiue the same, at the least thrice in euery yeare, whereof, once at Easter, as by the Booke of common Prayer is appointed? And whether doth your Minister Receiue the same himselfe, on euery Day that he administreth it to others, and vse the wordes of the *Institution*, according to the Booke, at euery time that the *Bread* or *Wine* is renued, in such manner and forme, as by the *Proviso* of the one and twentith *Cannon* is directed, or wherein is he faultie? And whether is warning giuen by him before hand for the *Communion*, as the 22 *Cannon* requireth?

18. *Item*, Whether hath your Minister admitted any

notorious Offendors, or Skismatickes, to the Communion: contrary to the Six and Twentith, and Seauen and Twentith *Constitutions*.

19. *Item*, Whether the Minister togither with the Churchwardens and Questmen, doe take dilligent heede and care: not only that all and euery of your owne Parishioners, doe receiue thrice in euery yeere, as aforesaid: but also, that no strangers of any other Parish doe come often, and commonly to your Church from their owne Parish Church: and you are nowe to present the names of all those, who being XVI. yeares of age or vpwardes, and haue not in their own Parish receiued the Comunion, at or since Easter last.

20. *Item*, Haue any in your Parish bin Godfathers or Godmothers to their owne children; or whether your Minister, or any Godfathers or Godmothers haue vsed, or doe vse any other forme, answere or speach in Baptisme: then is in the Booke of common praier appointed? Or whether any which haue not communicated, be admitted to be Godfathers or Godmothers?

21. *Item*, Whether doth your Minister vse to signe the Children with the signe of the crosse, when they are baptised: according to the booke of common praier? and whether he hath referred, (*sic*) or wilfully refused, to baptise any Infant in his Parish being in danger, hauing bin duely informed of the weakenes thereof: and whether the childe hath dyed in his defaulte without baptisme?

22. *Item*, Whether is your Minister continually resident with you vpon his benefice; or for how long time hath he beene absent? And where is he Resiant for the most part, and what other benefice hath he?

23. *Item*, Whether doth your minister preach vsually according to the constitutions: either in his owne cure with you, or else in some other church or chappell neere adioyning, where no preacher is? or how often hath he bin negligent in this behalfe?

24. *Item*, Whether is your Minister a Preacher allowed, if yea: then by whom? if not, Whether doth he procure sermons to be preached among you once in euery month at the least, by such as are lawfully licensed.

25. *Item*, Whether hath your Minister another benefice and whether doth he supply his absence by a Curat that is sufficiently licensed to preach in that cure of his, whereon he himselfe is not resident? or otherwise in case he doth not find a preaching Minister there, by reason of the smalnesse thereof? Whether doth he preach at both of his benefices vsually himselfe?

26. *Item*, Whether is your curate licensed to serue by the Bishop of this Dioces, or any other, and by whom?

27. *Item*, Whether doth your minister or curat serue any more cures then one? if yea, then what other cure doth he also serue?

28. *Item*, If your Minister be not licensed to preach as aforesaid, whether doth he take vpon him to expound the Scriptures, either in his owne cure or else where? if yea, then you are to present him, and specifie the place where he so hath preached.

29. *Item*, Whether hath any person bin admitted to preach within your Church or chappell, but such as you haue well knowne to bee sufficiently licensed? whome haue you so admitted, you shall present their names, and how often haue any suche bin so admitted to preach, and by whose procurement? And Whether haue you caused euery strange preacher, licensed or not licensed, to subscribe his name togither with the daye when he preached: and if he were licensed, then by whom was he licensed? And whether haue they or any other preached in your Church not being soberly or decentlie apparailed?

30. *Item*, Whether doth your Lectorer and Preacher reade Diuine seruice, and administer the Sacraments in his owne person twice euery yeare, obseruing all the Ceremonies in the Booke of Common prayer established?

31. *Item*, Is there any in your parish, that doe refuse to haue their children baptized: or themselues to receiue the Communion at the hands of your Minister because he is no preacher. You shall present their names. And if your minister sithence the publishing of the said booke of Canons, hath receiued any such Persons (being not of his owne cure) to the communion, or baptised any of their children: you shall likwise present him.

32. *Item*, Whether doth your Minister wear the Surplice whilst he is saying the publike prayers, and ministring the sacraments? And if he be any Graduat, Whether then doth he also weare vpon his Surplyce, during the times aforesaide, such a whood as by the orders of his Uniuersity is agreeable to his degree?

33. *Item*, Whether doth your Minister euery Sunday and holliday before Euening praier, for halfe an houre or more, examine and instruct the youthe and ignorant persons of his parish, in the ten commaundements, Articles of beliefe, and in the Lords prayer as also in the Catechisme, set forth in the booke of common prayer? And whether doe all Fathers, Mothers, Maisters and Mistresses, cause their children, seruantes and apprentises, to come thither to heare and to be instructed and taught therein, and those that doe not their duties heerein you shall present their names.

34. *Item*, Whether hath your Ministers without license from the Archbushop, Bushop of the Diocesse or his Chancellor, solemnized mariage betwixt any parties, the banes not being three seueral sundaies or hollidaies first publisht in time of diuine seruice, in the seuerall Churches or Chappels, of their seueral abode according to the booke of Common prayer, and that also betwixt the houres of eight & twelue in the fore-noone. And furthermore, whether hath your minister since the last Cannons published, solemnized any marriage betwixte anye persons beeing vnder the age of one and twenty yeares, although the banes be thrice asked, before such time as the parents haue made knowne vnto him their consent thereunto, and whether hath hee married any of an other Diocesse, who are they? And by what authority, and when?

35. *Item*, Whether doth your Minister euery sunday, bidde hollidaies and fasting daies, as by the booke of common praier is appointed?

36. *Item*, Whether doth your minister euerie sixe monethes, denounce in his parish, all such of his Parish as do perseuer in the sentence of excommunication, not seeking to be absolued, and whether hath he admitted into the Church any person excomunicate, with-out a certificat of his absolution from the ordinarye or other competent iudge?

37. *Item*, Whether doth your Minister beeing a preacher, endeuor and labour dilligently, to reclaime the popish recusants, in his parish from their errors: if there be any such abidinge? and whether is he painefull in visiiting (*sic*) the sick according to the booke of Common prayer?

38. *Item*, Whether is your Parson vicar or Curat, to frequent or to be ouer-conuersant with, or a fauorer of recusants, whereby he is suspected not to be sincere in religion.

39. *Item*, Whether doe you know or haue heard of any payment, Composition or agreement, to, or with the Bushop, Chancellor, or any inferior Officer Ecclesiasticall, for suppressinge or concealinge of excommunication, or other Ecclesiasticall censure, of, or againste anye Recusant? What summe of Money, or other Consideration hath binne receiued or promised? by, or to any of them in that respect by whom? and with whom? and for what sum or other consideration?

40. *Item*, Whether is there in your church or chappell one parchment Register Booke, prouided for christnings, Mariages, and Burials, and whether is the same duely and exactly kept according to the constitutions in that behalfe prouided?

41. *Item*, Whether hath your minister or any other preacher, babtised children, solemnized Marriage, churched any woman or ministred the holy communion in any priuate house or houses, otherwise then as by law is allowed yea or no? if yea, then where? whom? when and how often hath he offended in anye of the Premisses.

42. *Item*, Whether hath your minister taken vpon him to appoint any publique or priuate Fastes, prophecies, or exercises not approued and established by Law or publique authoritie, or hath hee attempted vppon anye pretence eyther of possession or obsession, by fastinge and prayer to cast out deuils yea or no?

43. *Item*, Whether hath your minister or any other person or persons: within your parish vsed to meet in any priuat house or other place, there to consult togither, how to impeach or depraue the booke of Common prayer, or the Doctrine or Discipline of the Churche of Englande, if yea, then you shall present them all?

44. *Item*, Whether doth your minister vse such decencye and Comlinesse in his apparell, as by the 74 constitution is inioyned?

45. *Item*, Whether doe you knowe anye in your parish that hauing heeretofore taken vppon him or them, the order of Priest-hoode or of a Deacon, hath since relinquished the same, and betaken himselfe in the course of his life as a layeman neglecting his vocation if yea, then you shall present his name, and the place of his abode?

46. *Item*, Doth any take vpon him to teache Schoole in your parish without speciall licence of his ordinary? and whether doth your School-maister bring his schollers to the church to heare Diuine seruice and Sermons?

47. *Item*, Whether is your minister noted or defamed to haue obteined his benefice by Symony, or reputed to be an incontinent person, a common drunkard, a common gamster, or player at dice, or faulty in any other crime

punishable by the Ecclesiastical censures, whereby he is offensiue and scandalous to his function or Ministery.

48. *Item*, Whether haue you prouided the booke of common prayer lately set forth by his Maiesties auctboritie, and the booke of Homylies, and whether haue in your church or chappell a Fonte of stone set vp in the ancient vsuall place, a conuenient communion Table with a carpet of silke, or some other decent stuffe, and a faire linnen cloth to laye thereon at the communion time, and whether is the same table then placed in such conuenient sort within the chauncell or church, as that the minister may be best hearde in his prayer and administration, & that the greater number may communicate: And whether are the Ten Commaundements set vpon the east ende of your church or chappell, where the people may best see and reade them and other sentences of Holy Scriptures written on walles likewise for that purpose?

49. *Item*, Whether haue you a conuenient seate for your minister to read seruice in, together with a comely pulpit sett vp in a conuenient place with a decent cloth or cushion for the same; a comely large surplice, a faire communion cup of gold, siluer, or other pure mettle, and a couer agreeable for the same, with all other things and ornaments necessarie for the celebration of diuine service and administration of the sacraments?

50. *Item*, Whether are your churches or chappels with the chancels thereof, and your personage or vickeredge house and all other housing thereto belonging in good reparations, and decent and comely kept as well within as without, the seates well mainteined, a sure coffer with three lockes and keyes for the safe keeping of your register book, your churchyardes well fenced and kept without abuse, if not, then through whose default and what defects are?

51. *Item*, Whether haue you or your predecessors churchwardens there suffered since the last pardon, any plaies, feasts, banquets, churche ales, drinkinges, or any other prophane vsages to be kept in your church, chappell or church-yarde, or belles to be rung superstitiously vpon hollidayes or daies abrogated by Law.

52. *Item*, How many inhabitantes within your parish, men or women aboue the age of sixeteene yeeres, do refuse to frequent diuine seruice established by publike authoritie of this Realme, or to receiue the holy communion, what be their names, and of what degree state or trade of life are they, you are to present them all of both sorts?

53. *Item*, Whether doe any of the inhabitants of your saide parish entertaine within their house any soiorners, lodgers, or any common resorters and guestes, who refuse to frequent diuine seruice, or receiue the holye communion as aforesayde, what be their names? of what quality or condition they are?

54. *Item*, Whether are any of the said popish Recusants of insolent behauiour, not without publique offence, or doe boldely busy themselues in seducing and with-drawing others, eyther abroade, or in their own families, by instructing their Children in popish Religion: or by refusing to enterteyne any, especially in place of greatest seruice or trust, but such as concurre with them in Opinion of Religion?

55. *Item*, How long the said *Popish Recusants* haue obstinatly abstayned, eyther from diuine seruice, or from the *Communion*, as is aforesaid? whether of any long time, or onely since his *Maiesties* Reigne?

56. *Item*, Whether is your Minister a preacher sufficiently qualified? And if he be, whether doth he from time to time, offer quiet and temperat conference, to reclaime the said *Popish Recusants* from their Errors: And whether they or any of them do refuse such conference with your Minister, or any other Preacher, who shal present vnto them his dilligence in that behalfe?

57. *Item*, What Persons aforesaid, within your Parish, eyther for the Offence aforesaid, or for any other *Contumacy* or crime, do remaine excommunicat? what be their names? and for what cause? and how long they haue so stood excommunicat?

58. *Item*, Whether were you the *Church-wardens* and *Quest-men* chosen by the consent of the Minister and Parishioners? and whether haue the *Church-wardens* before you giuen vp a iust accompt for their time, and deliuered to you their Successors, whatsoeuer money, or other things of right belonging to the Church, which was in their handes? And whether doe you, and euery of you dilligently see that all the parishioners do duely resort to their *Church* euery Sunday, and Holyday, and there continue the whole time of Diuine seruice, and none to walke or stand idle, or talking in *Church* or *Church-portch* or *Church-yarde*, during that time: And whether do all the Parishioners and their families accordingly, frequent their parish Church, and there behaue themselues soberly, attentiuely and decently, all the time of diuine Seruice, yea or no? If no, then you shall present their names.

59. *Item*, Whether do all persons aboue the age of Sixteene yeares, vsually resort to heare diuine seruice vpon *Sundayes* and *Holydayes* approued, and whether hath each one of your parishioners (being aboue the age of 16 years aforesaide) Receiued the *Holy Communion*, thrice this last yeare, chiefly once at Easter in your *Parish Church* kneeling: if no, then you shall present their names which have not so done?

60. *Item*, Whether haue you a fitte *Parish Clarke*, aged twenty yeeres at least, of honest conuersation, and sufficient for Reading and Writing: and whether he be payd his wages without fraude, according to the most auncient custome of your Parish: if not, then by whom is he so defrauded and denyed? and whether he be chosen by *Parson* or *Vicar* or by whom?

61. *Item*, Whether haue any in your parish bin maryed within the prohibited degrees, forbidden by the Law of God, and expressed in a certaine Table published by auctbority, in *An.* 1563. if yea, then you shal present their Names? and whether Haue you the said Table publiquely set up in your *church* and fastned to some conuenient place there?

62. *Item*, Whether doth any hearetofore diuorced, keepe company with any other at Bed and at Boorde? what be their names? when and where were they maried?

63. *Item*, Doth your Minister vse the forme of thankesgiuing, to Women after Childe-byrth? and whether hath he admitted any thereunto, that was begotten with Childe in adultrie or fornication without licence of his Ordinary and whether haue any marryed wiues refused to come to *church* according to the booke of *Common Prayer*, to giue God thanks after Child-byrth, if any be faulty hearein, you shall present their names?

64. *Item*, Whether haue you any in your parish, which heretofore being *Popish Recusants*, or *Sectuaries*, haue since conformed themselues, and come to *Church* to heare Diuine Seruice, and receiue the Sacraments, if yea, then who they are, and how long si'thence haue they so conformed themselus and whether do they still Remaine and abide in that conformitie?

65. *Item*, What *Recusant Papists* are there in your Parish, and whether do they or any of them keep any Schoolemaister in their house which commeth not to Church to heare diuine Seruice, & receiue the holy *Communion?* What is his name, & how long hath he taught?

66. *Item*, Whether haue you any in your Parish to your knowledg, or by common fame & report, which haue committed *adultrie, fornication* or *Incest*, which haue not bin publicquely punnished to your knowledg? if yea, then with whom? Are there any which are or by common fame & report, are reputed & taken to be common Drunkards, blasphemers of God's holy name, common and vsuall swearers, filthy speakers, vsurers, Simonicall persons, fighters, brawlers or Quarellers in *church* or *churchyard* you shall not fail to present their nams.

67. *Item*, Whether haue any in your parish receiued or harbored any Woman gotten with Childe out of wedlocke, and suffred them to depart againe without punnishment firste inflicted on them, by their Ordinary, you shall truely present as wel the party harboring as harbored, & who is suspected to be father of her childe?

68. *Item*, Whether hath any person within your parish promised or payed any summe of money, or other reward, directly or indirectly, by himselfe or any other, or commuted his or her penance for any *Incest, adultery, fornication* or any other Ecclesiastical crime, if so then with whom? when? and for what? and how hath the same bin imployed?

69. *Item*, Whether is your *Chauncelor*, and euery other inferior Ecclesiasticall Judge, a Maister of Artes, or Bachilor of Lawes at the least, and learned & practised in the ciuill and Ecclesiasticall lawes, a man of good life & conuersation & zealously affected in Religion.

70. *Item*, Whether any person or persons suspected or detected heretofore of *incontinency*, and therefore departing out of your parish for a season, is now returned againe, or in what place else is he or she now abiding to your knowledg, or as you haue heard? you shall not faile to present the whole truth in that behalfe?

71. *Item*, Whether are ther in your Parish any Wils, not yeat proued, or the goodes of the dead dying intestat, left vn-administred by auctboritie of the ordinary in that behalfe you shall not faile to present the Executors and all others faulty and culpable therein?

72. *Item*, Hath any *Chauncellor, Commissarie, Archdeacon, Official*, or any other exercising Ecclesiasticall Jurisdiction within this your Diocesse, or any *Register, Apparator*, or *Minister* belonging to the same Ecclesiastical Courts exacted extraordinary, or greater fees than heretofore of late haue bin accustomed? and whether is there a Table

of the Rates of all fees, set vp in their seuerall Courts and Offices: and whether they or any of them, haue taken vpon them the Office of *Informers* or *Promoters* to the Courts, or any other way abused themselues in their Offices, contrary to the Law, and *Cannons* in that case prouided.

73. *Item*, Do any, of, or within your parish, affirme, or haue they affirmed that the sacred Sinode of this Nation assembled by the Kings aucthority, is not the true Church of *Englande* by representation: or hath, or doth any of your parish affirme, that noe persons eyther of the Clergie or Layty that were not pertinently present in the said late Sinod, are subject to the Decrees thereof in causes Ecclesiastical, made and ratified by the Kings supreame aucthoritie: because they gaue not vp their Voyces vnto them, yee shall present their names.

74. *Item*, Is there any among you, that haue or do depraue the forsaid late Sinod, saying or affirming that the same was a Company of such persons as did conspire together against godly and religious professors of the Gospel, and that therefore, both they and their proceadings in that behalfe, are and ought to be dispised and contemned, or wordes to the like effect, you shall not fayle to present their names?

75. *Item*, What number of *Apparators* hath euery seuerall Judge Ecclesiasticall, and wherein, and in what manner is the Countrey ouer-burthened and grieued by the saide *Apparators*?

76. *Item*, Whether do you know of any other matter of Ecclesiastical cognisance, worthy the presentment in your iudgment, aboue not expressed, which you holde fit to be reformed: and if you doe, you shall likewise present the same by vertue of your Oathes.

FINIS.

BABINGTON, BISHOP OF WORCESTER, 1607.

ARTICLES, to be enquired of within the Dioces of Worcester, in the generall Visitation of the Reuerend Father in God, Gervase Lord Bishop of Worcester: Holden in the yeare of our Lord God, 1607.

At London, *printed by* Humfrey Lownes. 1607.

The Tenovr of the Oath to be ministred to the Churchwardens and Sworne-men.

You shall sweare that all affection, fauour, hatred, hope of reward and gaine, or feare of displeasure, or malice set aside: you shall upon due consideration of the Articles giuen you in charge, present all and euery such person within your parish as hath committed any offence or fault, or made any default mentioned in these or any of these Articles, or which are vehemently suspected and defamed of any such offence fault or default: wherein you shall deale vprightly and according to truth, neither of malice presenting any contrary to truth, nor of corrupt affection sparing to present any and so conceale the truth: having in this Action God before your eyes, with an earnest zeale to maintaine truth and to suppresse vice. So help you God and the contents of this booke.

Articles concerning the Clergie.

1. Whether hath your Minister read the constitutions set forth by his Maiesty, once euery yeare vpon some Sondayes or holidaies in the afternoone before diuine service, according as by the Canons he is bound?

2. Whether doth your Minister vse to pray for the Kings Maiesty K. JAMES, and for the Queenes Maiestie, the Prince and all their Royal progeny, giuing vnto him such stile and title of supream Gouernour in all causes and ouer all persons, aswell Ecclesiasticall as Temporall, as by law are due vnto him, exhorting their parishioners to yeald him obedience according to the same, and also in their sermons do pray for all Archbishops, Bishops, and other Ecclesiasticall persons, according to the 55. Canon?

3. Whether is the prescript forme of Divine seruice vsed by your Minister vpon Sondaies, holidaies, wensdayes and fridaies according to the booke of common-prayer: and whether doth your Minister duly obserue all the orders, rites and ceremonies prescribed in the said booke of common prayer, aswell in reading publique praiers, the Letany, as also in administring the Sacraments in such manner and forme, wearing the Surplesse as by the booke of common prayer by law now established is inioyned?

4. Whether dooth your Minister administer the holy Communion so often, and at such times as that euery Parishioner, may receiue the same at least thrice in euery yeare, whereof one at Easter, as by the booke of common prayer is appointed? And whether doth your Minister receiue the same himselfe on euery day that he administreth it to others knéeling at the same, and administreth it to none but such as doe knéele at the receiuing thereof, and vse the words of the institution according to the booke at euerie time that the bread or wine is receiued, in such manner and forme as by the *Prouiso* of the 21 Canon is directed, or wherein is hée faultie, and whether is warning giuen by him before hand for the Communion, as the 22 Canon requireth.

5. Whether hath your Minister admitted anie notorious offenders, or Schismatiques to the Communion, contrary to the 26. and 27 constitutions, without satisfaction by due course of law before enioined them, or reiected any from the Communion who were not by publick presentment or other open scandall infamous and detected of some notorious crime by common fame published in the parish?

6. Whether the Minister together with the Churchwardens and Questmen, doe take diligent héede and care, not onely that all and euery of your owne Parishioners, do receiue thrice in euery yeare, as aforesaid; but also that no strangers of any other parish do forsake their own minister and parish to receiue with you, contrarie to the 28. Canon?

7. Whether hath your Minister, Church-wardens, and Side-men presented vnto my Lord Bishop or his Chancellor within fortie dayes after Easter the names of all the Parishioners aswel men as women, which being aboue 16. yeares of age, receiued not the Communion, at, or about Easter before, according to the 112. Canon?

8. Whether doth your Minister vse to signe the children with the signe of the crosse, when they are baptized, according to the booke of common prayer, and the thirtith Canon? and whether he hath deferred, or wilfully refused to baptize any infant in his parish being in danger, hauing beene duly informed of the weaknesse thereof? and whether the childe hath dyed in his default without baptisme, contrarie to the 68. and 69. Canons?

9. Whether is your Minister continually resident with you vpon his benefice? or for how long time hath hee beene absent? and where is hée resiant for the most part? and what other benefice hath hée?

10. Whether doth your Minister béeing a Preacher preach vsually according to the constitutions, either in his owne Cure with you once euery Sunday, or else in some other Church or Chappell neere adioyning, where no Preacher is, according to the 45 Canon? or how hath hee béene negligent in that behalfe?

11. Whether is your Minister a Preacher allowed? If yea, then by whom? If no, whether doth he procure sermons to be preached among you once in euerie moneth at the least, by such as are lawfully licenced, according to the 46. Canon? or dooth contribute towards a licenced Preacher, if his liuing will beare it?

12. Whether hath your Minister another benefice? and whether doth he supply his absence by a Curate, that is sufficiently licenced to preach in that Cure of his whereon hée himselfe is not resident? or otherwise in case he doth not find a preaching Minister there, by reason of the smalnes thereof, whether doth he preach at both his benefices vsually himselfe, according to the 47 Canon.

13. Whether is your Curate licenced to serue by the L. Bishop of this Dioces, or by any other, and by whom? Wheter doth your Minister or Curate serue any more Cures then one, contrarie to the 48. Canon. If yea, then what other Cure doth he also serue?

14. If your Minister be not licenced to preach as aforesaid, whether doth he read Homilies, or rather take vpon him to expound the scriptures, either in his own Cure or elsewhere, contrary to the 49 Canon? If yea, then you are to present him, and specifie the place where he so hath preached?

15. Whether hath any person béene admitted to preach within your Church or Chappel, but such as you haue wel known to be sufficiently licenced? whom haue you so admitted? you shall present their names: and how often haue any such béene admitted to preach, and by whose procurement? And whether haue you caused euery strange Preacher, licenced or not licenced, to subscribe his name together with the day when he preached according to the 50. and 51. Canons? And if he were licenced, then by whom was he licenced? And whether haue they, or any other, preached in your Church not being soberly and decently apparelled, according to the 74. Canon?

16. Whether doth your Lecturer and Preacher read Diuine seruice, and administer the Sacraments in his own person twice euery yeare, obseruing al the ceremonies in the book of common-prayer established, according to the 56. Canon?

17. Whether doth your Minister weare the Surplesse, whilest he is saying publique prayers, and administring the Sacraments? And if hee be any Graduate, whether then doth he weare also vpon his Surplesse, during the time aforsaid, such a hood as by the orders of his Uniuersity is agréeable to his degree, according to the 58. Canon?

18. Whether doth your Minister, euery Sonday, and Holiday, before euening prayer, for half an hower or more, examine and instruct the youth, and ignorant persons of his parish, in the ten Commandements, the Articles of Beliefe and in the Lords prayer, as also in the Catechisme last set forth in the booke common prayer, whereby the children of the parish may be prepared for confirmation, according to the 60. Canon.

19. Whether hath your Minister without licence from the Archbishop, the Bishop of the Dioces, or his Chancellor, solemnized marriage betwixt any parties, the Banes not being thrée seuerall Sondaies or Holidaies first published, in time of Diuine Seruice, in the severall Churches or Chappels of seuerall abode according to the booke of common prayer and the 62. Canon? and that also betwixt the howers of eight and twelve in the forenoone, contrarie to the 102. Canon.

20. Whether hath your Minister sicne the last Canons published, solemnized any mariage betwixt any persons, being under the age of 21 years, although the Banes be thrice asked, before such time as the Parents haue made knowne vnto him their consents therunto, contrary to the 99 and 100. Canons? and whether hath he maried any of another Dioces? who are they? and by what authoritie, and when?

21. Whether doth your Minister vpon Sundaies at morning praier declare vnto the Parishioners what holidaies and fasting daies are appointed to be kept, the wéeke following, according to the 64 Canon, wherby they may be put in minde to prepare themselves accordingly, and to repaire to Church to publicke prayer as by lawe they are bound?

22. Whether dooth any Minister in the Rogation dais vse the Perambulation, moove the people to give thanks to God for his benefits, vsing such Psalmes, Praires, Homilies as are to that end set forth?

23. Whether doth any man (being neither Minister nor Deacon) read common Prayer openly in your Church or Chappel, or administer the Sacrament of Baptisme, or solemnize matrimonie, or take upon him to practise any other ministeriall dutie in the Church, that is prescribed to be executed by such as are either Ministers or Deacons? And what is his name that so doth?

24. Whether dooth your Minister euery sixe Moneths denounce in his parish all such of his parish as doe perseuere in the sentence of excommunication, not séeking to be absolued? And whether hath he admitted any person excommunicat into the Church without a certificat of his Absolution, from the Ordinary or other competent Judge?

25. Whether dooth your Minister being a Preacher, endeauour and labour diligently with mildnesse and temperance to conferre with, and thereby to reclaime the Popish Recusants in his parish from their errors, if there be any such there being? And whether is he painefull in visiting the sicke according to the book of common-praier and the Canons in that case prouided?

26. Whether is your Parson, Vicar, Lecturer, or Curat too much frequent or ouer conuersant with or a fauourer of Recusants, whereby he may be may be suspected not to be sincere in Religion?

27. Whether hath your Minister or any other taking vpon him the place of a Minister, preached, baptized children (vnlesse in case of necessitie) solemnized mariage, churched any woman, or ministred the holy Communion in any priuate house or houses? If yea, then where? whom? when? And how often hath he so offended in any of the premisses?

28. Whether hath your Minister taken vpon him to appoint any publique or priuate fasts or prophecies not approued and established by law or publique authority? Or hath he attempted, vpon any pretence either of possession or obsession, by fasting and prayer to cast out diuels contrary vnto the 72. Canon?

29. Whether hath your Minister or any person or persons within your parish vsed to méete in any priuate house or other place, and to hold priuate conuenticles contrary to the 73. Canon? If yea, then you shall present them all and euery one of them?

30. Whether doth your Minister vse such decency and comelinesse in his apparell as by the constitution is enioyned aswell at home as when he goeth abroad?

31. Whether doe you know in your parish any that hauing heretofore taken upon him or them the order of Priesthood or of a Deacon, hath since relinquished the same, and betaken himself in the course of his life as a Layman, neglecting his vocation? If yea, then you shall present his name and the place of his aboad.

32. Whether is your Minister noted or defamed to haue obtained his Benefice by Simonie, or reputed to bee an incontinent person, or doth keepe anie man or woman in his house that are suspected either to be of euil Religion or of bad life, or himself to be a common drunkard, or to be a common hunter of Tauerns, Alehouses, or other suspected places, A common Gamester or plaier at dice or other vnlawful games, a common swearer, or notorious person, or faultie in any other crime punishable by ecclesiasticall censures, wherby he is offensiue and scandalous to his function or ministerie.

33. Whether doth your Minister vse the forme of thanksgiuing to women after their childbirth, and whether hath he admitted any thereunto that was begotten with childe in adulterie or fornication without license of his ordinarie? And whether haue any maried wiues refused to come to Church according to the book of Common-prayer to giue God thankes after child-birth? If any be faultie herin you shall present their names.

34. Whether doth your Minister baptize any children in any Bason or other vessell then in the ordinary Font being placed in the Church according to the 81 Canon, or doth vse to put any bason into it.

Articles concerning the Church.

1. Whether haue you in your seuerall Churches and Chappels the booke of constitutions or Canons ecclesiasticall ready to be read by your Minister according to his Maiesties pleasure, published by his highnesse authoritie vnder the great seale of England?

2. Whether is there in your Church or Chappell one parchment Register booke prouided for christenings, mariages, and burials? And whether is the same duely and exactly kept according to the constitutions in that behalfe prouided, and a transcript therof brought in yearely within one moneth after Easter into my Lord Bishops Registers office? And whether dooth your Minister vpon euery Sunday read the names of all such as haue been maried, christned, or buried the weeke before?

3. Whether haue you prouided tho booke of common-prayer lately commanded by his maiesties authoritie only to be used, and the booke of Homilies, and two Psalters: and whether haue you in your Church or Chappel a Font of stone set up in the auncient vsuall place, a convenient and decent Communion Table standing vpon a frame with a carpet of silke or some other decent stuffe, and a faire linnen cloath to lay thereon at the Communion time? And whether is the same table then placed in such conuenient sort within the Chancell or Church as that the Minister may be best heard in his prayer and administration, and that the greater number may communicate? And whether are the ten Commandments set upon the East end of your Church or Chappell where the people may best see and read them, and other sentences of holy Scripture written on the walles likewise for the same purpose?

4. Whether haue you a conuenient seate for you Minister to reade Service in, together with a comely pulpit set up in a conuenient place with a decent cloth or cvshion for the same, a comely large Surplesse, a faire Communion cup of siluer, and a couer agreeable for the same, with all other things and ornaments necessarie for the celebration of Diuine Seruice and administration of the Sacraments, and a strong chest for the almes for the poore with 3. lockes and keies, and another chest for the kéeping of the Ornaments of of the Church and Register booke?

5. Whether are your Church or Chappels with the Chandcels thereof, and your Parsonage or Vicaredge house, and all other howsing therto belonging, in good reparations, and decently and comely kept aswell within as without, the seates well maintained, your Churchyardes well fenced and kept without abuse according to the 85. Canon? If not, then through whose default and what defects are? All these things in these articles, to be prepared, according to the Canons vnder the title appertaining to Churches.

Articles concerning Ecclesiastical Officers.

1. Whether do you know or have heard of any payment, composition, or agréement, to, or with any exercising ecclesiastical iurisdiction within this Dioces, or any their Registers or officer ecclesiasticall, for suppressing or concealing of excommunication, or other ecclesiasticall censure, of, or against any Recusant? what summe of money or other consideration hath béene receiued, or promised by, or to any of them for concealing of them? by whom, and with whom?

2. Whether any vsing ecclesiasticall iurisdiction in this Dioces, their Registers, Actuaries, Apparitors, or Summoners, have at any time winked at, and suffered any adulterers, fornicators, incestes, or other faults or offences presented vnto them, to passe and remaine vnpunished and vncorrected, for money, rewards, bribes, pleasure, friendship, or any other partiall respect?

3. Whether hath any exercising ecclesiasticall iurisdiction within this Dioces, or any Register, Apparitor, or Minister belonging to the ecclesiasticall Courts, exacted extraordinarie or greater fées then heretofore of late have been accustomed? and whether is there a Table of the rates of all fées set vp in seuerall courts and offices, or whether they or any of them haue taken vpon them the office of Informers or Promoters to the courts, or any other way abused themselves in their offices contrarie to the law and Canons in that case prouided?

Articles concerning Schoolemasters.

1. Whether the Schoolemaster or Schoolmasters within your parish openly or priuately in any Noble or Gentlemans house, or in any other place, be of good and sincere religion, life, and conuersation, and be diligent in teaching and bringing vp of youth, and whether they haue béen examined, allowed, and licenced for Schoolemasters by the Ordinary in that behalfe? And how many seuerall Schoolemasters haue you? And what be their names?

2. Whether your Schoolemaster or Schoolemasters do themselues receiue the holy Communion as often as they ought to do, and whether do all their Schollers, which be of age sufficient, and of capacitie by instruction to receiue the Lord's Supper, come to the Communion either in your Church, or where their Parents dwel, once euery yeare, and be diligent to heare common prayer?

3. Whether the Schoolemaster or Schoolemasters either priuate or publicke do teach their schollers the Catechisme authorised by publicke authority, at the least once euery wéek, and doe instruct and examine them in the same, or do teach any other Catechisme, and what Catechisme it is that they do so teach?

4. Whether your Schoolemaster, or Schoolemasters, or any of them bée knowne or suspected to reade vnto their schollers priuately any unlawful books, or priuatly to instruct them in their young yeares either in Popery, superstition, or disobedience, or contempt to his Maiestie, and his lawes Ecclesiasticall by publicke authority allowed?

5. Whether your Schoolemaster, or Schoolemasters, or any of them vnder pretence of Catechising their schollers, which is a most godly order carefully by them to be obserued, do kéepe Lectures, readings, or exposition in Diuinitie in their houses, hauing repaire vnto them of people not being of their owne family and household?

6. What Recusant Papists are there in your parish? and whether do they, or any of them kéep any Schoolemaster in their house, which commeth not to Church to heare Diuine Service, and receiue the Communion? What is his name? and how long hath he taught?

7. Whether the Schoolemasters within your parish doe teach his or their schollers any other Grammar then that which is commonly called the King's Grammar, set forth by the authority of K. *Henry* the eighth, teaching the prescript forme thereof, whereby their schollers may perfectly vnderstand their Grammar rules and constructions.

Articles concerning the Parishioners, and other of the Laity.

1. Whether is there any in your parish, that hath or dooth impugne the kings Maiesties supremacy, and authority in causes Ecclesiasticall, or doe any way or in any part impeache the same, being restored to the Crowne by the lawes of this Realme established in that behalfe?

2. Whether is there any in your parish, that denieth the Church of England by lawe established vnder the kings most excellent Maiesty, to be a true and Apostolicall Church, teaching and maintaining, the doctrine of the Apostles?

3. Whether is there any in your parish, that dooth impugne any of the Articles of Religion agreed vpon in *Anno* 1562, and established in the Church of England?

4. Whether is there any in your parish, that do impugne or speake against the rites and Ceremonies established in the Church of England, or the lawfull vse of them? you shall present their names.

5. Whether are there any in your parish, that do impugne the gouernment of the Church of England vnder the Kings most excellent Maiestie by Archbishops, Bishops, Deanes, Archdeacons, and the rest that heare office in the same, affirming that the same is Antichristian or repugnant to the word of God?

6. Whether is there any in your parish, that doe impugne the forme of consecrating and ordaining of Archbishops, Bishops, Priests, or Deacons, affirming that the same is repugnant to the word of God or that they, who are so ordered in that forme, are not lawfully made?

7. Whether is there any in your parish, that doth hold or frequent any conuenticles or priuate meetings, and there do conferre or agrée vpon any priuate orders, other then such as are by the Canons set forth by publique authority, to be by them or any others in Church gouernment observed?

8. Whether any persons haue lurked and tippled in Tauerns, or Alehouses, on Sundayes or other holidaies, or vsed his or their manuall craft or trade, or kéepe their shops open vpon the said dayes or any of them, and especially in the time of Diuine service?

9. Whether are there any in your parish, that doe or haue profaned since the 25*th* of *September*, 1605, the Lords day called Sunday, or other holidaies, contrarie to the orders of the Church of England, prescribed in that behalfe?

10. Whether hath any person in your parish quarrelled, or stricken, or vsed any violence vnto, or with your Minister, or any other in the Church or Churchyard, or vsed himselfe disorderly in the Church, by filthy and profane talk, or any other rude and immodest behaviour?

11. Whether is that due reuerence, and humble submission vsed within your Church or Chappel in the time of Diuine seruice, as by the 18. constitution is prescribed? And whether each one in the Church or Chappel do apply and order himselfe there in time of Diuine service, as by the latter part of the same constitution is most commendably enioyned?

12. Whether the Church-wardens and Questmen from time to time do their diligence in not suffering any idle persons or loiterers, to abide either in the Churchyard or Church porch in seruice or Sermon time, but causing them either to come into the Church to hear diuine service, or to depart, and not to disturbe such as are hearers there?

13. Whether the Church-wardens to prouide against euery Communion with the aduise of the Minister, a sufficient quantitie of fine white bread, and of good and wholsome wine, for the number of the Communicants, that shall receiue, and that to be brought in a cleane and sweete standing pot of pewter or other pure metall?

14. Whether have any in your parish béene Godfathers or Godmothers to their owne children? or whether your Minister, or any Godfathers or Godmothers haue vsed or do vse any other forme, answere, or speach in Baptisme, then is in the book of common-prayer appointed? or whether any which haue not communicated, be admitted to be Godfathers or Godmothers, contrarie to the 29. Canon?

15. Whether is there any in your parish that doe refuse to haue their children baptized, or themselves to receiue the Communion at the hands of your Minister, because he is no Preacher? You shall present their names. And if your Minister since the publishing of the said booke of Canons, haue receiued any such persons (being not of his owne cure) to the Communion, or baptized any of their children, you shall likewise present him.

16. Whether do all Fathers, Mothers, Masters, and Mistresses cause their children, seruants and apprentices to come to the Catechisme upon the Sundaies and holidaies before euening prayer to heare and to bee instructed and taught therein? and those that doe not their duties herein, you shall present their names.

17. Whether have you or your Predecessors, Church-wardens there suffered since the 25 day of *September*, 1605, any playes, feasts, banquets, Church-ales, drinkings or any other profane vsages, to be kept in your

Church, Chappels, or Churchyard, or bels to be rung superstitiously vpon holidaies or Eues abrogated by the book of common-praier, contrary to the 88. Canon?

18. How many Inhabitants within your parish, men or women above the age of sixtéene yeares, do refuse to frequent Diuine seruice established by publique authority of this Realme, or to receiue the holy Communion, or are negligent therein: what be their names? and of what degree, state, or trade of life are they? you are to present them all of both sorts.

19. Whether haue you or your predecessors brought vnto my Lord Bishop or his Chauncellour, within fortie dayes next after *Easter*, the names of all such as haue not communicated that *Easter* before, contrary vnto the 112 Canon?

20. Whether do any of the Inhabitants of your said parish entertaine within their house any soiourners, lodgers, or any common resorters and guests, who refuse to frequent Diuine seruice, or receiue the holy Communion as aforesaid? what be their names? of what quality or condition are they?

21. Whether are any of the sayde Popish Recusants of insolent behauiour not without publicke offence, or doe boldly busie themselues in seducing and withdrawing others either abroade or in their owne families by instructing their children in Popish Religion, or by refusing to entertaine any, especially in place of greatest seruice or trust, but such as concurre with them in opinion of religion? and what be their names, that so do?

22. How long the sayd Popish Recusants haue obstinately abstained either from Diuine seruice, or from the Communion as is aforesaide? whether of any long time, or onely since his Maiesties raigne, and how long?

23. What persons aforesaid within your parish, either for the offence aforesaid, or for any other contumacy or cryme, do remaine excommunicated? what be their names? and for what cause? and how long haue they so stood excommunicate?

24. Whether were you the Churchwardens and Questmen chosen by the consent of the Minister and parishioners in Easter wéeke, according vnto the 89. and 90. canons? and whether haue the churchwardens before you given vp a inst accompt for their time, and deliuered to you their Successors, whatsoeuer money or other things of right belonging to the Church, which was in their hands, according to the 89 Canon?

25. Whether doe all persons aboue the age of sixtéene yeares vsually resort to heare Diuine seruice vpon Sondaies and holydaies approued, and whether hath each one of your Parishioners (being aboue the age of sixtéene yeares as aforesaid) receiued the holy Communion thrice this last yeare, chiefly once at *Easter* in your parish Church knéeling? If no, then you shall present their names, which haue not so done.

26. Whether haue you a fit Parish Clerke aged 20 yeares at least, of honest conuersation and sufficient for reading and writing? and whether hee be payed his wages without fraude according to the most auncient custome of your parish? If not? then by whom is he so defrauded and denied? and whether he be chosen by the Parson or Vicar, or by whom? according to the 91 Canon?

27. Whether haue any in your Parish been maryed within the prohibited degrées, forbidden by the Lawe, and expressed in a certaine Table published by authority in *Anno* 1563? If yea, then you shall present their names, and whether haue you the said Table publikely set vp in your Church, and fastened to some conuenient place?

28. Whether doth any heretofore diuorced kéepe company with any other at bed and at boord as man and wife? What be their names? when and where they maried? and how long haue they so continued?

29. Whether haue you any in your Parish, which heertofore béeing popish Recusants or Sectaries, haue since conformed themselues and come to Church to heare Diuine seruice, and receiue the Sacraments? If yea, then who they are? And how long since haue they so conformed themselues? and whether do they still remaine and abide in that conformity?

30. Whether haue you any in your parish to your knowledge or by common fame and report, which haue committed adulterie, fornication, or incest, or any bawdes harborers or receiuers of such persons, or publikely suspected thereof, which haue not been publikely punished to your knowledge? If yea, then with whome, and whether are there any which are by common fame and report reputed and taken to be common drunkards, blasphemers of Gods holy name, common and vsual swearers, filthy speakers, raylers, sowers of discord amongst their neighbours, or speakers against Ministers mariages, Usurers contrarie to the statute made in the 37 yeare of K. *Henry* the eight, Symonicall persons, fighters, brawlers or quarrellers in Church or Churchyard? you shall not faile to present their names.

31. Whether haue any in your parish receiued or harboured any woman gotten with childe out of wedlock, and suffered them againe to depart without penance first inflicted vpon them by their Ordinary? You shall truely present aswel the party harbouring as harboured, and who is suspected to haue committed incontinencie with her.

32. Whether any person or persons suspected or detected heretofore of Incontinency, and therfore departing out of your parish for a season, is now returned againe? or in what place else is he or she now abiding to your knowledge, or as you haue heard? you shal not faile to present the whole truth in that behalfe.

33. Whether are there in your parish any wils not yet prooued, or goods of the dead dying intestate, left vnadministred by the authority of the Ordinary in that behalfe? you shal not faile to present the Executors and all others faulty and culpable therein.

34. Whether do any of or within your parish affirm, or haue affirmed that the sacred Synode of this nation assembled by the Kings authority is not the true Church of England by representation? or hath or dooth any of your parish affirm, that no persons either of the Clergie or Laitie, that were not personally present in the said late Synode, are subiect to the decrees thereof in causes Ecclesiasticall made and ratified by the Kings supreame authority, because they gaue not vp their voices vnto them? you shall present their names.

35. Whether is there any among you, that haue or do depraue the foresaid late Synod, saying or affirming, that the same was a company of such persons as did conspire together against godly and religious Professors of the Gospell, and that therefore both they and their proceedings in that behalfe are and ought to be despised and contemned, or words to the like effect? you shall not faile to present their names.

36. Whether there bee any person or persons Ecclesiasticall or temporall within your Parish or elsewhere within this Dioces, that haue retained and kept in their custodie, or that read, sell, vtter, disperse, cary, or deliuer to others any English books or Libels set forth either on this side or beyond the seas, by Papists or Sectaries, against the Kings supremacie in causes Ecclesiasticall, or against true Religion and Catholick doctrine now publikely professed in this Church, or the gouernment or Discipline of the Church of England, now within this Realm receiued and established by common authority, and what their names and surnames are?

37. Whether there bée any in your parish who are noted, knowne or suspected to conceale or kéep hidden in their houses any Masse books, portesses, breuiaries, or other books of popery and superstition, or any Challices, Copes, Vestments, Albes, or other ornaments of superstition, vncancelled or vndefaced, which it is to be coniectured, they do keepe for a day, as they call it?

38. Whether any of your Parishioners hauing a Preacher to their Parson, Vicar, or Curate, doe absent themselues from his Sermons, and resort to any other place to heare other Preachers?

39. Whether ther be any Inkéepers, Alewiues, Victualers, or tiplers, that suffer or do admit any person or persons in their houses to eat, drink, or play at dice, cardes, tables, bowles, or such like games, in the time of common-prayer or sermon on the Sondaies, or Holidaies: or any Butchers, or other that commonly vse to sel meat or other things in the time of common-prayer, preaching or reading of Homilies? and whether in Faires or common Markets falling vpon Sundaies, there bee shewing of any wares before morning prayer be done? and whether any Markets and selling of wares bee vsed or suffered in any Churchyards on the Sabbaoth day by common packmen and pedlers going about, or any Butchers?

40. Whether hath your Minister or any of the parish, without the consent or priuitie of the Ordinarie, caused any to doe penance or bee punished either openly or otherwise, for any crime punishable by the Ecclesiasticall lawes onely, and what be the names of the parties that haue béene so punished, and in what manner?

41. Whether there be any in your Parish, who will come to heare the sermon, but will not come to the publique praier appointed by the book of common praier, making a schisme or diuision (as it were) betwéene the vse of publicke prayer, and preaching? and whether there be any, who being present at publick praier, do not deuoutly and humbly knéele upon their knées, at such times as by the book of common-praier they are

appointed, to wit, when they make a generall confession of their sinnes: when all praiers and collects are read: in the time of the Letanie: when the ten Commandements are reade: and at the receiuing of the holy Communion? and what are their names, that haue at any time shewed themselues vndutifull and vnreuerent in that behalfe?

42. Whether there be any maried women or others within your parish, which after childbirth, refuse or contemne to come to the Church to give God thanks for their deliuerie, and to have the praiers publickly appointed on that behalfe by the book of common-prayer?

43. Whether anie within your parish doe resort vnto Barnes, fieldes, woods, priuate houses, or to anie extraordinarie exposition of scriptures or conferences together? or that be drawers, or perswaders of others to anie such schismaticall conuenticles?

44. Whether any doe keepe their Children vnbaptized longer than is conuenient, vnlesse that it bee for sicknesse of the childe, or other vrgent occasion? And whether anie doe carie their children from the parish they are borne in, to other Parishes to be baptized, and so refuse their own Parish: or do bring strange Ministers into their owne houses to baptize their Children priuately according to their owne fantasies?

45. Whether do you knowe of any other matter of Ecclesiasticall cognizance, worthy the presentment in your iudgement, aboue not expressed, which you hold fit to be reformed? and if you doe, you shall likewise present the same by vertue of your oathes.

At the deliuery of your Bill of presentment at the time and place aboue set downe, you are likewise in the sayd Bill to set downe the names of all such as haue beene buried at any time since the seauenth of *August* 1605, being men, maydes, or widowes, and likewise the Minister, Churchwardens, and Sydemen of euery parish must in the end of their saide Bill of presentment set downe, besides their presenting which they make of all Recusants and none Communicants, this note following

Recusants men,
Recusants women,
None Communicants of both sexe,
Communicants of both sexe in the whole Parish.

So setting downe the number of euery one, the Minister, Churchwardens, and Sidemen must put their hands to this note.

ARCHDEACON OF NORFOLK, [THOMAS JEGON?] 1608.

ARTICLES vpon which the Church-wardens and Questmen are to make their inquirie, and ground their presentments: to be exhibited vnder their Oathes and Handes, to the Arch-deacon of NORFOLKE, or this Officiall. ANN. DOM. 1608.

At London printed by Ralph Blower,
ANNO DOMINI, 1608.

The Oath, of the Church-wardens and Sworne-men in euery Parish, &c.

You shall make dilligent Inquirie, and true presentment, in writing vnder your Handes: of all such as within your parish offend in any of these Articles; or that are suspected or defamed, to have offended in any of them, So helpe you God.

ARTICLES to be enquired of, by the Church-wardens and Sworne-men, &c.

INPRIMIS, You shall present if any within your Parish, hath affirmed that the Church of *England*, is not a true church, or that the forme of Gods worship conteined in the booke of Common prayer, or the administration of the Sacraments, is corrupt, or conteyneth anything contrary to the Scriptures, or that any of the 39 Articles established for consent in trne Religion is erronious or that the ceremonies of the Church of England are not to be vsed: or that the gouernment of the Church of England vnder his Maiestie, by Arch-bushops, Bushops, Arch-deacons, and the rest that beare Office in the same: is Ante-christian, or repugnant to the Scriptures.

2. *Item*, If there be not in your church, the Bible of the largest volume, the booke of Common prayer, a comely Font of stone, a Communion Table, a pulpit: a Surplice: the Booke of Homolies: a Carpet, and a faire linnen cloath for the Communion Table: a sufficient seate for the Minister to say seruice in, the ten Commandements set vp in the East ende of the Church: with other sentences of scripture in conuenient places: a chest for the almes: The degrees of Matrimonie, a Parchment booke wherein all the Christnings, Mariages, and Burials, are Registred euery Sunday, that happened the weeke before, and a Coffer with 3 lockes and keyes to keepe the same in.

3. *Item*, If any in your parish (aged 16 years or aboue) doth not resort to his parish church on sundaies and holidaies, and there continue the whole time of Diuine Seruice: or if any keepe the Lords day or other hollidaies: otherwise then according to Gods holy will and orders of the church of *England*, that is in hearing of the word of God, in prayer, in receiuing the holy Communion, in visiting the sicke, or other sober and godly conuersation, or if any prophane those dayes, by tipling in Tauerne or Alehouse, or in vsing his manuall craft, or trade, or by other disorder.

4. *Item*, if vpon those daies common prayer be not said or sung distinctly and reuerently, and that in conuenient time, and according to the orders prescribed in the booke of common prayer without diminishing or adding any thing in the matter or forme thereof: or if vpon Wednesdaies and Fridaies weekely warning be not giuen by the toling of a bell, and Letanie be not said according to the booke of common prayer.

5. *Item*, If any haue not reuerently kneeled whiles prayers are reade, or not stand vp at the saying of the beleefe or not made due and lowly reuerence, when in the time of diuine seruice the Lord Jesus is mentioned: or hath beene busied at such times in the church, otherwise then in attending that is preached read or ministred, or hath disturbed the minister or the seruice or sermon by ringing, walking, talking, or otherwise, or hath departed out of the church, before seruice or sermon ended without vrgent cause, or abide in the churchyard or churchporch, in time of diuine seruice or preaching or any that hath fought brauled or quareled in the church or churchyard.

6. *Item*, If any parent answere at baptisme as Godfather for his owne child, or if any Godfather or Godmother answere otherwise then by the booke of common prayer is prescribed, or before the same person hath receiued the holy communion, or if the Minister doe not take the child into his hands, and heuing baptised it, doe not make a crosse vpon the childes forehead, or doe not commaund that after it is instructed in the Catechisme, it be brought to the Bishop to be confirmed, or doe Baptise publiquely otherwise then in the Font of stone.

7. *Item*, If your Minister giue not warning publiquely in your church the sunday before he administer the Lords supper (to th' end the parishioners may the better prepare themselues) & that so often as the parishioners may receiue thrice euery yeare: Easter being once, or if the churchwardens prouide not sufficient bread & wine for the communion: or if the wine be not brought to the communion table in a cleane pot or stoope of pewter or purer mettall, or if the Minister rehearse not the words of institution, so oft as bread and Wine is newly brought to be vsed at the Communion Table, or doe not first receiue himselfe: and then deliuer the same to euery communicant seuerally, or deliuer the same to any but to such as kneele.

8. *Item*, If any be admitted in your parish to the holy Communion that liueth in sinne notorious, or that hath maliciously or openly contended with his neighbours, before they be reconciled, or any that is a scismaticke, or that hath willingly incurred periurie, in not presenting such offences as they know to be committed within your parish, or any that is not of the same parish.

9. *Item*, If any woman after Childe-birth hath not come to church to giue God thankes, or your Minister hath not vsed the forme of thankesgiuing prescribed in the booke of common prayer to any of his parishioners after childe-birth.

10. *Item*, If your Minister hauing two benefices, doth not make his personal residence vpon each of them, for some reasonable time euery yeare, or hath not vnder him, in the benefice where he doth not reside a preacher lawfully allowed that is able to instruct the people, except he preach himselfe vsually at both his churches.

11. *Item*, If your parson or vicar being alowed a preacher & resyding vpon his benefice, preach not euery sunday in his owne or other church hauing no lawfull impediment or being not a preacher allowed, doth take vpon him to expound any scripture or procure not a sermon to be preached once euery moneth, in his cure or doth not reade an Homilie euery Sunday when there is no Sermon preached in his cure.

12. *Item*, If any Minister serue in your parish before he be admitted therto, by the Bishop or ordinary of the place vnder his hand & seale, or any that serueth more churches then one in one day, except the one be not able in the iudgement of the Bishop or ordinarie, to maintaine a Curate, or if your preacher doth not in his owne person

read diuine seruice and minister the Sacraments, at the least twice euery yeere, obseruing the Cerimonies established, or any that hath said publicque prayers, not being in holy orders.

13. *Item*, If any stranger hath bin suffred to preach in your church not shewing his license to preach, or that hath not subscribed his name, & the day he preached, and by whom he was licensed to preach: or if any do preach that refuseth to conforme himselfe to the ordinances and rites Ecclesiasticall established.

14. *Item*, If any minister before the sermon, lecture, or Homilie, doth not pray for the church of Christ, the *King & Queenes* Maiestie, the *Prince* and rest of their royall progeny, the Ministers, Maiestrates, and commons of the land.

15. *Item*, If your minister saying publicque prayers or ministring the Sacraments weare not a comly surplice and therwithall his hood if he be a Graduate or doth not euery Sunday for halfe an hower instruct the youth and ignorant of his Parish, in the Catechisme set forth in the booke of common prayer, or if any parents, Maisters or Mistresses, cause not their children and seruants to come to the church to be instructed therein.

16. *Item*, If any minister hath celebrated Matrimony, between any persons without a lawfull licence, first obtained, except the banes of Matrimony haue been published three seuerall sundaies or holidaies, in the time of diuine seruice in the church where the parties dwel, or hath at any time maried any (though, hauing a licence) at any other time then in the time of diuine seruice, betweene the houres of 8 & 12 in the forenoon, or in any other place, then in the church, where one of the parties to be maried did dwell, or in any church that is named a peculiar libertie, or priuiledged place or lawlesse church neyther of the parties being of the same parish.

17. *Item*, If your Minister declare not to the people on the sunday, what holidaies and fasting daies are the weeke following, or doe not euery sixe moneths openly in time of diuine seruice, on the sunday declare in his Church what persons for obstinate refusing to frequent seruice or for notorious contumacie, or other notable crimes stand excommunicate.

18. *Item*, If your minister resort not to the sick (hauing knowledge thereof) to comfort them, or refuseth or delayeth to christen any child brought to the church to be christned, or to bury any corpes that is brought to the church to be buried, the party being not excommunicate, or to christen any child that is weake & in danger of death.

19. *Item*, If any Minister being a prebendary, a Doctor, a batchelor of Diuinitie, a maister of artes or a batchelor of Lawes, & hauing Ecclesiasticall liuing, doe not vsually weare a gowne with a standing collor, with a hood or a tippit and square cap, and if any other minister doth not wear the like apparel except a tippit only, or if any minister weare not vsually in his iourney a Cloake with sleeues, or any that goeth in his dublet & hose without a cloke or cassocke, or that doth weare a coyfe or wrought night cap, or that doth goe in light couloured stockings, or that doth resort to Tauerns and alehouses, otherwise then for their honest necessaries, or that is giuen to seruile labour, to drinking, to ryot or playing at Cards, Dice, or tables, or any other vnlawfull game, or that doth voluntarily relinquish his calling and liueth as a lay-man.

20. *Item*, If any take vpon him to teach in publique schoole, or priuate house not being licensed thereunto by the Bishop or Ordinarie or that teacheth not the Catechisme allowed, by authority, or that bringeth not his Schollers to church vpon hollidaies to heare the Sermon if any be, or doth not after their returne examine what they haue borne away of the Sermon, or that doth not teach the Grammer, set forth by King *Henry* the 8 and none other.

21. *Item*, If your church be not sufficiently repaired the church-windows wel glazed, the Church-floore wel paued, the churchyard well fensed, and persons denounced excommunicate kept out of the church, or if any plays, Churchales, drinkings, leetes, lay iuries, or other prophane vsage be kept in your church or superstitious, or causeles ringing of bells be suffered without the allowance of the Minister and Churchwardens or Questmen.

22. *Item*, If any shall take vpon him to be a Churchwarden, or Questman not being chosen in Easter weeke, by the ioynt consent of the minister & parishioners, or if they agree not in their choyse, then the one by the Minister, the other by the Parishioners, or that continueth longer then one yeere in that Office, not being chosen thereto againe: Or if any Churchwarden at th' end of his yeare, or within a moneth after it, yeeld not a true accompt before the Minister and Parishioners and deliuer by Bill indented what money and Church goods remaineth in his hands.

23. *Item*, If any within your parish haue maried within the degrees prohibited, expressed in the table of Mariages: or that vnder the age of 21. yeeres hath contracted, or maried without the consent of their parents or Guardians their parents being dead, or any that is diuorced and hath maried any other, the parties diuorsed, being both aliue, or that hath been maried without the Ring, or otherwise then by the booke of common prayer is prescribed & by whom.

24. *Item*, If any within your Parish be offensiue to their brethren by adulterie, fornication, whoredome, incest, drunkennes, swearing, rybaldrie or that is suspected or defamed, of such wickednes or that hath receiued or harbored any such, or any that is a hinderer of gods worde, to be reade, or preached, a fawter of vsurped forraine power, or a defender of popish Doctrine, or a seducer or perswader of others to such errors.

25. *Item*, If your minister doth not yearely before the feast of *S. John Baptist*, present to his Ordinarie the names of such within his parish as being 13 yeares olde are popish recusants, or being popishly giuen, come to the Church but receiue not the communion, or that make their abode as soiourners or as common guestes within your parish: or if your Minister beeing a preacher is not willing to reclaime popish recusantes if any such be within your parish from their errors, and how long such popishly giuen, haue absented themselues from the church or from the communion, and what Schoolemaister any popish recusant hath in his house that commeth not to the church.

26. *Item*, If you haue not in your Church the booke of Ecclesiasticall constitutions or Canons, authorished (*sic*) by his Maiestie, and agreed vpon at the Synode at *London*, 1603. And whether hath your Minister read the same yeerely in the church before the feast *S. John Baptist*, vpon Sundaies and hollidaies in the afternoone, according to his Maiesties proclamation in that behalfe.

27. *Item*, If your minister and parishioners haue not walked the perambulation and precincts of your parish as by Lawe they are bound, and who haue offended therein.

28. *Item*, If your chauncell, or personage, or vicarage house, be not in good and sufficient reparations.

29. *Item*, Who they be that detaine any Legacie, giuen to the poore or to any other godly vses.

30. *Item*, If vpon the vacation of the clarke-ship of your parish, you haue not a fit parish clarke aged one and twenty yeres at the least of honest conuersation and sufficient for his writing and reading chosen by your Minister, and who they be that detaine from your parish clarke the accustomed wages?

31. *Item*, If there be any other matter of Ecclesiasticall cognisance and worthy of Reformation or presentment which is not in these articles expressed.

FINIS.

ARTICLES to be inquired of by the Churchwardens and Sidemen of euerie parish within the Diocesse of Canterburie, wherunto by vertue of their othes they are to make answere seuerally to euerie Article.

At London Printed by *Thomas Haueland.*

[Without date; but probably Articles of Archbishop *Abbot*, Haveland being a London printer in and about 1611.]

Articles.

I.

Whether doth your Parson, Vicar, or Curate, foure times (at the least) in a yeere, teach, open, manifest and declare in his or their sermons, and other collations, and lectures, that all vsurped, and forraine power is for most iust causes taken away and abolished?

II.

Whether is there any within your parish, that hath affirmed, or doth affirme, that the forme of Gods worship in the Church of England, established by law and contained in the booke of common Praier, and Administration of Sacraments, is a corrupt, supertitious, or vnlawfull worship, or containeth any thing in it that is repugnant to the Scriptures, and what be their names, and sur-names that haue so affirmed, or do so affirme?

III.

Whether is there any within your Parish, that haue, or doe affirme, that the Rites and Ceremonies of the

Church of England by law established, are wicked, Antichristian, or Superstitious, or such as being commanded by lawfull Authoritie, men who are zealously and godly affected, may not with any good conscience, approue them, vse them, or as occasion requireth subscribe vnto them, and who they bee?

IIII.

Whether is there any within your parish, minister, or other person that doth affirme that Conuenticles are lawfull, that is, that there are within this realme other meetings, assemblies, or congregations of the Kings borne Subjects, then such as by the lawes of this Land are held, or allowed, which may rightly challenge to themselues the name of true, and lawfull churches, or that doe affirme that it is lawfull for any sort of ministers, and Lay persons, or any of them to ioine together, and make rules, orders, or constitutions in causes Ecclesiasticall, without the Kings authority, and shal submit themselves to be ruled and governed by them, and who they be that so do affirm?

V.

Whether is there a common fame in your parish, that your Parson, or Vicar hath obtained his Benefice by Simony, or any other vnlawfull meanes?

VI.

Whether common praier bee said, or sung in your church or chappell vpon Sundaies, and Holidaies at conuenient houres, in such order as is prescribed in the booke of common Praier, without either diminishing in regard of preaching, or any other respect, or adding any thing in the manner and forme thereof?

VII.

Whether doth your minister vpon Wednesdaies and Fridaies not beeing Holidaies, reade in your Church or chappell publikely the Letany, and other praiers appointed in the saide booke for those daies, and whether doth he reade the Commination against sinners as it is there prescribed?

VIII.

Whether the holy Sacraments be duely administred as by the booke of common praier is required, and whether the holy Communion be administred by your minister to any but to such as kneele?

IX.

Whether in the administration of Baptisme, your minister signeth the children with the signe of the crosse vpon the foreheads, according to the booke of common praier?

X.

Whether haue all persons within your parish of sufficient age, *viz.* of sixteene yeeres of age and vpward receiued the holy Communion thrice in the last yeere, and namely at Easter last for once?

XI.

Whether hath your minister admitted to the receiuing of the holy Communion any open, and notorious sinner, or malicious person that is notoriously knowne, to be out of charity without due reconciliation?

XII.

Whether hath your minister reiected any from the Communion, who is not by publique fame or by presentment of the churchwardens detected for a notorious fornicator, adulterer, or other wicked liuer, by whom publike offence is given?

XIII.

Whether hath your minister admitted any to the receiuing of the holy Communion that are common, and notorious deprauers of the booke of common Praier, and administration of the Sacraments, and of the orders, rites, and ceremonies therin prescribed?

XIIII.

Whether hath your Minister admitted any to the holy Communion that are not of his owne parish?

XV.

Whether hath your Minister admitted any person to be Godfather or Godmother to any childe, before the same person so vndertaking hath receiued the holy Communion?

XVI.

Whether your Minister being beneficed and allowed a Preacher and residing on his benefice doe in his own Cure or in some other Church or Chappell neere adioining (where no Preacher is) preach one Sermon euery Sunday of the yeere?

XVII.

Whether your Minister being beneficed and not allowed a Preacher, doe procure Sermons to be preached in his Cure once in euery month at the least, by lawfully licensed Preachers, and whether on such daies as there is no preaching, hee doe reade one of the Homilies prescribed or to bee prescribed by authoritie?

XVIII.

Whether your Minister hath two Benefices, and if hee hath whether doth hee maintaine a licensed Preacher in the benefice where hee doth not reside, or doth he himselfe preach vsually at them both?

XIX.

Whether the Curate of your Parish (if you haue any) be licensed from the Bishop, or Ordinary of the place, and whether doth he serue any more then one Church or Chappell in one day?

XX.

Whether your Minister being not a licensed Preacher doe take vpon him to expound in his own Cure or elsewhere, any Scripture or matter of Doctrine?

XXI.

Whether hath any man Preached within your Church or Chappell that hath not shewed his license to Preach, and whether haue you taken the names of all such as haue Preached in your Church or Chappell, and noted them in a booke, and whether haue the same Preachers subscribed their names to the same note so taken, together with the day when they Preached, and the name of the Bishop of whom they obtained license to Preach?

XXII.

Whether any Preacher in your Parish Church particularly, or namely of purpose, haue impugned, or confuted any former Doctrines there before deliuered, or in any other Church neere adioining, wherby vpon such publike dissenting and contradicting there hath or might grow offence, and disquietnesse vnto the people?

XXIII.

Whether your Minister before his Sermons, Lectures, or Homelies doe obserue the order of praying set forth and commanded in the fiue and fiftie Constitution of the Canons treated and agreed vpon in *Anno Domini* one thousand six hundred and three?

XXIIII.

Whether there be any person within your Parish, that doeth refuse to haue his childe baptised by a Minister, that is no Preacher, and to receiue the holy Communion at his hands in that respect, or in the same foresaid respect doth leaue his owne parish Church, or cause his childe or children to be baptised in other parishes abroad, and what be their names that haue offended therein?

XXV.

Whether your Minister in reading publike prayer and administration of the Sacraments, or other rites of the Church, doe weare the Surplisse, & being a Graduate doth weare vpon his surplisse such a hoode as by order of the Universitie is agreeable to his degree.

XXVI.

Whether doth your minister vpon euery sunday and holiday before euening praier halfe an houre at the least,

examine and instruct the youth and ignorant persons of his parish in the ten Commandements, the articles of the beliefe, and in the Lords praier, and heare and instruct them in the catechisme set forth in the booke of common praier?

XXVII.

Whether do the masters and mistresses of families within your parish, cause their children, seruants, and apprentices, which haue not learned the Catechisme to come to the Church at the time appointed, and who they bee which being sent, wilfully refuse to come obediently to heare and to be ordered by the Minister?

XXVIII.

Whether haue any beene married in your parish Church or Chappell, not hauing obtained a faculty or license thereunto, except the banes of matrimony haue beene three times seuerall Sundaies or hollidaies first published, and whether haue any beene married in your Church or chappell, vnder the age of one and twenty yeares, to which said marriage the consent of parents or gouernours hath not beene first obtained and made knowne to the minister that married them?

XXIX.

Whether doth your minister visit the sicke, to instruct and comfort them being called in their distresse, and whether vpon the death of any your parishioners there be ringing any more then one short peale, and one other before the buriall, and one other after the buriall?

XXX.

Whether hath your minister refused or delaied to christen any child according to the forme of the booke of common praier, that is brought vnto him vpon sundaies or hollydaies, or to bury any corps brought to the Church or churchyard, conuenient warning being giuen him thereof before, in such manner and forme as is prescribed in the said booke of common praier, and how often he hath so offended herein.

XXXI.

Whether any doe keepe their childe or children vnbaptised longer than is conuenient, vnlesse it be for sicknesse of the childe or other vrgent occasion.

XXXII.

Whether your minister hauing beene duely informed of the weaknesse and danger of death of any infant vnbaptised in his parish, and thereupon desired to go or come to the place where the said infant remaineth to baptise the same, haue wilfully refused, or of grosse negligence deferred, so as any such infant by his default haue died vnbaptised?

XXXIII.

Whether haue you a parchment booke for the registring of all christnings, weddings and burials, and whether is the same booke safely kept in a cofer with three lockes and keies, one remaining with the minister, and the other two with the Churchwardens seuerally, and whether vpon euery sabbath day, immediately after morning or euening praier, the minister and Churchwardens doe write and record in the said booke the names of all persons christned, married and buried in the weeke before, and the day and yeare of euery such christning, marriage, and buriall, and whether haue you transmitted vnto the Ordinary a true copie of the names of all persons christened, married, and buried in your said parish, in this last yeare ended on the fiue and twenty day of March last past?

XXXIIII.

Whether haue you in your Church or chappell a booke of Canons of the last Parliament, in the yeere one thousand six hundred and three, and whether hath your minister read all the same Canons publikely in your Church or chappell, once this last yeere?

XXXV.

Whether hath your minister preached or administred the Sacraments of the bodie and blood of our Sauiour Christ in any priuate house, except it be in times of necessitie, to such as are so impotent as they cannot goe to the Church, or dangerously sicke, and desire to be partakers of that holy Sacrament?

XXXVI.

Whether doth your minister vsually weare a gown with a standing collar, with sleeues strait at the hands, or with wide sleeues, and being a Graduate, a hoode or tippet of silke or sarsnet, and a square cap, or being no Graduate, doth weare the like apparell, the tippet onely excepted, and whether doth he vsually weare in iorneying a cloake with sleeues, commonly called a Priests cloake, without gards or welts, or long buttons, or cuts, and whether doth he weare any other then a night cap of blacke silke, satin or velvet.

XXXVII.

Whether doth your minister at any time, other then for his honest necessitie, resort to any tauerns or alehouses, or doth he bord or lodge at any such place, or doth he giue himselfe to any base or seruile labor, or to drinking, or riot, spending his time idlely by day or by night, playing at dice, cards or tables or any other vnlawfull games?

XXXVIII.

Whether haue you any Schoolemaster in your parish that teacheth either in publike schoole or priuate house, being not allowed by the Ordinary vnder his hand and seale, and whether hee is of sober and honest conuersation?

XXXIX.

Whether doth your Schoolemaster teach and instruct his schollers in the larger or shorter catechisme by publike authority set forth, and bring his schollers to praiers and sermons on holiedaies and festiuall daies, and whether doth hee teach the Grammar set forth by King *Henry* the eight, and continued in the time of King *Edward* the sixt, and Queene *Elizabeth* of noble memory, and none other.

XL.

Whether any in your parish doe practise Physicke or Chirurgery, and what be their names?

XLI.

Whether haue you in your Church or chappell a font of stone, and whether is the same set in the vsuall place, and whether be all your bels vnbroken, and whether any of them be lately sold or imbeseled away.

XLII.

Whether haue you in your Church or Chappell the booke of common praier lately explained by his Maiesties authority, and whether haue you a Bible of the largest volume, and bookes of homilies allowed by authoritie?

XLIII.

Whether is your Communion table kept, repaired in seemely manner, couered in time of diuine seruice, with a carpet of silke or other decent stuffe, and with a faire linnen cloth at the time of Administration?

XLIIII.

Whether haue you the ten Commandements set vpon the east end of your Church or chappell where the people may best see and reade the same, and whether haue you a conuenient seate for your Minister to read seruice in?

XLV.

Whether hath there growne in your parish any contention betweene any of the parishioners touching the placing or displacing of any in any seate or pue in the Church, and whether there hath beene any pew builded of late in your Church or chappell without the expresse leaue and consent of the Ordinary of the Diocesse, and by whom hath the same beene built?

XLVI.

Whether haue you a decent Pulpit placed conueniently in your Church or chappell, and there seemely kept for the preaching of Gods word?

XLVII.

Whether haue you in your Church a strong chest with a hole in the vpper part thereof, with 3 locks and keies prouided for the almes giuen to the poore, and whether are the same keies kept, one with your Vicar, Parson or Curate, and the other two with the Churchwardens seuerally?

XLVIII.

Whether is your Church or chappell and chancell well and sufficiently repaired and maintained, the windowes well glased, the floores well paued and kept

cleanly and seemely, as becommeth the house of God, and whether is your Parsonage or Vicaridge house kept well repaired?

XLIX.

Whether is your Churchyard well and sufficiently repaired, fenced and maintained with walles, rales or pales, as hath beene accustomed?

L.

Whether are there any that haue heretofore bin denounced and yet stand excommunicate, that doe resort to your Church or chappel to here diuine seruice, and who they be?

LI.

Whether haue you in your Parish any disordered persons, that haue quarelled, fought or brawled in your Church or chappell, or Churchyard, and what be their names?

LII.

Whether haue you any plaies, feasts and banquets, suppers, Churchales, drinkings, temporall Courts, leetes, lay Juries, musters, or any other prophane vsage kept in your Church or chappell, or Churchyard, or haue any superstitious ringing of bels vpon holidaies or Eeues (*sic*)?

LIII.

Whether haue your Churchwardens of the last yeere giuen vp a iust accompt before the minister and parishioners, of such money as they haue receiued, and how particularly they haue bestowed the same, and whether if any money remained in their hands vpon the same their accompts, haue they deliuered ouer the same vnto you the next Churchwardens by bill indented.

LIIII.

Whether haue you in your Church or Chappell a Table of degrees of Marriages forbidden, set forth by authoritie in the yeere of our Lord God one thousand three score and three, and whether is the same Table hanged in a conuenient place in your said Church or chappell?

LV.

Whether any persons haue beene married (within your Church or chappell, or in other places, and now dwell in your said parish) within degrees forbidden in the Table aforesaid, or that being Diuorced or Separated for the same, do yet notwithstanding cohabit and keepe company still together, and what they be?

LVI.

Whether haue you in your Parish any persons that being Married within (*sic*) those degrees forbidden haue vnlawfully forsaken their Wiues, or Husbands and married others, and who they be?

LVII.

Whether haue any in your said Parish offended their brethren by Adultery, Whoredome, Incest, or Drunkennesse, or by Blasphemie, Swearing, Ribaldrie, Vsury, or any other vncleannesse, and wickednes of life, and who they be that haue offended, and with whom? And whether hath your Minister admitted any such offendors to the holy Communion before they are reformed?

LVIII.

Whether haue you any in your Parish which be commonly noted to be Malicious, Contentious, Vncharitable persons, Raylers, Scolders or sowers of Discord betweene Neighbours, and especially Railers against Ministers, and their Marriages, and what be their names?

LIX.

Whether do you know any within your Parish or elsewhere that is a hinderer of the word of God to be read or sincerely Preached, or a fauorer of any vsurped or forraine power, or defender of Popish and erronious Doctrine, and what be their names?

LX.

Whether are there any in your Parish which behaue themselves rudely, or disorderly in the Church, or which by vntimely ringing of Bels, by Walking, Talking, or otherwise shall hinder or disturbe the Minister or Preacher.

LXI.

Whether haue you a comely Pulpit cloth or Cushion of Silke or such like instead thereof, a Communion Cup of Siluer, and a comely large Surplisse with wide sleeues for your Minister to weare?

LXII.

Whether there be any Preaching, reading of Lectures, expounding of the Scriptures, Catechising, or other like exercises in priuate places, or families, or administring of either of the Sacraments, whereto others not of the same family doe resort, and what they be that maintaine such meetings, and who resort to their houses?

LXIII.

Whether there be any in your parish that are noted, knowne, or suspected, to conceale or keepe hidden any Massebookes, Portesses, Breuiaries, or other Bookes of Popery, and superstition, or any Chalices, Copes, or other Vestments, or ornaments of Supersticion, vncancelled and vndefaced, which is to be coniectured they keepe for a day as they call it. And who they be?

LXIIII.

Whether your Parson or Vicar be resident vpon his Benefice, and keepe Hospitality, or no, and if he may dispend twenty pound or aboue by the yeere, and be not resident, whether doth hee distribute the forty part of that Benefice where hee is not resident vpon the poore of the Parish?

LXV.

Whether the people of your Parish doe diligently resort to your Parish Church and Chappell on the Holiedaies, and especially on the Sundaies to morning and Evening praier, and then there abide orderly and soberly during the time of common praier, Homilies, Preaching, and other Service of God there vsed, and who they be that offend herein?

LXVI.

Whether there be in your Parish any Popish or Sectuary recusant, which for any cause whatsoever forbeare to come to Church to common Praier, or to heare Gods word preached, and what their name or names are, and how long they haue beene recusants?

LXVII.

Whether the forfeiture of twelue pence for euery absence from common Praier hath beene leuied and taken, according to a Statute made in the first yeere of the Raigne of late Queene *Elizabeth*, of euery person that hath offended, and namely of Minstrels, and others, that vpon the Sundaies and Holidaies goe to other parishes to play or dance, and to other vaine pastimes: And how hath the same forfeitures been bestowed?

LXVIII.

Whether be there any in your Parish, or resorting thereunto which be suspected to be Massing Priests, Reconcilers, Jesuits, Seminaries, or any other persons which haue receiued any Orders or Authority from the Romish Church, and what be their names, and who entertaine them?

LXIX.

Whether there bee any that haue married two Wiues or two Husbands both liuing, or that liue not together with their Wiues, or that haue made secret Contracts and liue as Man and Wife which haue been secretly married out of the Parishes where they dwell, and who they be?

LXX.

Whether any persons in your parish being diuorced or seperated asunder, haue married againe, the former diuorced husband or wife being not first dead, or haue you in your Parish any married couples that liue not together, but slanderously liue apart?

LXXI.

Whether your Minister haue Churched any vnmarried woman that hath been deliuered of a Child vnlawfully begotten, before she haue acknowledged her fault openly according to the Order inioined her by the Ordinary or his Deputy?

LXXII.

Whether doe you euery yeere in Rogation weeke walke the Preambulation of the Circuite of your Parish, and especially at such places in your said Circuite as are in any controuersie: And if this be not obserued in whom the falt resteth?

LXXIII.

Whether there be any married woman or others within your parishes which after childbirth refuse or contemne to come to Church to giue God thanks for their deliuery according to the booke of common praier.

LXXIIII.

Whether there be any Inkeepers, Alewiues, Victuallers, or Tipplers, that suffer or doe admit any person or persons in their houses, to eate, drinke, or play at Cards, or any vnlawfull games, in the time of common praier, or Sermon on the Sundaies or Holiedaies: And who they be that suffer and admit them, and what they be that so are suffered and admitted?

LXXV.

Whether there are any shops kept open in the time of diuine Seruice or Sermons on Holidaies, but especially whether doe any sell any wares on the Sabath daies, or Butchers, Bakers, and Brewers, sell flesh, carry out bread, or serue in beare on the Sabath daies, and what be their names that so offend and violate the same daies?

LXXVI.

Whether if any Faire fall on the Sabath day there be any shewing of Wares at all that day, but especially before Seruice done in the forenoone of the same day?

LXXVII.

Whether there be any man or woman within your parish that vseth witchcraft, Sorcery, or vnlawfull praiers, Invocations, Inchantments, or Charmes vpon any Christian body, or Beast, or any resorteth to any such for help, and who they be?

LXXVIII.

Whether any haue lately departed your Parish hauing left behinde them a scandall of some crime committed, or which by common fame are reputed to haue liued in Adultery, Fornication, or Incontinencie while they were of your parish, and who they bee, and where they now liue, and who harboureth them, or any other in your parish that is suspected to haue liued incontinently?

LXXIX.

Whether any of late are come into your parish from some other parish or parishes which by common fame are reputed and taken to haue liued in Adulterie, fornication, or any other vncleannesse before they came into your said parish?

LXXX.

Whether your Churchwardens of the last yeere haue sold any Church goods, and what they haue so sold, and how the same hath beene emploied?

LXXXI.

Whether are there any within your Parish that haue suppressed the wills of any dying within your parish, or other places, that with-hold any Legacies giuen to the poore, or from Orphants, or giuen to any godly vses, and who they be?

LXXXII.

Whether doe the Ouerseers of your poore duely see that the Mony collected to the vse of your poore be well imploied (*sic*) where most neede is according to the lawes: And whether doe any refuse to pay their Sesses to the vse of the poore?

LXXXIII.

Whether any notorious Recusant who obstinately refuseth to be partaker with the Church of England in publike praier and hearing of the word of God preached, who is for his disobedience and contempt Excommunicate and dieth Excommunicate, be buried in Christian Buriall not hauing before his death sought to be absolued?

LXXXIIII.

Whether there be any Enormities against these Articles or any part thereof that haue not ben presented by you or the Churchwardens and Sidemen that haue beene before you, or which beeing heretofore presented haue not hitherto beene called vpon, and Corrected, and if there bee any such, you are now to present the same?

FINIS.

KING, BISHOP OF LONDON, 1612

ARTICLES to be enqvired of within the Dioces of London, in the first Generall Visitation of the right Reuerend Father in God, John, Lord Bishop of London, Holden in the yeare of our Lord God 1612, in the tenth yeare of the reigne of our most gracious soueraigne Lord James, by the grace of God, King of great Brittaine, France, and Ireland, defender of the faith, &c.

Imprinted at London for Ambrose Garbrand, 1612.

[Collated with the Articles issued by H. Robinson, Archdeacon of Gloucester, in 1629.]

*The oath to be ministred to the Churchwardens and Swornemen.**

You shall sweare, that you and euery of you, shall duly consider of the Articles giuen you in charge, and without any affection, fauour, hatred, hope of reward and gaine; or fear of displeasure or malice of any person, you shall present all and euery such persons and person, that now is, or of late was within your parish, as hath committed any incest, adultery, fornication, or symonie, and any misdemeanour, and disturbances committed, or made in any Church or Chappell, in time of common prayer, preaching, or diuine Seruice there vsed, to the disturbance thereof: and also that haue committed or done any other offence, fault or default, presentable in the Ecclesiasticall Court, according to the Articles now delivered to you. Wherein you shall deale vprightly and according to truth, neither of malice presenting any contrarie to truth, nor of corrupt affection sparing to present any, and so conceale the truth: hauing in this action God before your eyes with an earnest zeale to maintaine the truth, and to suppresse vice, So help you God, and the Contents of this Booke.

The Charge of the Churchwardens & Sworne men, set downe for the better performance of their duties, and discharge of their oaths.†

They are not to bring in any Bils unto the Archdeacons courts vpon the Articles to be inquired of in their visitation, by reason of my Lord's visitation, but onely now to make their presentments vpon these Articles. They are therefore charged, that after their oath taken, and their returne home, they doe require their Minister to reade ouer both the Booke of Canons or Constitutions set forth by his Maiesty in the Conuocation holden in the yeare of our Lord God 1604, and also these articles vnto them, and to consider of euery particular Article, and of the offences by them to be presented: and also of such persons in their parish as shall be noted to offend in the same, and so the Churchwardens and Sidemen assembling themselues together within some conuenient time, are to make their bill

---

* *The* Oath *in the Gloucester Articles of* 1629 *is as follows:*—
You shall sweare that vpon due consideration of the Articles delivered you in charge to present vnto; you shall particularly present all the wants and defects; and also all offences and offenders therein enquired of; wherein you shall deale truely and faithfully: So helpe you God. Levit. 19. 12. Yee shall not sweare by my name falsely, neither shalt thou prophane the name of thy God.

† *The* Charge *is omitted in the Gloucester Articles of* 1629.

answering euery Article by it selfe, before the time hereafter appointed them, which bil shall be signed with the hands of all the Churchwardens and Sidemen, with conference had with their minister upon the said bill of presentment, who according vnto the 26. Canon, is to see that the said Churchwardens do their dueties in presenting, vpon the penaltie in the 26 Canon prescribed. These bills for their better ease, and sauing of trauell and charges, shall be brought by one of the Churchwardens vpon the *
day of † next ‡ that hereby they may be incouraged to be more carefull in their dueties.

ARTICLES to be enquired of within the Dioces of London in the Visitation to be holden in the yeare of our Lord 1612.

Articles concerning the Clergie.

Inprimis, Whether hath your Minister read the Constitutions set forth by his Maiestie once euerie yere vpon some Sundaies or Holydaies in the afternoone before diuine Seruice: according as by the Canons he is bound?

2. Whether doth your minister vse to pray for the Kinges maiesty King James, and the Queen's maiesty, the Prince, and all their Royall progenie, giuing vnto him§ such stile and title of supreme Gouernour in all causes, and ouer all persons, as well Ecclesiasticall as Temporall, as by Lawe are due vnto him, exhorting the parishioners to yield him obedience according to the same, and also in their said Sermons doe pray for all Archbishops, Bishops, and other Ecclesiasticall persons, according to the 55 Canon?

3. Whether is the prescript forme of diuine seruice vsed by your minister upon Sundaies, Holydaies, Wednesdaies, and Fridaies, according to the booke of Common prayer? And whether doth your minister duely obserue all the orders, rites and ceremonies, prescribed in the said booke of Common prayer, as well in reading publicke prayers and the Letany, as alsoe in administering the Sacraments in such maner and forme, as by the booke of Common prayer by Law now established is enioyned?

4. Whether doth your minister administer the holy communion so often, and at such times, as that euery parishioner may receiue the same at least thrice in euery yeere, whereof once at Easter, as by the booke of Common prayer is appointed? And whether doth your minister receiue the same himself, on euery day that he administreth it to others kneeling at the same, & administreth it to none but such as do kneele at the receiuing thereof, and vse the words of the institution according to the Booke at euery time that the bread or wine is receiued, in such manner and forme, as by the Prouiso of the 21 Canon is directed; or wherein is he faultie touching the premisses,‖ and whether is warning giuen by him before hand for the Communion as the 22 Canon requireth?

5.¶ Whether doth your minister vse the administration of the Lord's Supper, Baptisme, Instruction of children, Solemnization of matrimony, Visitation of the sicke, Buriall of the dead, the Commination, and Churching of women, vnder such words, rites and ceremonies as are set forth and prescribed by the said booke of common praier, and no other?

6. Whether hath your Minister admitted to the Communion any of his cure, which haue been openly knowne to liue in notorious sin without repentance? Or who haue maliciously and openly contended with their neighbours, before they were knowne to be reconciled? Or any notorious deprauer of any thing in the booke of common praier, or in the Articles set forth by the Conuocation 1562. Or in the booke of ordering Bishops? or any that haue spoken against his Maiesties supreme authoritie in causes Ecclesiasticall? Or admitted any not being of his parish?** Or reiected any from the communion, who were not by publike presentment or other open scandall, infamous, and detected of some notorious crime by common fame published in the parish?

7. Whether the Minister together with the Churchwardens and Questmen, do take diligent heed and care, not only that all and euery of your owne parishioners, do receiue thrice in euery yeare as aforesaide: but also that no strangers of any other parish doe forsake their owne Minister and Parish to receiue with you contrary to the 28 Canon?

8.* Whether hath your Minister, Churchwardens and Sidemen, presented unto my Lord Bishop, or his Chauncelor, within 40 daies after Easter, the names of all the parishioners, as well men as women, which being aboue 16 yeeres of age receiued not the communion, at, or about Easter before, according to the 112 canon? If not, you shall present whether that presentment should haue bin brought in by your selues, or your predecessors, & specifie the names of euery one that should haue made such presentment for Easter last past.

9. Whether doth your Minister vse to signe the children with the sign of the crosse, when they are baptized, according to the booke of common praier, and the 30 Cannon? And whether he hath deferred, or wilfully refused to baptize any infant in his parish being in danger, hauing been duly informed of the weakenesse therof? And whether the child hath died by his default without Baptisme, contrary to the 68 and 69 Canons.

10. Whether is your Minister continually resident with you vpon his benefice, or for how long time hath he been absent? And where is he resiant for the most part? and what other benefice hath he?

11. Whether doth your Minister being a Preacher, preach vsually according to the Constitutions either in his own Cure with you once euery Sunday, or else in some other Church or Chappell neere adioyning, where no Preacher is, according to the 45 Canon? Or how hath he been negligent in that behalfe?

12. Whether is your Minister a Preacher allowed? If yea, then by whom? If no, whether doth he procure Sermons to be preached among you once in euery moneth at the least, by such as are lawfully licensed according to the 46 canon? Or doth contribute towards a licenced Preacher, if his liuing will bear it?

13. Whether hath your Minister an other benefice? and whether doth he supply his absence by a Curate that is sufficiently licenced to preach in that his Cure, whereon he himselfe is not resident? Or otherwise in case he doth not find a preaching Minister there, by reason of the smalnesse therof, whether doth he preach at both his benefices vsually himselfe, according to the 47 Canon?

14. Whether is your Curate licenced to serue by the Bishop of this Dioces or his Chancellor?† and whether doth your Minister or Curate serue any more cures then one, contrary to the 48 Canon? if yea, then what other Cure doth he also serue?

15. If your Minister be not licenced to preach, as aforesaid, whether doth he reade Homilies, or rather take upon him to expound the Scriptures either in his own Cure, or elsewhere, contrary to the 49 Canon?‡

16. Whether hath any person bin admitted to preach within your church or chappel, but such as you haue well knowne to be sufficiently licensed? whom haue you so admitted? You shall present their names: And how often haue any such been admitted to preach, and by whose procurement? And whether haue you caused euery strange preacher licensed or not licensed, to subscribe his name togither with the day when he preached, according to the 50 & 52§ canons: and if he were licenced, then by whom was he licenced? And whether haue they or any other preached in your Church, not being soberly and decently apparrelled, according to the 74 Canon?

17. Whether doth your Lecturer & Preacher, reade diuine Seruice and minister the Sacraments in his owne person twice euery yeare, obseruing all the ceremonies in the booke of common praier established according to the 56 Canon.

18. Whether doth your Minister weare the Surples whilest he is saying the publik praiers & administering the Sacraments? And if he be a Graduate, whether then doth he also were upon his Surples during the times aforesaid, such a hood as by the orders of his Uniuersitie is agreable to his degree, according to the 58 Canon?

19. Whether doth your Minister euery Sunday and holy day before euening praier, for half and (*sic*) howre or more, examine and instruct the youth and ignorant persons of your parish in the ten Commandements, the Articles of beliefe, and in the Lords praier, as also in the Catechisme ‖set forth in the booke of common praier, whereby the children of the parish may bee prepared for Confirmation,

* Seventh, MS.
† November, MS.
‡ By ten o'clock in St. Clement danes church, MS.
§ King James—vnto him] and for the Queene, giuing vnto the King, 1629.
‖ touching the premisses] *Omitted*, 1629.
¶ *Art.* 5. *omitted*, 1629.
** admitted to the Communion—his parish] admitted any notorious Offenders or Schismetickes to the Communion, contrary to the 26 and 27 Constitutions, without satisfaction, by due course of Law before enioyned them, 1629.

* *Art.* 8. *omitted*, 1629.
† or his Chancellor] or by any other, and by whom?
‡ If yea, then you are to present him, and specifie the place where he hath so preached. *Added*, 1629.
§ 52] 51. 1629.
‖ last. *Added*, 1629.

and those which are confirmed for receiuing of the Communion? And whether be the children and ignorant persons sent at that time to the Church there to be instructed by the Minister? And if not what be their names that make default in not sending them?*

20. Whether hath your Minister without licence from the Archbishop, the Bishop of the Dioces, or his Chauncellor, solemnized marriage betwixt any parties, the banes not being three seueral Sundaies or holidaies first published in time of diuine Service, in the seuerall Churches or Chappels of their seuerall abodes, according to the booke of common praier and the 62 Canon? or without licence in time prohibited, albeit the banes were so published? Or at any time except betwixt the howres of 8 and 12 in the forenoone? And if any haue been otherwise married, or by any authoritie other then aforesaid, you shall present the Minister so marrying, the parties so married, and the authority whereby this was done.†

21. Whether hath your Minister since the last Canons published solemnized any marriage betwixt any persons, being vnder the age of 21 yeares, although the banes be thrice asked, before such time as the parents haue made knowne vnto him their consents thereunto, contrary to the 100 Canon?‡

22. Whether doth your Minister upon Sundaies at morning prayer declare unto the parishioners what holidaies and fasting daies are appointed to be kept the weeke following, according to the 64 Canon, whereby they may be put in mind to prepare themselues accordingly, & to repaire to Church to publicke praier, as by law they are bound?

23. Whether doth your Minister in the Rogation daies, vse the perambulation of the circuite of the parish appoynted by law? and in the same perambulation moue the people to giue thankes to God for his benefits, vsing such Psalmes, praiers, and homilies, as are to that end set forth?

24. Whether doth any man (being neither Minister nor Deacon) reade common prayer openly in your Church or Chappel or administer the Sacrament of baptisme, or solemnize matrimonie, or take upon him to practise any other ministeriall dutie in the Church, that is prescribed to be executed particularly by such as are either Ministers, or Deacons, and what is his name that so doth?

25. Whether doth your Minister euery sixe moneths denounce in his parish all such of his parish as doe perseuer in the sentence of excommunication, not seeking to be absolued? And whether hath he admitted any person excommunicate into the Church without a certificate of his absolution from the ordinary, or other competent Juge vnder his seale according to the Canons?

26. Whether doth your Minister being a preacher endeauour and labour diligently with mildnesse and temperance to conferre with, and thereby to reclaime the Popish Recusants in his parish from their errours, if there be any such there abiding? And whether they, or any of them doe refuse such conference with your Minister, or any other Preacher, who shall present vnto them his diligence in that behalfe.§

27. Whether is your Parson, Vicar, Lecturer, or Curate too much frequent, or ouer conuersant with, or a fauourer of Recusants, whereby he may bee suspected not to bee sincere in his Religion?

28. Whether hath your Minister or any other taking upon him the place of a Minister, preached, baptized children (vnlesse in case of necessitie) solemnized marriage, churched any women, or ministred the holy Communion in any priuate house or houses? If yea, then where? whom? when? and how often hath he so offended in any of the premisses?

29.‖ Whether when any person hath bene dangerously sicke in your parish, your minister (hauing knowledge thereof) hath not resorted to euery of them (if the disease were not probably suspected to be infectious) to instruct and comfort them in their distresse, according to the maner and forme appointed in the booke of common prayer, if he were no Preacher, & if he were a Preacher, then as he thought most conuenient? And whether when any parishioner hath bene passing out of this life, your Minister hath slacked to do his last dutie in that behalfe?

30.* Whether your Minister hath at any time refused or delayed to bury any corps that hath bene brought to the Church or Churchyard, conuenient warning hauing bene giuen to him thereof before, in such manner and forme as is prescribed in the booke of common praier.

31.* Whether doth your Minister carefully look to the reliefe of the poore? And whether hath hee from time to time diligently called vpon his parishioners to conferre and giue somewhat, as they may spare to godly and charitable vses, especially when they make their Testaments?

32. Whether hath your Minister taken vpon him to appoint any publicke or priuate fasts, preaching or lecturing† not approued and established by law or publicke authoritie? or hath he attempted vpon any pretence, either of possession or obsession,‡ by fasting and praier to cast out Diuels, contrary vnto the 72 Canon?

33. Whether doth your Minister vse such decencie and comelinesse in his apparell, as by the 74 Constitution is enioyned him, as well at home, as when he goeth abroade?

34.§ Whether your Minister ordereth the course of his lyfe answerable to his vocation, or vseth buying & selling or trading, or to hedge, ditch, or go to plough, or hath sollicited other mens suites for gaine, or imployed himselfe about other such businesse not beseeming or fitting his calling.

35. Whether do you know in your parish any that hauing heretofore taken vpon him or them the order of Priest hood, or of a Deacon, hath since relinquished the same, and betaken himselfe in the course of his life as a Layman, neglecting his vocation? If yea, then you shall present his name, and the place of his abode.

36. Whether is your Minister ‖ reputed to be an incontinent person, or to keepe in his house, or frequente the company,¶ of any man or woman that are suspected either to be of euill religion, or bad life? Or whether he is a common haunter of Tauerns, Alehouses, or any suspected place: or whether doth he board or lodge in any of them?** Or is he a common gamester, or plaier at dice, cards, tables,†† or other vnlawfull games? a common swearer, a drunkard, or one that applieth not himselfe in his study,‡‡ or faultie in any other crime, punishable by Ecclesiasticall censures, whereby he is offensiue and scandalous to his function or ministerie?

37. Whether doth your Minister vse the forme of thankesgiuing to women after their child-birth? and whether hath he admitted any thereunto that was begotten with child in adultery, or fornication, without licence of his Ordinarie? And whether haue any marryed wiues refused to come to Church, according to the booke of common prayer, to giue God thankes after child-birth? If any be faultie herein, you shall present their names.

38. Whether doth your Minister baptize any children in any Bason or other vessell, than in the Ordinary Font, being placed in the church, according to the 81 Canon, or doth vse to put any bason into it.

39.§§ Whether your minister, or any other that hath taken holy orders now silenced or suspended, or other person or persons, eyther of the ministerie or laitie, within or neer your parish, of your knowledge, or as you haue heard, hath beene at, or vsed to meete in anie barnes, fields, woods, priuate house or houses, and held priuate conuenticles or meetings: whether at any such meeting doe they or any of them preach, conferre or agree vpon any priuate orders for diuine Seruice, prayers, preaching or expounding the Scriptures, or that vse any other prayers, preaching or forme of diuine Seruice, other than such as is in the booke of Common prayer, and the Lawes established appointed, or that be drawers or perswaders of others to any such schismaticall conuenticles? if yea, you shall present them all and euery one of them, specifying their names, surnames, and qualitie or addition, and places of abode.

Articles concerning the Church.

1. Whether you haue in your seuerall Churches and Chappels, the booke of Constitutions or Canons eccleiastical, ready to be read by your minister according to his

---

* and those which are confirmed—sending them] *omitted*, 1629, *and*, according to the 90 Canon, *added*.

† or without licence—this was done] and that also betwixt the houres of eight & twelue in the forenoone, contrary vnto the 102 Canon? 1629.

‡ contrary vnto the 100 Canon] contrary to the 99 and 100 Canons: and whether hath he married any of another parish, and who are they, and by what authority, and when? 1629.

§ and whether they—behalfe] and whether is he painefull in visitation of of the sicke, according to the booke of Common Praier, and the Canons in that case provided? 1629.

‖ *Arts.* 29, 30, 31, *omitted in* 1629.

* *Arts.* 30, 31, *omitted in* 1629.

† preaching or lecturing] or prophesies. 1629.

‡ or obsession] *omitted*, 1629.

§ *Art.* 34. *omitted*, 1629.

‖ noted or defamed to haue obtained his Benefice by simony, or. *Added*, 1629.

¶ or frequente the company] *omitted*, 1629.

** or whether—of them] *omitted*, 1629.

†† cards, tables] *omitted*, 1629.

‡‡ or one—study] *omitted*, 1629.

§§ *This Article is as follows in* 1629, *where it is numbered* 28:—
Whether hath your Minister, or any other person or persons within your Parish vsed to meete in any priuate house or other place, and to hold priuate conuenticles contrary to the 73 Canon? If yea, then you shall present them all and euery one of them.

Maiesties pleasure, published by his Highnesse authority vnder the great Seale of England?

2. Whether is there in your Church or Chappell one parchment register Booke, prouided for Christnings, Marriages, and Burials? and whether is the same duely and exactly kept according to the Constitutions in that behalfe* prouided, and a transcript thereof brought in yearely within one moneth after Easter into my Lord Bishops principall Registrie?† and whether doth your minister vpon euery Sunday reade the names of all such as haue beene married, christened or buried the weeke before?

3. Whether haue you prouided the Booke of Common prayer lately commaunded by his Maiesties authority only to be vsed, and the booke of Homilies, and two Seruice Bookes,‡ and a large Bible of the last edition? And whether haue you in your church or Chappell a Font of stone set vp in the ancient vsuall place, a conuenient and decent Communion Table standing vpon a frame, with a carpet of silke, or some other decent stuffe, and a faire linnen cloath to lay thereon at the Communion time? And whether is the same then placed in such conuenient sort within the chancell or church, as that the minister may be best § heard in his prayer & administration and that the greater number may communicate? And whether are the tenne Commaundements set vpon the East end of your church or chappell, where the people may best see and reade them, and other sentences of holy scripture written vpon the walles likewise for the same purpose?

4. Whether haue you a conuenient seate for your minister to reade seruice in, together with a comely pulpet set vp in a conuenient place, with a decent cloath or cushion for the same, a comely large Surplesse, a faire communion Cuppe of siluer, and a couer agreeable for the same, with all other things and ornaments necessarie for the celebration of diuine seruice, and administration of the Sacraments, & a strong chest for the almes for the poore, with three lockes and keys, whereof the minister to keep one key, and another chest‖ for the keeping of the Ornaments of the church and Register Booke?

5.¶ Whether are your church or chappels with the chancels thereof, and your parsonage or vicarage house, and all other housing thereto belonging, in good reparations, and decently and comely kept, aswel within as without, and the seats wel maintained,** according to the 85 canon? If not, then through whose default, and what defects are: All these things in these Articles to be prepared according to the canons vnder the title appertaining to churches.

6.†† Whether your churchyard be well and sufficiently repaired, fenced, and maintained, with walles, railes, or pales, according to the 85 canon, and by whom? And if part be to be maintained by any particular persons, then you shall present how much, and what part euery such person hath, or is to maintaine and repaire.

7.†† Whether any person hath incroached vpon the ground of the churchyard? If any hath, then you shall present him, and specifie what quantity of ground he hath so incroached, and how the old and former fences stoode, and how they now stand and are fenced, and with what matter or stuffe.

8.†† Whether haue you in your church, or is there in the possession of your minister, or any other, person to your knowledge, or as you haue heard say, any auncient true note, or terrier of all the gleabes, lands, meadows, gardens, orchards, houses, stocks, implements, tenements, and portions of tithes, lying within or without your parish, which belongs to your parsonage or vicarage? If there be any such note or Terrier, then you shall present in whose hands it is, or hath of late remained; and if you can haue it, you shall shew the same, and exhibite a true copie thereof, together with your next presentment.

9.†† If you know not of any such Terrier made as is aforementioned in the former Article, then, whether since the year 1603, hath there in your Parish beene a true note or Terrier taken or made by the appoyntment of the Lord Bishops of London, or any of them for the time being, according to the eightie seuen canon, of all things mentioned in the same canon? And whether hath the same beene brought into my Lord Bishops registrie accordingly? If not you shall together with your parson, vicar, or in their absence or defect, with your minister, make diligent enquirie of all the premisses, and exhibite together with your presentment, a true note or Terrier of them in parchment subscribed or signed with your hands, specifying in whose tenure, possession, or occupation they, and euery of them are at this present, and how they are buttalled or bounded.

*Articles concerning Ecclesiasticall Officers.**

1. Whether do you know, or haue heard of any paiment, composition or agreement, to or with the Chauncellor, Register, or other inferior Officers Ecclesiasticall, for suppressing or concealing of any presentment, excommunication, or other Ecclesiasticall censure, of, or against Recusants to the Ordinarie, or for not seruing of processe without a summe of money, or other consideration, receuied or promised to any of them in that respect, and by whom?

2. Whether the Chancellor, Archdeacon, Commissary, Official, or any other vsing Ecclesiasticall iurisdiction within this Diocese, their Registers or Actuaries, Apparitors, or Summoners, haue at any time wincked at, and suffered any adulteries, fornications, incests, or other faults or offences presented vnto them, to passe and remaine vnpunished, and vncorrected, for money, rewards, bribes, pleasure, friendship, or any other partiall respect?

3. Whether is your Chancellor, and euery other inferior Ecclesiasticall Judge a master of Arts, or Batchellor of lawes at the least, and learned and practised in the Ciuill and Ecclesiasticall Lawes? a man of good life and conuersation, and zealously affected in Religion, and qualified according to the 127 canon? And whether hath he substituted any other to keepe court for him in his absence, but such as are qualified in like manner, as in the 128 canon is appointed: if yea then you shall present them both.

4. Whether doth the Chancellor, Commissaries, Archdeacons, or any their Officials, heare any matters of Office, or correction, priuately in their chambers, without the presence of the sworne Register, or his Deputie; or hath discharged any mans penance for mony, without the consent of the Lord Bishop, according to the constitutions: or do send any writing vnder their owne hands to your church, without the Registers presence at the doing of it, either for marriage of any couples, or for ending or ordering of any matter or penance?

5. Whether the Chancellor, Officiall, or Commissarie haue called for, or caused the churchwardens to make, bring or to pay for any more bills of presentment than is by the 116 canon appointed?

6. Whether hath any Chancellor, Commissary, Archdeacon, Officiall, or any other exercising Ecclesiasticall iurisdiction within this Diocese, or any Register, Apparitor, or Minister belonging to the same Ecclesiasticall Courts, exacted extraordinary or greater fees than heretofore of late hath beene accustomed: and whether is there a table of the rates of all fees set vp in their seuerall courts and Offices: Or whether they or any of them, haue taken vpon them the Office of Informers, or Promoters to the courts, or any other way abused themselues in their Offices, contrary to the Lawe and Canons in that case prouided?

7. Whether any Commissarie, Archdeacon or Officiall, hath, or doth commute or change anie penance or corporall punishment for anie money, and what money such Commissarie, Archdeacon or Officiall hath receiued, and of whom? when and what the offence was, for which any such summe of money was receiued or appoynted to be paid?

8. What number of Apparitors hath euery seuerall Judge Ecclesiasticall: And wherein, and in what maner is the country ouerburdned and grieued by the said Apparitors? And whether doth any of the saide Apparitors cause any parties to appeare in the saide courts without first a presentment or citation obtained from the Judge of the Court?

Articles concerning Schoolemasters.

1. Whether the Schoolemaister or Schoolemaisters within your parish, openly or priuately in any Noble or Gentleman's house, or in any other place, be of good and sincere Religion, life, and conuersation, and be diligent in teaching, and bringing vp of youth; and and (*sic*) whether they haue beene examined, allowed, and licensed for Schoolemasters, by the Lord Bishop of London, or his Chancellor, Ordinaries† in that behalfe: and how many seuerall Schoolemaisters haue you, and what be their names?

2. Whether your Schoolemaister or Schoolmaisters doe themselues receiue the holy Communion as often as they ought to doe? and whether doe all their Scholers, which be of age sufficient, and of capacitie by instruction to receiue the Lords Supper, come to the communion either

* behalfe] case. 1629.
† Registrie] Registers Office. 1629.
‡ Seruice bookes] Psalters. 1629.
§ best] *omitted*, 1629.
‖ for the almes—another chest] *omitted*, 1629.
¶ *The following Article is added here in* 1629:
5. How many Bells are there at this present hanging in the Belfree of your parish church? and how many haue there beene heretofore? whether any of your said bels haue beene taken down and sold, or made away, and what other church goods are now wanting in your said church?
** your churchyards well fenced and kept without abuse. *Added*, 1629.
†† *Arts.* 6–9 *wanting in* 1629, *and the following substituted for* 8 *and* 9:—
7. Whether haue you since the last *Metropoliticall Visitation* of the Most Reuerend Father, the now Lord Archbishop of *Canterbury* taken a true Terriar of all the Glebe land, houses, Tenements, Orchards, Gardens, and portions of Tithes (whether within your Parish or without) belonging to your Parsonage or Vicarage, and deliuered the same into the office of the Register of this Diocesse?

* *The whole of this section is omitted in* 1629.
† Lord Bishop —— ordinaries.] Ordinary. 1629.

in your church, or where their parents dwel, once euery yeare, and be diligent to heare common prayer?

3. Whether the Schoolmaister or Schoolmaisters, either priuate or publicke, doe teach their Scholers the catechisme authorized by publicke authoritie, at the least once euery weeke, and doe instruct and examine them in the same, or doe teach anie other catechisme: and what catechisme is it that they doe so teach?

4. Whether your Schoolemaister or Schoolemaisters, or any of them be knowne or suspected to reade vnto their Scholers priuately any unlawfull Bookes? or priuately to instruct them in their yong yeares, either in Poperie, superstition or disobedience, or contempt of his Maiestie, and his Lawes Ecclesiasticall, by publique authoritie allowed?

5. *Whether your Schoolemaister or Schoolemaisters, or anie of them, vnder pretence of catechising their Scholars, which is a most godly order carefully by them to be obserued, doe keepe Lectures, readings, or expositions of diuinitie in their houses, hauing repaire vnto them of people, not being of their owne familie and houshold?

6. What Recusant Papists there are in your Parish, & whether doe any of them, or any other keepe any Schoole maister in their house which commeth not to Church to heare diuine Service, and receiue the Communion? What is his name, and how long hath he taught?

7. Whether your Schoole-master, or Schoole-masters, within your Parish, doe teach his or their Schollers any other Grammar than that which is commonly called the King's Grammar, set forth by the authoritie of King *Henrie* the eighth; teaching the prescript forme thereof, whereby their Schollers may perfectly vnderstand their Grammar rules and constructions?

8. †Whether are your Schoole-masters negligent in instructing their schollers in the Catechisme, and grounds of Religion and in bringing them to the Church to hear diuine seruice and sermons? And whether are they common Officers, Farmers, Artificers, or otherwise entangled in other affaires, that they cannot benefit their schollers in learning?

Articles concerning Parishioners, and others of the Laitie.

1. ‡Whether any in your Parish, or elsewhere neare about the same, to your knowledge, or as you haue heard, hath affirmed that the King hath not the same authoritie in al causes Ecclesiasticall, which the Kings and Christian Emperors had in the primitive Church? or that haue impeached or gaine said his Royall supremacie?

2. Whether doe you know or haue credibly heard of any within your Parish, that depraue the Christian Religion, and namely as it is established by publike authoritie, & professed within the Church of England? And whether hath any person, as you haue heard, affirmed that the Church of England is not a true Catholike and Apostolike Church, and doth not teach and maintaine the Catholike Faith and Doctrine of the Apostles?

3. Whether any hath said or affirmed that anything in the booke of Common praier, or in the booke of Articles set forth by the Conuocation, *Anno Domin.* 1562. Or any of the rites and ceremonies of the Church of England, in, or by the same appointed, are corrupt, wicked, Antichristian, superstitious, vnlawfull, or repugnant to the Scriptures? or that any of the said Articles may not with a good conscience be subscribed vnto, or any of the said ceremonies may not with a good conscience be approued, vsed, or subscribed vnto?

4. Whether haue any affirmed, preached, or taught, that the forme of making and consecrating Bishops, Priests, and Deacons, or any thing therein contained, is repugnant, or not agreeable to the Word of God: Or that the Bishops, Priests, and Deacons, so made, are not to be accompted for Bishops, Priests, or Deacons, or ought to be ordained in any other forme: Or that the gouernement of the Church by Archbishops, Bishops, or others that beare any office therein, is Antichristian, or not agreeable to the word of God?

5. Whether any persons haue lurked or tippled in Tauerns, or Alehouses on Sondaies, or other Holy-daies, or vsed his, or their* manuell craft, trade, or mysterie, or any bodily labour,† or keepe their shops open vpon the said daies, or any of them, especially in the time of diuine service? or suffered his or their seruants to sell any wares or victualls in that time, or to offend in any of the premises?‡

6. Whether are there any in your Parish that doe, or haue prophaned (since his Maiesties last generall pardon) the Lord's day called Sonday, or other Holy-day contrarie to the orders of the Church of England, prescribed in that behalfe?

7. Whether hath any person in your Parish quarrelled or stricken, or vsed any violence vnto, or with your Minister, or any other, in the Church or Church-yard, or vsed himselfe disorderly in the Church, by filthie and prophane talke, or any other rude and immodest behauiour?

8. §Whether is that due reuerence, and humble submission vsed within your Church or Chappell in the time of diuine Seruice, as by the eighteenth Constitution is prescribed? And whether each one in the Church or Chappell, doe apply and order himselfe there in the time of diuine seruice, as by the latter part of the same Constitution is most commendably enioyned?

9. Whether the Church-wardens and Side-men doe euery Sonday and Holy-day diligently search, who absenteth himselfe or herselfe, from Church? and whether doe they suffer any to abide in the Church-porch, or Church-yard, in the time of common Praier or Sermon?

10. Whether the Church-wardens doe prouide against euery Communion, with the advice of the Minister, a sufficient quantity of fine white bread, and of good and wholesome wine, for the number of the Communicants that shall receiue; and that to be brought in a cleane and sweet standing pot of pewter or other pure mettle?

11. Whether haue any in your Parish beene God fathers or God-mothers to their owne children? Or whether your Minister, or any God-fathers or God-mothers haue vsed, or doe vse any other forme, answere, or speech in Baptisme, than is in the booke of common Praier appointed: Or doe giue the children baptised any name absurd, or inconuenient for so holy an Action:‖ Or whether any which haue not communicated, be admitted to bee God fathers or God-mothers, contrarie to the 29 Canon?

12. Whether is there any in your Parish that doe refuse to haue their children baptized, or themselues to receiue the Communion at the hands of your Minister, because he is no Preacher? you shall present their names.¶

13. Whether doe all Fathers, Mothers, Masters, and Mistresses, cause their Children, Servants, and Apprentises, to come to the Catechisme vpon the Sondaies and Holydaies before euening praier to heare and to be instructed and taught therein? and those that do not their duties herein, you shall present their names.

14. Whether haue you or your Predecessors Church wardens there suffered, since the last pardon, any plaies, feasts, banquets, Church-ales, drinkings, or any other prophane vsages to be kept in your Church, Chappels, or Church-yard, or bells to be rung superstitiously vpon Holydaies, or Eues, abrogated by the booke of common Praier, contrarie to the 68 Canon?

15. How many Inhabitants within your Parish, Men or Women, aboue the age of sixteene yeares, doe refuse to frequent diuine Service, established by publique authoritie of this Realme, or to receiue the holy Communion, or are negligent therin? or comming to Church doe depart before the end of diuine Seruice or Sermon? what be their names, and of what degree, state, or trade of life are they? you are to present them all of each sort.

16. Whether doe any of the Inhabitants within your said Parish, entertaine within their house any soiourners, lodgers, or any common resorters and guests, who refuse to frequent diuine Seruice, or receiue the holy Communion,

---

* *Art.* 5 *omitted*, 1629.
† *Art.* 8 *omitted*, 1629.
‡ *Arts.* 1—4 *run as follows in* 1629:—
1. Whether is there any within your parish, that hath or doth impugne the Kings Maiesties supremacie and authoritie, in causes ecclesiasticall, or doe any way, or in any part impeach the same, being restored to the Crown by the Lawes of this Realme established in that behalfe?
2. Whether is there any in your parish, that denieth the Church of England, by Law established vnder the Kings most excellent maiestie to be a true and Apostolicall Church, teaching and maintaining the doctrine of the Apostles?
3. Whether is there any in your parish, that doth impugne any of the Articles of Religion agreed vpon *Anno* 1562, & established in the Church of *England*?
4. Whether is there any in your parish, that impugneth or speaketh against the Rites and ceremonies established in the Church of England, or the lawfull vse of them? you shall present their names.
5. Whether are there any in your parish that doe impugne the gouernment of the Church of England vnder the Kings most excellent maiestie by Archbishops, Bishops, Archdeacons, & the rest that beare office in the same? affirming that the same is Antichristian or repugnant to the word of God?
6. Whether is there any in your parish that doth impugne the forme of consecrating and ordaining of Archbishops, Bishops, Priests and Deacons: affirming that the same is repugnant to the word of God, or that they who are so ordered in the same forme are not lawfully made?
7. Whether is there any in your parish that doth hold or frequent any conventicles or priuate meetings, and there doe conferre, to agree vpon any private orders, other than such as are by the Canons set forth by the publique authority, to be by them or any others in Church goverment (*sic*) obserued.

* their] her. 1629.
† or mysterie——labour.] *Omitted* 1329.
‡ or suffered — premises.] *Omitted*, 1629.
§ *Arts.* 8, 9, *run as follows in* 1629:—
11. Whether is there any that (contrary to the 18 Constitution) sitteth covered in the Church or Chappell in time of divine service, and that doth not stand vp at the saying of the Beliefe; and whether is that due and lowly reverence yeelded and done by every person to the name of Iesus as is required by the said Constitution, and those orders obserued as in the later part of the same Constitution are set down and prescribed?
12. Whether the Churchwardens and Questmen from time to time, do their diligence, in not suffering any idle persons or loyterers, to abide either in the Church-yard or Church-porch in Service or Sermon time, but causing them either to come into the Church, to heare divine seruice, or to depart, and not disturbe such as are hearers there?
‖ or doe give——action.] *Omitted* 1629.
¶ and if your Minister sithence the publishing of the said booke of Canons, haue receiued any such persons (being not of the same cure) to the communion, or baptized any of their children, you shall likewise present him? *Added* 1629.

as aforesaid? What be their names, and of what qualitie or condition are they?

17. Whether any of the said Popish Recusants be of insolent behauiour, not without publike offence, or doe boldly busie themselues, in seducing, or with-drawing others, either abroad or in their owne families, by instructing their children in Popish Religion, or by refusing to entertaine any, especially in place of greatest seruice or trust, but such as concurre with them in opinion of Religion? and what be their names that so doe?

18. How long the said Popish recusants haue obstinately abstained either from diuine Seruice, or from the Communion, as is aforesaid, whether of any long time, or only since his Maiesties raigne, and how long?

19. *Whether there be any Popish Recusants married,'the child of any Recusant christned, or any Recusant buried within your Parish, by any other than the Minister of the Parish, or whether the child of any Recusant remaine vnbaptized, aboue one moneth, or be not baptized in the Parish Church?

20.* You shall present, how the children of such, as refuse to come to Church, are brought up, vnder what Schoole-master, or Tutor, where, and in what Schoole or place.

21. What persons aforesaid within your Parish, either for the offence aforesaid, or for any other contumacie or crime, doe remaine excommunicated? what be their names? and for what cause? and how long haue they so stood excommunicated? And whether any do familiarly use the companie of such as doe obstinately stand excommunicate, knowing the same? and what be their names?†

22. ‡Whether the Church-wardens at the end of their yeare, giue vp in writing a iust account before the Minister and Parishioners, of their receipts and disbursments, and deliuer the residue by Bill indented to the next Church-wardens? And whether at any time heretofore the Church-wardens, or the Ministers, or the Parishioners, or any of them to your knowledge, or as you haue heard, haue with-held or detained in their custodie, or haue sold, wasted, spent, or otherwise alienated any of the Church goods or stock?

23. Whether doe all persons aboue the age of sixteene yeares vsually resort to heare diuine seruice vpon Sundaies and Holydaies approued? and whether hath each one of your Parishioners (being aboue the age of sixteen yeares, as aforesaid) receiued the holy communion thrice this last yeare, chiefly once at Easter, in your Parish Church kneeling? If no, then you shall present their names, which haue not so done?

24. Whether haue you a fit parish Clerke, aged twentie years at the least, of honest conuersation, and sufficient for reading and writing? and whether he be paid his wages without fraud, according to the most ancient custome of your Parish? if not, then by whom is hee so defrauded and denied? and whether hee bee chosen by the Parson or Vicar, or by whom, according to the 91 Canon?§

25. Whether haue any in your Parish beene married within the prohibited degrees, forbidden by the Law, and expressed in a certain Table published by authoritie in *Anno* 1563. If yea, then you shall present their names? and whether haue you the said Table publikely set vp in your Church, and fastened to some conuenient place?

26. Whether doth any heretofore diuorsed, or married, and not diuorsed,‖ keepe companie at bed and board as man and wife with any other man or woman, then with the person that hee or shee was married vnto? ¶and what bee their names? If the parties, now so liuing together, say that they be married? **When, and where were they married? and how long haue they so continued together?

27. Whether haue you in your parish to your knowledge, or by common fame and report, any which haue committed Adulterie, Fornication, or Incest, or any Bawdes, harborers, or receiuers of such persons, or publikely suspected thereof, which haue not beene publikely punished to your knowledge? if yea, then with whom? and whether are there any, which are by common fame and report reputed and taken to bee common Drunkards, Blasphemers of Gods holy name, common and vsuall swearers, filthy speakers, railers, sowers of discord among their Neighbours, or speakers against Ministers Marriage, Vsurers, contrarie to the Statute made in the seuen and thirtieth yeare of King *Henrie* the eight, *Symoniacall persons, fighters, braulers, or quarrellers in Church or Churchyard? you shall not faile to present their names.

28. Whether haue any in your parish receiued or harboured any woman gotten with childe out of wedlock, and suffered them againe to depart without penance first inflicted vpon them by their Ordinarie? you shall truly present as well the partie harbouring as harboured, and who is suspected to haue committed incontinencie with her. And whether you or the Church wardens or side-men, haue heretofore presented them? and to whom, and whether they haue beene punished? if not, in whom the fault was that they were not presented or punished?†

29. Whether any person or persons suspected or detected heretofore of incontinencie, and therefore departing out of your Parish for a season, is now returned againe? or in what place else is hee or shee now abiding to your knowledge, or as you haue hearde? you shall not faile to present the whole truth in that behalfe.

30. Whether there be any person or persons Ecclesiasticall or Temporall within your Parish, or elsewhere, within this Dioces, that haue retained and kept in their custodie, or that reade, sel, vtter, disperse, carrie, or deliuer to others any English or Latine‡ bookes, or Libels, set forth or printed, either on this side or beyond the Seas, by Papists or Sectaries against the King's Supremacie in causes Ecclesiasticall, or tending to Poperie, Puritanisme, or any other Sect, Errour, or Heresie,§ against true Religion and Catholike doctrine, now publikely professed in this Church, or the gouernement or discipline of the Church of England, now within this Realme receiued, and established by common authoritie, that you know or haue heard of,‖ what their names and sirnames are?

31. Whether there bee any in your Parish who are¶ knowne or suspected to conceale, or keepe hidden in their houses any Masse-bookes, Portesses, Breuiaries, or other bookes of Poperie or superstition: or any Chalices, Copes, Vestments, Albes, or other ornaments of superstition, vncancelled, or vndefaced; which is to bee coniectured, that they doe keepe for a day, as they call it.

32. **Whether haue you any in your Parish to your knowledge, or as you haue heard, which heretofore being Popish Recusants, or Sectaries, haue since conformed themselues and come to Church to heare diuine Seruice, and receiue the Sacrament? If yea, then who they are? And how long sithence haue they so conformed themselues? and whether doe they still abide in that conformitie?

33. Whether are there in your Parish any Wills not yet proued, or goods of the dead dying intestate, left vnadministered by the authoritie of the Ordinarie in that behalfe? And whether any possesse the goods of any person deceased, without authoritie from the Ordinarie? You shall not faile to present the Executors, and all others faultie and culpable therein.

34. Is there any Legacie giuen to the Church, or to other good and godly vses, as reliefe of the poore, Orphans, poore Schollers, poore Maidens marriages, Schooles, High-waies, and such like, which is not yet performed? If there be any such, you shall present what you know or can learne thereof, and by whose default the same is not performed?

35. Whether any of your Parishioners hauing a Preacher to their Parson, Vicar, or Curate, doe absent themselues from his Sermons, and resort to any other place to heare other Preachers, or refuse to receiue the holy Communion at his hands for the same respect? And whether any other Minister hath receiued to the Communion any of your Parish? and specifie the names both of the Minister and parishioner.††

36. Whether there be any Inne-keepers, Ale-wiues, Victullers or Tiplers, that suffer or doe admit any person, or persons in their houses, to eate, drinke, or play at Dice, Cards, Tables, Bowles, or such like games, in the time of common praier or Sermon, on Sondaies or Holy-daies: Or any Butchers, or other that commonly vse to sell meat or other things in the time of common praier, preaching, or reading of Homilies? And whether in any Faires or common Markets, falling vpon Sondaies, there be shewing of any wares before morning praier be done? And whether any Markets or selling of wares bee vsed, or suffered in any Churchyards on the Sabath day by common pack-men and pedlers going about, or any Butchers?

37. Whether hath your Minister, or any of the parish without the consent or priuitie of the Ordinarie, caused any to doe penance, or be punished either openly or otherwise, for any crime punishable by the Ecclesiasticall lawes only,

* *Arts.* 19, 20, *omitted.* 1629.
† And whether — names.] *Omitted* 1629.
‡ *The following Art. is substited in* 1629:—
23. Whether were you the Churchwardens and Questmen chosen by the consent of the Minister and Parishioners in Easter weeke, according vnto the 89 and 90 Canons, and whether haue the Churchwardens before you, giuen up a iust account for their time, and deliuered to you their successors, whatsoeuer money or other things of right belonging to the Church, which was in their hands, according to the 89 Canon?
§ Is the Parish Clarke approued by the Ordinary, and doth he keepe the Church cleane and the doores lockt, is he diligent and seruiceable to the Minister? *Added*, 1629.
‖ or married — diuorsed.] *Omitted*, 1629.
¶ man or — married vnto.] *Omitted*, 1629.
** If the parties — married.] *Omitted*, 1629.

* seuen — eight.] 22 yeare of our late soueraigne K. *James*. 1629.
† And whether — punished.] *Omitted*, 1629.
‡ or Latine.] *Omitted*, 1629.
§ tending — Heresie.] *Omitted*, 1629.
‖ that you — heard of.] *Omitted*, 1629.
¶ noted.] *Added*, 1629.
** *Arts* 32, 33, 34, *omitted*, 1629.
†† or refuse — parishioner.] *Omitted*, 1629.

and what be the names of the parties that haue beene so punished, and in what manner?

38. Whether there be any in your parish, who will come to heare the Sermon, but will not come to the publike praier, appointed by the booke of common praier, making a schisme or diuision (as it were) between the vse of publike praier and preaching? and whether there be any who being present at publike praier, doe not deuoutly and humbly kneele vpon their knees, at such times as by the booke of common praier they are appointed: to wit, when they make a generall confession of their sinnes: when all praiers and collects are read: in the time of the Letanie: when the ten Commandements are read: and at the receiuing of the holy Communion, &c. And what be their names that haue at any time shewed themselues vndutifull and vnreuerent in that behalfe?

39. Whether there bee any married women, or others within your parish, which after child-birth refuse, contemne, or neglect to come to the Church to giue God thanks for their safe deliuerie, and to haue the praiers publikely appointed on that behalfe by the booke of common praier?

*40. Whether any doe keepe their children unbaptized longer than is conuenient, vnlesse that it be for the sicknesse of the child or other vrgent occasion? And whether any doe carrie their childe or children from the parish they are borne in, to other parishes, to be baptised, and so refuse their owne parish? and to what other parish, and who baptized any childe or children so carried from your parish, and whose childe was it?†

41. Whether any doe bring strange Ministers into their owne houses to baptize their child priuately, according to their owne fantasies? or receiue any child or children borne elsewhere, to be baptized in your parish? If you know any such, then who receiued any such, and whose child or children were so baptized? and what was the name of the child, and who baptized it? and whether you know of your owne knowledge that the parents were married together, and where?‡

42. §Whether doe you know, or haue heard of any patron or Aduowsoner in your parish, that haue made a gaine by any colour, deceipt or symoniacal part in bestowing his benefit, for, or receiuing, mony or promise of the lease of the whole, or part, or by reseruing his owne tithes, or any pension to himselfe, or any other?

43. Whether the Almes houses, Hospitals, and Spittles for poore people that are in your parish, be well and godly vsed, according to the foundations and ancient ordinances of the same, and whether there bee any other placed in them, then poore impotent and needie persons, that haue not wherewith or whereby to liue?

44. How many Mid-wiues haue you in your parish which do exercise that office, how long they haue so done, and by what authoritie? And what be their names? Of what skill are they accounted to be of in their office or vocation?

45. How many haue you in your parish that doe practise as phisitions or Chirurgions, and are so reputed? How long they haue so done, by what authoritie, of what skill are they accounted to bee in their profession?

46. Whether doe you know of any other matter of Ecclesiasticall cognizance worthy the presentment in your iudgement, heretofore in these Articles not expressed, and which is fit to bee reformed in Ecclesiasticall censure?‖ If you doe, you shall likewise present the same by vertue of your oathes.

Admonition.

And, for that in great Parishes, where diuers doe come in great multitudes to receiue the Communion, whereof some do stand excommunicate, it were fit that a note should bee kept in writing in euery such parish, of all persons excommunicated, which may bee pervsed by the Minister when hee is to minister the Sacrament, thereby to put him in remembrance, who they bee that are excommunicate, that such be not admitted thereto.*

At the deliuerie of your Bill of presentment, at the time and place aboue set downe, you are likewise in the said Bill, to set downe the names of all such as haue beene buried at any time since the 18 of Iulie 1612,† being Men, Maides, or Widdowes: and likewise the Minister, Church-wardens, and Side-men of euery Parish, must in the end of their said Bill of presentment, set downe besides their presenting which they make of all Recusants, and non-Communicants, this note following:

Recusants Men - - - -
Recusants Women - - - -
Non-Communicants of both sexe - -
Communicants of both sexe in the whole Parish

So setting downe the number of euery one, the Minister, Churchwardens, and Side-men must put their handes to this note.‡

SHARPE, ARCHDEACON OF BERKS, 1615.

Articles Ministred In the Visitation of the Right Worshipfull Mr. Doctor Sharpe Archdeacon of Barkeshire, in the yeare of our Lord God 1615.

Printed at Oxford by Joseph Barnes Printer to the Vniversity. 1615.

The Chvrch or Place of common prayer.

Imprimis, whether your Chancell, and Church or Chappell be sufficiently repaired, aswell in stone, timber, lead, tyle, glasse, as all other necessary things, and if they bee not, through whose default the same is omitted?

2. Whether your Churchyard be sufficiently fenced and decently kept, and the trees therein growing not spoiled, if not in whose default?

3. Whether the wals of your Church, bee within whited, and beautified with fruitfull sentences out of the holy Scriptures, and paued comely in the body of the Church and Chauncell, and convenient seates placed in the Church and Chancell, for the necessary vse of the parishioners in time of diuine service?

4. Whether you haue in your parish Church and Chappell, all things necessary for the setting forth of common prayer, and the administration of the Sacraments: namely the booke of common prayer lately set forth by his Maiesties authority, the English Bible in the largest volume, the two Tomes of Homilies; and whether are the ten Commandements set vpon the East ende of your Church or Chappell where the people may best see and reade them: a convenient Pulpit well placed, a decent table standing on a frame, for the holy communion, with a faire linnen cloath to lay vpon the same, and some covering of silke buckerome, or other such like, for the cleane keeping thereof, a comely communion cup of silver, with a cover of silver for the same, a decent surples with large sleeues, a register book of parchment of christnings, weddings and burials according to the 70. Constitution, a Font fastned in some convenient place of the church sweet and decently kept, a sure coffer with three locks and keyes for the keeping of the said Register booke, and a strong chest or box with three locks and keys to put in the almes, and other things belonging to the premisses?

5. Whether your church and chancel be kept cleane and decently, at all times, and especially against time of divine service, by such as are especially appointed for the purpose? and whether is your Chancell well paued or no?

The service and sacraments vsed in the Church.

6. Whether doth your Parson, Vicar, or Curate, or any other within your parish, or elsewhere neere about the same within the Archdeaconrie of Barkshire, to your knowledge, or as you haue heard by common report, vse the ministration of the Lords supper, and Baptisme, instruction of children, solemnization of matrimony, the visitation of the sicke, the buriall of the dead, and the churching of women, in such manner and forme and order and with such manner of words, as are set forth and prescribed in the booke of common prayer. If not, then what other forme or manner doth he or they vse in the premisses, or any of them? And doe not they vse the ring in mariage, and crossing the childes head in Baptisme?

7. Whether your Parson, Vicar, or Curate, or any other within your Parish or else where, neere about the same, within the Archdeaconry of Barkshire, to your knowledge, or as you haue heard by common report, haue preached, declared, vttered, or spoken any thing against the said booke of common prayer, or any thing therein contained, or against any doctrine, office or calling ecclesiastical within this Realme, established by publique authoritie, or against the ordination or election of Archbishops, Ministers, Dea-

---

* *The following Article is added here in* 1629:—
38. Whether any within your parish, doe resort into Barnes, Fields, Woods, priuate houses, or to any extraordinary exposition of Scriptures, or conferences together; or that be drawers, or perswaders of others, to any such Schismaticall conuenticle?
† and to what —— was it.] *Omitted,* 1629.
‡ or receiue any child —— and where.] *Omitted,* 1629.
§ *Arts.* 42–45 *are omitted, and the following Articles added in* 1629:—
40. Whether haue you knowne or heard any Fidler or Minstrels, or any other person, which goe vnder the name of Musitians, and Weites which either at Weddings, Churchings, or any other Feasts, or meetings, haue sung, or vse to sing any Songs, Ballads, or Rimes, tending to the disgrace of Religion, or the Ministers thereof; or tending to the prophanenesse, or the corruption of good manners? You shall truly present the names of such, if you know them or can learne them, as also the names of housholder or housholders in whose house or houses they haue sung such songs, as also the particular names of them before whom they haue sung them.
41. Whether doth every housholder dwelling within halfe a mile of his parish Church vpon Wednesdaies and Fridaies duly come or send one at the least of his houshold fit to ioine with the Minister in praiers according to the 15 Constitution?
42. Whether doe the Surveiers of your high waies looke diligently to the mending of the Church-waies: and whether the said waies bee at the time of the yeare sufficiently mended, that the Parishioners may conveniently come to church from all places of the Parish in winter time?
‖ in eccles. censure.] *Omitted,* 1629.

* and for that —— thereto.] *Omitted,* 1629.
† 18 Iul. 1612.] the last Visitation, 1629.
‡ and the old Churchwardens are to be chosen Sidemen.] *Added* 1629.

cons, or any of them, and what was the thing, or fault found, vttered, declared, or preached, and by whom?

8. Whether haue you aswell vpon Sundayes, and Holydaies as vpon Wednesdaies, Fridaies, and Saterdaies, service in your Church or Chappell, according to the order, appointed by lawfull authoritie, and whether doth your Minister in time of divine service and at the ministration of the sacraments alwaies vse and weare the surplesse?

9. Whether your Parson, Vicar, or Curate, doe every Sunday when there is no sermon, reade plainely some part of the Homilies prescribed to be read. Or whether any of them not being found to haue sufficient ability to preach or not lawfully admitted therevnto do take vpon them to expound any part of the scripture, and thereby omit the reading of Homilies?

10. Whether any doe presume to say service in your Church or Chappell openly, who is not a lawfull Minister and sufficiently licensed by the Ordinary of this Archdeaconry, vnder the seale of his office?

11. Whether doth your Minister preach vsually according to the constitutions: either in his owne cure with you, or else in some other Church, or Chappell neere adioining where no preacher is? or how often hath he bin negligent in this behalfe?

12. Whether is your Minister, a preacher allowed, if yea; then by whom? if not, whether doth he procure sermons to be preached among you, once in euery month at the least, by such as are lawfullie licenced?

13. Whether hath your Minister an other benefice, and whether doth he supply his absence by a Curate that is sufficiently licenced to preach in that cure of his, whereon he himselfe is not resident? Or otherwise in case he doth not finde a preaching Minister there, by reason of the smalness thereof? whether doth hee preach at both his benefices vsually himselfe?

14. Whether doth your Minister euery sixth moneths denounce in his parish all such of his parish as doe perseuere in the sentence of excommunication, not seeking to be absolued, and whether hath hee receiued any excommunicate person into Church without a certificate from the Ordinary?

15. Whether hath your Minister, or any other vnder pretence of liberty or priuiledge, or whatsoeuer else excuse, preached, baptized children (except in time of great necessitie as in the 69. Canon), solemnized mariage, church any woman, or ministred the holy communion in any priuate house or houses, except vpon speciall cause allowed, yea or no? if yea, then where, whom, when, and how often hath he offended in any of the premises?

16. Whether the communion be administred monthly, where the parishes be great, or else so often euery yeare as that the parishioners may receaue three times at the least yearely?

17. Whether your Minister hath vsed the forme of thankesgiving for any woman after child-birth being vnlawfully begotten with child otherwise then in a forme of a penitent person, viz. in a white sheet or other habit, prescribed by the Ordinarie, or vpon any other day then a sunday or holy day: or before sufficient caution taken, that she should not depart the Parish till shee should performe such penance as should be enioined by the Ordinary.

18. Whether any receiued the holy Communion in any other place or Parish, forsaking their owne Parish? And whether any children haue been baptised in any other parish or place, then there where they were borne?

19. Whether any hath been admitted as Godfather, or Godmother, that had not before that time receiued the Communion?

The office and function of Ministers and Schoolmasters.

20. Whether doth your Minister, or Curate, serue more then one Church or Chappell in one day, except that Chappell be a member of the Parish Church.

21. Whether doth your Minister once every yeare reade the booke of Canons or Constitutions openly in your Church vpon some sonday or holy day?

22. Whether doth your Minister every Sunday and Holy day before evening prayer, for halfe an houre and more examine and instruct the youth and ignorant persons in his parish of the ten Commaundements, Articles of beleefe, and in the Lords prayer, as also in the Catechisme set forth in the book of common praier? And whether doe all fathers, mothers, masters and mistresses, cause their children, servants, and apprentises to come thither to heare and to be instructed and taught therein accordingly as it is prescribed in the 59 Constitution. And if either Minister, or any of the rest of your parish be faultie or negligent therein, you shall not spare to present them howsoever, viz. the Minister for his negligence in not taking paines and the housholders with their servants for their carelesnesse in not sending, or comming, or refusing to learne?

23. Whether there be within your Parish, or elsewhere neere about, any preaching, reading, or other such like exercise, in any private houses, whervnto others do resort, not being of the same family. And whether any do preach, read, or catechise in the church, or elsewhere, that doth not at divers times yearely say service, and minister the sacraments according to order appointed by publique authority? Private exercise of religion.

24. Whether the Register of all weddings, buryings, and christenings within your Parish be well kept, and a copy of the same once every yeare by Indenture presented to the Ordinarie? Register.

25. Whether in the weeke before Whitsontide, commonly called Rogation weeke, your perambulation be kept by your Minister with a sufficient number of the parishioners of all sorts, aswel of the Elder as younger sort, for the better knowledge of the circuits, and bounds of the parish, with praiers for the better increase of the fruits of the earth, according to the order in that behalfe provided?

26. Whether the Mansion houses of your Parsons and Vicars be kept in good reparation, and whether hath your Parson or Vicar bin absent from among you aboue eighty daies in any one yeare at al, not being lawfully qualified and dispensed withall?

27. Whether your Minister be suspected to be guilty of any notorious crime, as Symony, adultery, blasphemy periury, drunkennes, idlenes, vnseemly and vaine talke, and whether he be scandalous in his conversation, through brawling, fighting, quarelling, peace breaking, vnlawful games, or haunting of places suspected, and not of good report and whether your Parson or Vicar be known, suspected, or reported to haue bought his benefice or come to it by any simoniacal compact made either by himselfe or others, directly or indirectly, or do let out his living or any part thereof to any, in consideration that hee hath obtained the same? Haue an especial care of this article.

28. Whether your Parson, or Vicar not resident vpon his benefice, being able yearely to dispend aboue twentie pounds by the said benefice, hath yearely given, distributed to the reliefe of the poore and impotent of your Parish the fortieth part of his said benefice?

The office of Churchwardens, and duties of the Parishioners [sic.]

29. Whether your Schoolemasters, and other teachers within your parish, be allowed by the Ordinary? And whether they do teach their schollers the catechisme, and do encourage them to loue true religion, and do cause them daily, morning and euening, to ioine togither in prayer vnto God, for increase of learning and of other his good graces? and whether they do instruct them to say grace before and after meate?

Of Matrimonie.

30. Whether any haue bin maried within your parish that haue not had their banes asked three seuerall Sundaies or Holydaies in time of diuine seruice in the presence of the people, vnlesse the same haue beene lawfully licenced by the Ordinary, vnder the seale of his office, and with such bands, as are vsually taken in like cases?

31. Whether any haue beene maried within your parish, that haue dwelt in other parishes, without a certificate of the banes asking from the Minister, or Curat of the parishes, where the said parties or any of them haue dwelt. And whether any mariage haue been solemnized in any other place, then in the Church, or at any time of the day that is not lawfully vsuall, or in the night.

32. Whether your Churchwardens are chosen yearely in the Easter week, and whether haue the Churchwardens your predecessors euery yeare in the Easter weeke, or within a moneth after at the most, before the Minister and the parishioners giuen vp a iust accompt in writing of all such money as they haue receiued and laid out to the vse of the poore, or of the Church: and then haue brought in and laid downe, and deliuered to the said parishioners whatsoeuer mony, or other things remained in their handes, that by the said parishioners it may be deliuered to the next Churchwardens by bil indented?

33. Whether they doe levie for not comming to Church, to heare divine service vpon Sundaies and Holydaies, xii d. for everie person that is absent without lawfull cause, and whether hath the same bin bestowed vpon the poore as it ought or not, and whether the Churchwardens themselues haue absented themselues, or bin negligent in their duty, or in frequenting diuine seruice, and whether do your Minister admonish the Churchwardens openly in the Church at morning and euening praier to looke to their charge in this behalfe?

34. Whether they doe faithfully distribute the stocke of the poore mans boxe, and are carefull to call for, and to gather all such money, as is due vnto the Church, or to the poore of the Parish, either by Legacie, or by such as are buried in the Church, or by other meanes, and whether

haue any of your churchwardens within these three yeares last past concealed any crime or other disorder in their time done in your parish and haue not presented the same?

35. Whether your parish Church, or chappell haue thereunto belonging, any lands, rents or stocks of mony, cattle or other goods and whether they be well preserued and kept without any diminution, or losse thereof; how are they imployed? where and in whose hands they are, whether there be a note kept of them, and set downe in the Church booke; and whether they be denied, or deteined by any of the parish, or any other; and shew what these things be, and by whom they are detained?

36. Whether all the mony, rents, stocks, or profits of cattle or other goods giuen to the poore, or to other charitable vses; haue bin accordingly imployed, and whether the said mony, rents and profits or any part thereof haue beene imployed and converted to the reparations of the parish church or chappell?

37. Whether the people as well men as women do resort vnto their owne parish Church or Chappell on Sundaies, and Holydaies at time of diuine seruice, and remaine and abide, and there behaue themselues reverently during all the whole time of Service and Sermons?

38. Whether any of the said parishioners doe vse any prophane worke or labour, or selling of victuals or wares vpon the Sabboth day, or any other day, that is appointed to be kept holy by publique authoritie?

39. Whether all the Parishioners being aboue xvi. yeares olde haue receiued the holy Communion thrise for the yeare last past, and namely at Easter last, or receiving haue not signified the same to the Minister in time convenient that he might examine them how they were instructed for partaking of so high misteries?

40. Whether any person within your Parish, be suspected or knowne to tell destinies, or to restore things lost, and to vse charmes or to exercise witchcraft, sorceries, southsayings, and such other superstitious and divelish illusions, or any that resorteth to such for helpe or counsaile?

41. Whether any within your Parish, haue to your knowledge or by common fame or report, committed adultery, fornication, Incest, or be common Drunkards, Swearers, and Blaspheamers of Gods holy name, or vsurers, or be commonly suspected thereof, and what are their names?

42. Whether any within your Parish haue kept company togither as man and wife, before they were lawfully maried, or doe keepe company togither not being lawfully maried, or who haue bin lawfully and vpon iust cause diuorced; any maried within degrees of affinity or consanguinitie by the lawes of God forbidden so set out for an admonition in a table appointed to be affixed in euery Parish Church within this Archdeaconrie? Any maried that haue made privy contracts or married without consent of their parents or governours?

43. Whether there be within your Parish, Bawdes, or that do receiue into their houses women begotten with childe vnlawfully, and doe keepe them vntil they be deliuered, and then let them depart before they haue done pennance?

44. Whether any person or persons suspected or detected heretofore, of, or for incontinencie, and therefore departing out of your parish for a season, is now returned againe, or in what place else, is he or shee now abiding to your knowledge, or as you haue heard, you shall not faile to present the whole truth in that behalfe?

45. Whether you know any within your parish, that receiueth into their house any Massing Priest, Jesuit, or other Seminary man come from beyond seas?

46. Whether there be any within your Parish, that presume to administer the goods of those that be departed out of this worlde, without lawfull authority, or haue falsified or suppressed the will of any person deceased, or any executors which haue not fulfilled their testators will in paying legacies giuen to good vses?

47. Whether any excommunicate person be suffered to come into the publike assembly or congregation in time of diuine seruice? and who are encouragers and keepers of company with such as remain excommunicate? and whether any dying excommunicate be buryed in christian buriall?

48. Item what Recusant Papists are there in your parish, and whether doe they or any of them keepe any Schoole-master in their house which commeth not to church to heare diuine seruice, and receiue the holy communion? what is his name and how long hath hee taught?

49. Whether any be in your parish, which at the time of diuine praier do vse any ringing of bels, iangling, talking, walking, or other vnseemely behauiour in church or churchyard, or doe any way disturbe common praier, or any part of the diuine seruice, or do vse any game or pastime abroad at those times, or sit in the Tauerne or Alehouse, or streets at such times, or which doe worke on sundaies any handycrafts worke, or keepe open any shops for sale of wares, or which depart before praiers bee finished, or commeth late, or which be fighters brawlers, quarrellers or chiders, in church or churchyard?

50. Whether you know, or haue you hard (*sic*) of any that practiseth physicke or surgery within this Archdeaconry, not being licensed so to doe by the Ordinary of the same vnder his hand and seale, and what is his, or her name, which doeth or hath so done?

51. Finally, if you doe knowe any other crime or offence to bee committed within your parish, which is punishable by the Ecclesiasticall lawes of this lande, and not mentioned particularly in these Articles aboue specified, you shall likewise detect it and truely present it?

The oath of the Church-wardens.

You shall faithfully administer all such Church goods as are or shall come to your hands to the vse of your Church and thereof make a true and faithfull account at the end of your office, deliuering all that remaineth therevpon to your next successours. Also you shall diligently enquire of, and faithfully present all such persons as you shall either vpon your own knowledge, or by publike fame vnderstand to be guiltie of any offence or fault mentioned in any of the Articles aforesaid, or any other fault which is to bee punished by the lawes Ecclesiastical of this Realme, wherein you shall not present any person for malice, hatred, or evil will, nor spare any for favour, for feare, or any corrupt affection, but you shall faithfully discharge your consciences, as men hauing the feare of God before your eyes, and seeking the reformation of his Church, so God helpe you in Christ our Saviour.

ABBOT, ARCHBISHOP OF CANTERBURY, 1616,

ARTICLES to be inquired of, in the first Metropolitical visitation, of the most Reverend Father, GEORGE, by GODS providence, Arch-Bishop of Canterbury, and Primate of all England; in, and for the Dioces of [*blank*] in the yeare of our Lord GOD, 1616, and in the sixt yeare of his Graces Translation.

London, Printed by William Jaggard.

[*Oath of the Churchwardens.* Almost verbally the same as in Bishop Babington's Articles in 1607.]

¶ *Concerning the Church, the Ornaments thereof, and the Churches possessions.*

Imprimis, whether haue you in your severall Churches and Chappels, the whole Bible of the largest volume, and the Booke of Common Praier, lately set foorth by his Maiesties Authority, both fairely and substantially bound: a Font of Stone, set up in the auncient vsuall place: a conuenient and decent Communion Table, with a Carpet of Silke, or some other decent stuffe, continually laide upon the Table at time of Diuine seruice, and a faire linnen cloath vpon the same, at the time of the receiuing of the holy Communion. And whether is the same Table placed in such conuenient sort within the Chancell or Church, as that the Minister may be best heard in his Prayer and administration, and that the greatest number may Communicate: And whether is it so vsed out of time of Diuine seruice, as is not agréeable to the holy vse of it: and by sitting on it, and by throwing Hats on it, writing on it, or is it abused to other prophaner vses: and are the tenne Commandements set vpon the East end of your Church or Chappell, where the people may best sée and read them, and other Sentences of holy Scripture, written on the walles likewise for that purpose?

2. *Item*, whether haue you in your said Church or Chappell, a conuenient seat for your Minister to read seruice in, together with a comely Pulpit set vp in a conuenient place, with a decent cloath or cushion for the same, a comely large Surplice, a faire Communion Cup, with a couer of siluer, a flagon of siluer, Tin, or pewter, to put the wine in, wherby it may be set vpon the Communion Table, at the time of the blessing thereof, with all other things and Ornaments necessary for the celebration of Diuine Seruice, and administration of the Sacraments? and whether have you a strong Chest for Almes for the poore, with thrée Locks and Keyes, and another chest for kéeping the Bookes, and Ornaments of the Church, and the Register Book. And whether haue you a Register booke in Parchment, for Christnings, Weddings, and burials, and whether the same be kept in all points, according to the Cannons in that behalfe prouided? And whether haue you in your saide Church or Chancell, a Table set, of the degrées wherein by Law Men are prohibited to marry?

3. Whether are your Church and Chappels, with the

Chancels thereof, and your parsonage or vicarage house, your Parish Almes-house and Church-house, in good reparations: and are they imployed to godly, and their right holy vses? Is your Church, Chancell, and Chappell, decently and comely kept, as well within as without, and the seates well maintained, according to the 85. Cannon, in that behalfe prouided? Whether your Churchyarde be well fenced, and kept without abuse: and if not, in whose default the same is, and what the defect or fault is? And whether any person haue incroached vpon the ground of the Churchyard, or whether any person or persons haue vsed any thing or place consecrated to holy vse, prophanely or wickedly?

4. Whether haue you the Terrier of all the Gleabe Lands, Medowes, Gardens, Orchards, Houses, Stockes, Implements, Tenements, and portions of Tithes (whether within your Parish or without) belonging vnto your parsonage or vicarage, taken by the view of honest men in your said Parish? And whether the said Terrier be laid vp in the Bishoppes Registry, and in whose handes any of them are now. And if you haue no Terrier already made in Parchment, you the Churchwardens and Side-men, together with your Parson or Vicar, or in his absence, with your Minister, are to make diligent inquiry and presentment of the premises, and make, subscribe, and signe the said Terrier, as aforesaide?

Concerning the Ministers.

Whether doth your Minister distinctly and reuerently say Diuine seruice vpon Sundaies and Holidaies, and other daies appointed to bee obserued by the booke of Common Praier: as Wednesdaies and Fridaies, and the Eeues of euery Sunday and Holiday, at fit and vsuall times? And doth your Minister duely obserue the Orders, Rites, and Ceremonies, prescribed in the said Booke of Common Praier, as well in reading publike praiers and the Letanie, as also in administring the Sacraments, solemnization of Matrimonie, Visiting the sicke, burying the dead, Churching of Women, and all other like Rites and Offices of the Church, in such manner and forme as in the said book of Common praier he is inioyned, without any omission or addition. And doeth he reade the Booke of the last Cannons once yearely, and weare a Surplice according to the said Cannons?

2. Doth your Minister bid Holidaies and Fastingdaies, as by the Booke of Common Praier is appointed? And doth he giue warning before hand to the Parishioners, for the receiuing of the holy Communion, as the 22. Cannon requireth: and whether hee doth administer the holy Communion so often, and at such times, as that every Parishioner may receiue the same at the least thrice in euery yéere: wherof once at Easter, as by the booke of Common Praier is appointed? And doeth your Minister receiue the same himselfe on euery day that hee administreth it to others, and vse the words of Institution according to the Booke, at euerie time that the Bread and Wine is renued, accordingly as by the prouiso of the 21. Cannon is directed: And doth he deliuer the Bread and Wine to euerie Communicant seuerally: Whether hee hath admitted to the holy Communion, any Offender or Schismaticke, contrary to the 26. and 27. constitutions, or receiued any to the communion being not of his own Cure, or put any from the communion, who are not publikely infamous for any notorious crime? doth he vse the signe of the Crosse in Baptisme, or baptize in any Bazon or other vessell, and not in the vsuall Font: Or admit any Father to be Godfather to his owne childe, or such which haue not receiued the holy Communion, or baptize any children that were not borne in the Parish, or wilfully refuse to baptize any Infant in his parish being in danger, hauing béene enformed of the weaknes of the said child: and whether the childe died through his default without Baptisme?

3. Whether hath your Minister married any without a Ring, or without Banes published thrée seuerall Sundaies or Holidaies in time of diuine seruice, in the seuerall Churches or Chappels of their seueral abode, according to the Booke of common Praier, or in times prohibited, albeit the Banes were thrice published, without a License or dispensation from the Archbishop, the Bishop of the Diocesse, or his Chancellour, first obtained in that behalfe? Or not betwixt the houres of eight and twelue in the forenoone, or haue married any in any private house, or if the parties be vnder the age of 21. yeeres, before their parents or gouernours haue signified their consent vnto him?

4. Doth he refuse to bury any, which ought to be interred in Christian buriall, or defer the same longer then he should, or bury any in Christian buriall, which by the constitutions of the Church of England, ought not to be so interred?

5. Is your Minister a Preacher allowed? If yea, then by whome. If not, whether doth he procure some who are lawfully licensed, to Preach monthly amongst you at the least?

6. Doth your Minister (being licensed) preach vsually according to the Cannons, either in his owne Cure, or in some other Church or chappell neare adioyning, where no Preacher is, and how often he hath been negligent in that behalfe, and doth he Preach standing, and with his Hat off? Or whether doth he or his Curate vpon euery Sunday, when there is no Sermon, reade an homilie, or some part thereof, according as he ought to doe: or in case he be not licensed to Preach, doeth he take vpon him to Preach or expound the Scriptures in his owne Cure, or elsewhere: If so, then you are to present the same, the time and place, when, and where he did it.

7. Doth your Minister vse to pray for the Kings Maiesty, King James and for the Queenes Maiestie, the Prince, and all their Royall Progeny, with addition of such stile and Titles as are due to his Highnesse, and exhort the people to obedience to his Maiestie, and all Magistrates in authoritie vnder him?

8. Is your Minister continually resident vpon his Benefice, and how long time hath he béen absent, and in case he be licensed to be absent: whether doth he cause his cure to be sufficiently supplied, according to the Canons: or in case he hath another Benefice, whether doeth he supply his abscence(*sic*) by a Curate sufficiently icenced (*sic*) to preach in the Cure where he himselfe is not resident. Or otherwise, in case the smalnes of the liuing cannot finde a Preaching Minister, doth he Preach at both his Benefices vsually?

9. Doeth your Minister or Curate, serue any more Cures than one: If yea, then what other Cure doeth he serue, and how farre are they distant?

10. Doeth your Minister euery Sunday and Holiday, before Euening Prayer, for halfe an houre or more, examine and instruct the youth and ignorant persons of his Parish, in the Tenne Commaundements, Articles of the Beliefe, and in the Lords Prayer, and the Sacrament, according as it is prescribed in the Catechisme, set foorth in the Booke of Common Prayer?

11. Doth your Minister in the Rogation dayes, goe in preambulation of the circuit of the Parish, saying and vsing the Prayers, Suffrages, and Thankesgiuing to God, appointed br (*sic*) Law, according to his duty, thanking God for his blessings, if there be plenty on the earth: Or otherwise, to pray for his grace, and fauour if there be a feare of scarcitie?

12. Hath your Minister admitted any Woman begotten with childe in adultry or Fornication, to be Churched without license of the ordinary?

13. Hath your Minister or any other Preacher, baptized children, churched any woman, or ministred the holy Communion in any priuate house, otherwise then by Law is allowed?

14. Doeth your Minister, being a Preacher endeuour and labour diligently to reclaime the Popish Recusants in his Parish from their errors (if there be any such abiding in your parish). Or whether is your Parson, Vicar, or Curate, ouer conuersant with, or a fauourer of Recusants, whereby he is suspected not to be sincere in Religion?

15. Hath your Minister taken vpon him, to appoint any publique or priuate Feasts, Prophecies, or exercises, not approued by Law, or publike authoritie, or hath vsed to meete in any priuate house or place, with any person or persons, there to consult how to impeach or depraue the Booke of Common Prayer, or the Doctrine or Discipline of the Church of England: If yea, then you shall present them all?

16. Hath your Minister stayed the publication of any excommunications or suspitious (*sic*), or doeth hee euery halfe yeere denounce in his Parish church all such of his parish as are excommunicated, and perseuer therin without seeking to be absolued, or doeth he wittingly and willingly kéepe companie with such as are excommunicate: And hath hee admitted into your church any person excommunicate, without a certificate of his absolution from the Ordinarie, or other competent Judge?

17. Doth your Minister carefully looke to the relééfe of the poore, and from time to time call vpon his Parishioners to giue somewhat, as they can spare, to godly and charitable vses, especially when they make their Testaments.

18. Whether your Minister or any hauing taken holy Orders, being now silenced or suspended, or any other person of your knowledge, or as you haue heard, hold

any conuenticles, or doth preach in any place, or vse any other forme of Diuine Seruice then is appointed in the Booke of Common Prayer: If yea, then you are to present their names, and with whome?

19. Whether is your Curate licensed to serue, by the Bishop of this Diocesse, or by any other, and by whome.

20. Doth your Minister vse such decencie and comelinesse in his apparell, as by the 47. Cannon is enioyned: and is he of sober behauiour, and one that doth not vse such bodily labour, as is not séemely for his function and calling.

21. Is your Minister noted or defamed, to haue obtained his Benefice or his orders, by Symony, or any other way defamed, to bee Symoniacall person, or any way noted to bee a Schismaticke, or Ssismatically (*sic*) affected, or reputed to be an incontinent person, or doth table or lodge any such in his house: or is he a frequenter of Tauernes, Innes, or Ale-houses, or any place suspected for ill rule: Or is he a common Drunkard, a common Gamster, or player at Dice, a Swearer, or one that applieth himselfe not at his study, or is otherwise offensiue and scandalous to his function or Ministry.

22. Doth your Preacher or Lecturer read Diuine seruice, and minister the Sacraments twice a yeare at least in his owne person, according to the Cannons?

Schoole-Maisters.

23. Doth any in your Parish take vpon him to teach Schoole, without License of the Ordinary, and is hee conformable to the Religion now established? And doth he bring his Schollers to the Church to heare Diuine Seruice and Sermons: And doeth hee instruct his Schollers in the grounds of the Religion now established in this Church of England, and is he carefull and diligent to benefit his Schollers in learning?

Parish Clearkes and Sextons.

24. Haue you a fit Parish Clearke, aged twenty yéeres at least, of honest conuersation, able to read and write: Whether are his and the Sextons wages paid without fraud, according to the ancient custome of your parish; if not, then by whome are they so defrauded or denied: By whome are they chosen: and whether the said Clearke be approued by the Ordinary: and hath he taken an Oath, as in such cases is fit and required: and is he diligent in his Office, and seruiceable to the Minister, and doth hee take vpon him to meddle with any thing aboue his Office: as Churching of women, burying the dead, or such like?

25. Doth your Clearke or Sexton kéepe the Church cleane, the doores locked: Is any thing lost or spoyled in the church through his default: doth he suffer any vnreasonable ringing, or any prophane exercise in your church: Or doth hee (when any is passing out of this life) neglect to tole a Bell, hauing notice thereof.

Concerning the Parishioners.

Whether any of your Parishioners, being sixtéene yeares of age or vpwards, or others lodging or commonly resorting to any House within your Parish, doe wilfully absent themselues from your Parish-church vpon Sundaies or Holidaies, at Morning and Euening praiers: Or who come late to church, and depart from church, before Seruice be done vpon the said daies? Or who do not reuerently behaue themselues during the time of Diuine Seruice, deuoutly knéeling, when the generall confession of sins, the Letany, the ten Commandements, and all prayers and Collects are read, and vsing all due and lowly reuerence, when the blessed Name of the Lord Jesus Christ is mentioned, and standing vp when the Articles of the Beliefe are read, or who doe couer their heads in the Church during the time of Diuine seruice vnlesse it be in case of necessitie, in which case they may weare a Night cap, or coyfe? Or who doe giue themselues to babling, talking, or walking, and are not attentiue to heare the word preached, or read: or reading, or praying, during the time aforesaid? Whether any of your parish being of sixteene yéeres of age or vpwards, do not receiue the holy Communion in your Church thrice euery yeare: wherof once at Easter, and whether they do not deuoutly knéele at the receiuing thereof?

2. Whether any of your Parishioners, being admonished thereof doe not send their Children, Seruants, and Apprentizes, to the Minister, to be Catechized vpon such Sundayes and Holidaies as are appointed? Or whether any of them doe refuse to come, or if they come, refuse to learne those instructions set foorth in the Booke of common prayer.

3. Whether any of your parish doe entertaine within their house, any soiourner, common guests, or other persons, who refuse to frequent Diuine seruice, or receiue the holy communion, as aforesaid? Present their names their qualities or conditions.

4. What recusant Papists are there in your parish? present their names, qualities, or conditions? whether kéepe they any Schoole-maister in their house, which commeth not to church to heare Diuine seruice and receive the Communion? What is his Name, and how long hath hée taught there, or else where?

5. Whether any of the sayd Popish Recusants, doe labour to seduce and with-draw others from the Religion now established? Or instruct their Families or children in popish religion: or refuse to entertaine any especially in place of greatest seruice, or trust, but such as concurre with them in their papistry?

6. How long haue the sayd Popish Recusants abstained from diuine seruice, or from the communion, as afore-said?

7. Is there any in your Parish that retaine vndefaced. or sell, vtter, or disperse any popish Bookes or Writings, or other Bookes, Libels, or writings of any Sectuaries, touching the Religion, State, or Gouernment Ecclesiasticall of this Kingdome of England, or kéepe any Ornaments of superstition vncancelled or defaced?

8. Whether haue you any in your Parish, which heretofore being popish Recusants or Sectuaries, have since reformed themselues, and come to Church to heare Diuine Seruice, and receiue the Sacraments: If yea, then who are they: And how long since haue they so reformed themselues: And whether they still remaine and abide in that conformite:

9. Is there any in your Parrish that refuse to haue their Children Baptized, or themselves to receiue the Communion at the handes of your Minister, taking exeption against him, and what causes or exceptions doe they alledge, or haue any married Wiues refused to come to Church according to the Booke of common Prayer, to giue God thankes after their Child-birth, for their safe deliuerance: And whether doe any of, or in your Parish: refuse to haue their children Baptized in your parish church, according to the forme prescribed in the Booke of common Prayer:

10. Whether any of your Parish hauing a Preacher to their parson, Vicar, or Curate, doe absent themselues from his Sermons, and resort to other places to heare other Preachers; Or whether any of your parish do communicate or baptize their Children in any other parish.

11. What persons within your parish, for any offence, contumacy, or crime, of Ecclesiasticall conusance doe stand excommunicate? present their names, and for what cause they are excommunicated, and how long they have so stood, and what parson or persons doe wittingly and vsually kéepe them company?

12. Whether any, not being in orders, doe execute any priestly or ministeriall office, in your Church, Chappel, or Church-yard, or what be their names?

13. Whether any in your parish, that having heretofore taken upon him the order of Priest-hood or Deacon, hath since relinquished the same, and liues a Lay-man, neglecting his vocation?

14. Haue any person in your Parish, quarrelled, or stricken, or vsed any violence to your Minister, or haue strucken or quarrelled with any other person within your Church or Churchyard, or demeaned himselfe disorderly in the Church, by filthy or prophane talk, or any other leud or immodest behauiour? Or haue disturbed the Minister in time of Diuine seruice or Sermon, or haue libelled or spoken slanderous words against your Minister, to the scandall of his vocation, or diffamed any of his Neighburs, touching any crime of Ecclesiasticall conusance?

15. Whether any of or in your Parish, without consent of the Ordinary, or other lawfull authority, haue caused any to doe pennance, or to bee censured or punnished for any matter of Ecclesiastical conusance, by any Vestry méetings, or otherwise by their owne authority? Or haue taken any money or commutation for the same? Present their names that haue done it, and who haue beene so punnished? In what maner, and vpon what cause

16. Whether any person in your Parish doe exercise any Trade or labour, buy or sell, or kéepe open Shoppes or Ware-houses vppon any Sunday or Holiday by themselues, their Seruants, or Apprentices, or haue otherwise prophaned the sayde dayes, contrary to the orders of the Church of England? And whether there bee any Inne-kéepers, Ale-housekéepers, Victualers, or other persons, that permitte any persons in their Houses, to eate, drinke, or play, during the time of Diuine Seruice, or Sermon, or reading the Homilies in the forenoone or afternoone, vppon those daies?

17. Whether the fift day of August, and the fift day of Nouember, bee kept Holy, and Thanksgiuing made

to God, for his Maiesties and this States happy deliuerance, according to the Ordinance in that behalfe ?

18. Whether any of your Parish hold or frequent any conuenticles or priuate congregations, or make or maintaine any constitutions, agréed vppon in any such assemblies ? Or any that doe write, or publiquely or priuately speake against the Booke of Common Prayer, or any thing therein contained, or against any of the Articles of Religion agreed vppon, in *Anno* 1562. or against the Kings Supremacie in causes Ecclesiasticall, or against the Oath of Supremacie, or of Allegiance, as pretending the same to be unlawfull, and not warrantable by the worde of God ? Or against any of the Rites or Ceremonies of the Church of England now established ? Or against the Gouernement of the Church of England, vnder the Kings most excellent Maiesty, by Arch-Bishops, Bishops, Deanes, Arch-Deanes, and other Officers of the same: affirming, that the same is repugnant to the Word of God, and that the said Ecclesiasticall Officers, are not lawfully ordained ? Or whether there be any Authours, Maintainers, or Fauourers of Heresie or Schisme, or that be suspected to bee Annabaptists, Libertines, Brownists, of the Family of Loue, or of any other Heresie or Schisme, present their names ?

19. Whether any in your parish haue married within the degrées by Law prohibited, or any couple in your parish being lawfully married, liue apart one from the other, without due separation of the Law, or any that haue beene diuorced, which kéepe company with any other at Bedde or at Boord, and when and where were they married.

Physitions, Surgeons, and Mid-wiues.

20. How many Phisitions, Chirurgions, or Mid-wiues haue you in your Parish ? How long haue they vsed their seuerall Sciences or Offices, and by what authoritie ? And how haue they demeaned themselues therein, and of what skill are they accounted to bee in their profession ?

21. Whether doe any persons administer the goods of the dead without lawfull authority, or suppresse the last will of the dead ? Or are there in your parish, any wils not yet proued, or goods of the dead dying intestate) left vnadministred ? By authoritie in that behalfe, you shall not faile to present the executors, and all others faulty therein: and also how many persons being possessed of any Goods and Chattels, haue died within your parish, since the xvii. day of April. 1613.

22. Whether any with-hold the stocke of the church, or any goods or other things, giuen to good and charitable vses.

23. Whether your Hospitals and Almes-houses, and other such houses and corporations, founded to good and charitable vses: and the landes, possessions, and goods of the same, be ordered and disposed of as they should be. And doe the Maisters, Gouernours, Fellowes, and others of the sayde Houses and corporations, behaue and demeane themselues, according to the godly Ordinances and Statutes of their seuerall Foundations.

24. Whether haue you any in your parish to your knowledge, or by common fame or report, which haue committed Adultery, Fornification, or incest, or any which haue impudently bragged or boasted, that hee or she haue liued incontinently with any person or persons whatsoeuer: or any that hath attempted the chastitie of any woman, or solicited, any woman to haue the carnall knowledge of her body, or which are commonly reputed to be common Drunkards, Blasphemers of Gods holy Name, common Swearers, common Slanderers of their Neighbours, and sowers of discord, filthy and lasciuious Talkers, Vsurers, frimonicall (*sic*) persons, Bawdes, or Harborers of women with childe, which bee vnmarried or conueying or suffering them to goe away before they haue made satisfaction to the congregation, or any that hauing héeretofore bene presented, or suspected of any the aforesaid crimes, haue for that cause departed your parish, and are now returned againe. Or any which haue vsed any inchantments, sorceries, incantations or witchcrafts, which are not made fellony by the statutes of this Realme, or any which haue committed any periury in any Ecclesiasticall Court, in an Ecclesiasticall cause, or which haue committed any forgery, punishable by the Ecclesiasticall Lawes, and the procurors and abettors of the said offences: You shall truely present the names of all and singular the said offendors, and with whom they haue committed the sayd offences, in case they haue not been publikely punished to your knowledge for the same crimes.

Touching the Churchwardens and Side-men.

1. Whether you and the Church-wardens, Questmen, or Side-men from time to time, doe, and haue done their diligences, in not suffering any idle person to abide either in the Church-yard, or Church-porch, in Seruice or Sermon time, but causing them either to come into the Church to heare diuine seruice, or to depart, and not disturbe such as bee hearers there ? And whether haue they, and doe you diligently see the parishioners duely resort to the church euery Sunday and Holiday and there to remaine during Diuine Seruice and Sermon? And whether you or your predecessors, Church-wardens there, suffer any Plaies, Feasts, Drinkings, or any other prophane vsages, to bee kept in your church, chappell. or Church-yards, or haue suffered to your and their vttermost power and endeuour, any person or persons to be tipling or drinking in any Inne or Victuling House in your parish, during the time of Diuine Seruice or Sermon, on Sundaies and Holidaies ?

2. Whether, and how often haue you admitted any to preach within your church or chappell, which was not sufficiently licensed ? And whether you, together with your Minister, haue not taken diligent héed and care, that euery of your parishioners being of sixeteene yéeres of age or vpwards, haue receiued thrice euery yeere, as aforesaid; and also that no stranger haue usually come to your Church, from their owne parish church ?

3. Whether haue there béene prouided against euery communion, a sufficient quantitie of fine white bread, and of good and wholsom wine for the communicants that shall receiue ? And whether that wine be brought in a cleane and sweete standing pot of pewter, or of other purer Mettall ?

4. Whether were you chosen by the consent of the Minister and the parishioners ? And haue the late Churchwardens giuen vp a iust account for their time, and deliuered to their Successors the Money, and other things belonging to the Church, which was in their hands ? And are the Almes of the Church faithfully distributed to the vse of the poore ?

Concerning Ecclesiasticall Magistrates and Officers.

1. Whether doe you know or haue heard of any payment, composition, or agréement, to, or with any Ecclesiasticall Magistrate, Judge, or Officer, for winking at, or sparing to punnish any person for any offence of Ecclesiasticall Conusance, or for suppressing or concealing of any Recusant, or any other offender in the cases aforesaide ? what sum of money, or other consideration hath been receiued or promised, by or to any of them, in that respect, by whom, and with whom ?

2. Hath any person within your parish, paide or promised, any summe of money or other reward, for comutation of penance for any crime of Ecclesiasticall Conusance: If so, then with whom: when, and for what, and how hath the same beene imployed ?

3. Are your Ecclesiasticall Judges and their substitutes Maisters of Artes, or Batchelours of the Lawes at the least, learned and practised in the Ciuill and Ecclesiasticall Lawes: Men of good Life and Fame, zealously affected in Religion, and iust and vpright in executing their offices: Haue they heard any matter of office priuately in their chambers, without their sworne Registers, or their Deputies presence ?

4. Doe you know, or haue you heard, that any Ecclesiasticall Judge, Officer, or Minister, haue receiued or taken any extraordinary Fées, or other rewards or promises, by any wayes or meanes, directly or indirectly, of any person or persons whatsoeuer, either for the granting of the administration of the Goods and Chattells of those that have died intestate, to one before another, or for allotting of larger portions of the goods and Chattels of those that haue died intestate, to one more then to another: or for allowing large and vnreasonable accounts, made by Executors or Administrators: or for giuing them *Quietus est*, or discharges without Inuentory or account, to defraud Creditours, Legataries, or those who are to haue portions. And what summes of money doe you know, or haue you heard, that any Ecclesiasticall Judge or Officer hath taken out of the state of any dying intestate, vpon pretence to bestow the same in *pios vsus:* and how haue the same béene bestowed ?

5. Hath any Ecclesiasticall Magistrate, Judge, Officer, or any other, exercising Ecclesiasticall iurisdiction within this your Diocesse: or any Aduocate, Register, Procter, Clearkes, Apparators, or other Minister belonging to the same Ecclesiasticall Courts, exacting (*sic*) or taken by any waies or meanes, directly or indirectly, extraordinary or greater Fées then are due and accustomed: And whether is there a Table for the rates of all Fées set vp in their seuerall Courts and Offices ? And whether haue they sent or suffered any Processe

to go out of the Ecclesiasticall Courts otherwise then by Law they ought: Or haue they taken vpon them the Office of Informers or Promoters to the saide Courts, or any other way abused themselues in their Offices, contrary to the Law and Cannons in that behalf prouided?

6. What number of Apparators haue euery seuerall Judge Ecclesiasticall: and wherein, and in what manner is the Countrey ouerburthened by them: and wherein haue they caused or summoned any to appeare in the said Courts, without a presentment or Citation first had: or whether haue they threatned any to prosecute them in the said Courts, if they would not giue them some rewardes, and what bribes in that behalfe haue they taken?

If you know of any other default or crime of Ecclesiasticall Conusance, you are to present the same by vertue of your Oathes?

The Minister of euery Parish, may, and ought to ioyne in presentment with the Churchwardens and Sidemen, and if they will not present, the Minister may and ought himselfe, present the defaults and crimes, aforesaid: and there must be seuerall presentments made to euery seueral article: and the Minister, Churchwardens, and Sworne-men, are to meete and confer about the said presentments, and answering of euery of the aforesaid Articles.

FINIS.

ANDREWES, BISHOP OF WINCHESTER, 1619.

ARTICLES to be inquired of by the Church-wardens and Swornemen, in the Primary Visitation of the Right reuerend Father in GOD, Lancelot, Lord Bishop of Winton, within the Diocesse of Winchester, Anno 1619.

Imprinted at London. Anno 1619.

[*Collated with the Articles of Bishop Curle, of Winchester, in* 1636. *Re-issued by Dr. Hakewell, Archdeacon of Surrey, in* 1619, 1621, 1625, 1635 *and* 1638.]

The tenor of the Oath of the Churchwardens and Swornemen.

You shall sweere, that vpon due consideration of these articles giuen you in charge, you shall present euery such person of or within your Parish, as you shall know to haue committed any offence, or omitted any duetie mentioned in any of these Articles, or which are publikely defamed, or vehemently suspected of any such offence or negligence. So helpe you God by the contents of his holy Gospel.

ARTICLES.

Touching the Church.

Whether is your Church or Chappell, with the Chauncell thereof, and euery part of either of them, well and sufficiently repaired, the windowes well glased, the floares paued plaine and euen, without dust, or any thing noisome or vnseemely?

2. Whether is your Churchyard well fenced with walles, railes, pales, as hath bene accustomed? if not, whose default is it?

3. Whether hath there bene any fighting, chiding, brawling, or quarrelling, any playes, feasts, Temporall Courts or Leets, Lay Juries, musters, or other prophane vsage in your Church or Churchyard: or haue any trees bene felled in your Churchyard, and by whom?*

4. Whether is the mansion house of your Parson, Vicar, or Curate, with all the building thereunto belonging,† your Parish Almes-house and Church house sufficiently repaired, maintained, and to their right vses, that is to godly vses employed?

5. Whether haue you in your Church the Bible in the largest Volume, the Booke of Common prayer lately authorized by his Maiestie, the Bookes of Homilies allowed, the two Psalters, a conuenient Pulpit for the preaching, a decent seat for the Minister to say Seruice in conueniently placed, a strong chest with an hole in the lidde, and three lockes and keyes, one for the Minister, the other for the Churchwardens, for the Almes of the poore, and the keeping of the Register Booke of the Christenings, marriages and burials?

6. Whether haue you in your Church a Font of stone for Baptisme, set in the ancient vsuall place, a decent Table for the Communion conueniently placed, couered with silke or other decent stuffe in time of diuine Seruice, and with a faire Linen cloath ouer that at the Administration of the Communion?

7. Whether haue you all such Bells, ornaments, and other vtensils as haue anciently belonged to your Church, a Communion cup of siluer with a couer; a faire standing pot or stoope of siluer or pewter for the Wine vpon the Communion table,* a comely surplesse with large sleeues, a Register booke of parchment for Christenings, Mariages and Burials; a booke for the names of all strange Preachers, subscribed with their names, and the name of the Bishop or others by whom they had Licence?

8. Whether is your Almes for your poore (quarterly at the least) distributed by you the Churchwardens and the Minister in the presence of sixe of the chiefe Parishioners to your poore? And are weekely the names and surnames of all persons Married, Christened, and buried, and of their Parents, with the day and yere, entred in your said parchment booke, and euery leafe being full, subscribed by you the Minister and Churchwardens?

9. Whether are all your seats in your Church in good repaire, cleanly kept, conueniently placed, and the Parishioners in them, or elsewhere orderly set; and whether is there any contention or striuing for any Seate or place among them?

10.† Whether in any of your Churches the partition betweene the Chancell and the body of the Church be taken away: And how long since, and by whom the same hath bene so taken away? And if it hath bene taken away, to what other vse or benefite of the Church hath the same bene couerted?

Touching the Ministerie Seruice and Sacraments.

Whether is the Common Prayer said or sung by your Minister both Morning and euening distinctly and reuerently, euery Sunday and holy-day and on their Eues, and at conuenient and vsuall times of those dayes, and in most conuenient place of the Church for the edifying of the people?

2. Whether doeth your Minister obserue the Orders, rites and ceremonies prescribed in the Booke of Common Prayer, in reading the holy Scriptures, Prayers, and administration of the Sacraments, without diminishing (in regard of Preaching or any other respect) or adding any thing in the matter or forme thereof?

3. Whether doeth your Minister on Wednesdayes and Fridayes, not being holy dayes,) at the accustomed houres of Seruice resort to the Church, and say the Letanie prescribed, and doeth your Clearke or Sexton giue warning before by tolling of a Bell on those dayes?

4. Whether doeth your Minister as oft as he administreth the Communion, first receiue it himselfe? Whether doeth he vse any Bread or Wine newly brought, before the words of Institution be rehearsed, and the Bread and Wine present on the Table, whether doeth hee deliuer the Bread and Wine to euery Communicant seuerally?

5. Whether doth your Minister giue warning publikely in the Church at Morning Prayer the Sunday before he administreth the Communion, for the better preparation of the Parishioners?

6. Whether hath your Minister admitted to the Communion any notorious sinner openly knowen or defamed, or any who hath openly and maliciously contended with his Neighbour, before repentance and reconciliation made and done by appointment of the Ordinary?

7. Whether hath your Minister admitted to the Communion any Church-warden or Sideman who hath wittingly and wittingly neglected, contrary to his oath, to present any publike offence or scandall, being mooued to present either by some of his neighbours, the Minister, or his Ordinarie?

8. Whether hath your Minister administred the Communion to any but such as kneele, or doe any refuse to kneele? hath he administred to any who refuseth to be present at Publike prayer? or is there any who hath depraued the Booke of Common Praier, administration of the Sacraments, or the Rites and Ceremonies prescribed, or the Articles of Religion agreed upon, or the Booke of ordering Priests and Bishops, or spoken against his Maiesties Supremacie, or haue any bene for these causes repelled, and what be their names?

9. Whether hath your Minister more Benefices then one? if hee haue, how farre distant are they, how often

---

* or whether any person haue encroached vpon the ground of the Churchyard? *Added*, 1636.

† in due repaire, if there bee any decay of them, to what value as you are perswaded in your consciences? *Added*, 1636.

* a pulpit cloth, cushion. *Added*, 1636.

† *Article* 10 *omitted in* 1636, *and the two following added:*

10. Whether is your Church and Chancell paued, or decently floored as befitteth God's house?

11. Whether are there any Seates in the Church newly erected, or Tombes in Church or Churchyard, or any alterations of Seats, Windowes, Pillars, Lofts, or other things in the Church, without especiall order from the Bishop?

is he absent, in the yeere, when hee is absent, hath he an allowed Preacher for his Curate?

10.* Whether is your Minister an allowed Preacher? if he be, doeth he euery Sunday in your Church, or some other neere adioyning (where no Preacher is) preach one Sermon every Sunday?

11. Whether doth your Minister being no Preacher allowed, presume to expound the Scripture in his owne Cure, or elsewhere? doeth hee procure euery moneth a Sermon to be preached in his cure by Preachers lawfully licensed, and on euery Sunday when there is no Sermon, doeth he or his Curate read some one of the Homilies prescribed?

12. Whether is your Curate allowed by the Ordinary,† vnder his hand Seale, to serue for your cure, and whether doeth he serue two Churches or Chappels in one day?

13. Whether doeth your Minister in saying the publike Prayers, and administring the Sacraments, weare a decent surplesse with sleeues, and being a graduate, doeth he weare therewith a Hood, by the order of the Vniversities, agreeable to his degree?

14. Whether hath your Minister or any other Preacher in your Church, preached any thing to confute and impugne any Doctrine deliuered by any other Preacher, and hath he and they vsed the Prayer for Christs Catholike Church, &c., as is prescribed by the Canon?

15. Whether hath or doeth any preach in your Church, which refuseth to conforme himselfe to the Lawes, Rites, and ordinances established, or which hath not first shewed a sufficient Licence?

16. Whether doeth your Minister in his Sermons, foure times in the yeere at the least, teach and declare the Kings Maiesties power within his Realmes to be the highest power vnder God, to whom, all within the same owe most loyaltie and obedience, and that all forraine power is iustly taken away?

17. Whether doeth your Minister euery Sunday and Holy-day, halfe an houre before Euening prayer or more, examine and instruct the youth in the ten Commandements, the Beleefe, the Lords Prayer, and the Catechisme set foorth in the Booke of Common Prayer?

18. Whether hath your Minister maried any which haue not been three seuerall Sundayes or Holidayes asked in your Church in the time of Diuine Seruice (without Licence) and hath he, either with Licence or without married any, whereof neither dwelt in your Parish, or with any licence but onely from the Lord Archbishop of Canterbury, the Bishop of the Diocesse, or his Chancellour?

19. Whether hath your Minister either with Licence or without, married any at any other times then between the houres of Eight and Twelue in the forenoone, or in any priuate house, or before their Parents and Gouernours (the parties beeing vnder the age of xxi. yeeres) haue testified their consents?

20. Whether doeth your Minister declare to the people euery Sunday at the time appointed, what Holidayes and fasting-dayes be the weeke following? doeth hee being a Preacher, conferre with all Recusants and persons Excommunicate or suspended? being no Preacher, doeth hee procure a sufficient Preacher to reclaime them thereby?

21. Whether doth your Minister keepe a Note of all persons Excommunicate, and once euery sixe moneths doeth he denounce them which haue not obtained their absolution, on some Sunday in seruice time, that others may be admonished to refraine their company?

22. Whether doeth your Minister hauing notice giuen him, diligently visit the sicke (the disease not being infectious,) doeth he instruct and comfort them, doeth hee then mooue them to make their Testaments, and remember the poore, and other workes of charitie?

23. Whether hath your Minister refused to baptize any childe brought to the Church vpon any Sunday or Holiday, or to bury any corps brought into the Church or Churchyard, or to Church any women hauing had conuenient warning thereof?

24. Whether hath your Minister, being truely enformed of the danger of death of any Infant vnbaptized, and being desired to goe to the place where the childe is, to baptize it, neglected to goe, by meanes whereof the childe died vnbaptized?

25. Whether doeth your Minister at any time preach or administer the Communion in any priuate house, except when any are so impotent that they cannot goe to Church, or very dangerously sicke?

26. Whether hath your Minister helde or appointed any publike fast, or beene present at any? doeth hee or any other in your Parish holde any Lecture or exercise, without the licence of the Bishop vnder his hand and seale, or attempt by fasting or otherwise to cast out any deuils?*

27. Whether hath there beene any secret conuenticles or meetings in your Parish by any Priest, Ministers, or others, tending to the deprauing of the forme of Prayer, doctrine, or gouernment of the Church?

28. Whether doeth your Minister in his iourney, weare a cloake with sleeues called a Priests cloake?

29. Whether doeth your Minister resort to any Tauernes or Ale-houses, or doeth hee boord or lodge in any such place? doeth hee vse any base or seruile labour, drinking, riot, dice, cards, tables, or any other vnlawfull games? Is hee contentious, a hunter, hawker, swearer, dauncer, suspected of incontinencie, or hath giuen any euill example of life?

30. Whether is there in your Parish any Minister or Deacon, who hath forsaken his calling, vsing himselfe in his course of life as a Gentleman or other Lay man?†

Touching Schoole-masters.

Whether haue you in your Parish any Schoole-master, who teacheth either in publike Schoole, or priuate house? is hee of sound Religion, or doeth he giue any euill example of life? is he allowed by the Ordinary?‡ or doeth your Minister or Curate teach? and is hee allowed in like manner?

2. Whether doeth your Minister or Schoole-master, who teacheth, teach the Catechisme by authoritie set foorth?

Touching the Parish Clerke and Sexton.

Whether haue you a Parish Clerke sufficient for his place, of the age of xx. yeeres at the least? is he of honest conuersation, can he reade, write, and sing, is hee diligent in his office, and seruiceable to his Minister, and not giuen to ouermuch drinke, or any other vice?

2. Whether doeth your Clerke meddle with any thing aboue his office, as churching of women, burying of the dead, reading of Prayers, or such like?

3. Whether doth your Clerke or Sexton, keepe your Church cleane, the doores safe locked,§ is any thing by his default lost or spoiled in the Church, doeth he suffer unseasonable ringing, or any prophane exercise in your Church?

4. Whether doeth your Clerke or Sexton, when one is passing out of this life, neglect to toll a Bell hauing notice thereof: or the partie being dead, doeth he suffer any more then one short peale, and before his buriall one, and after the same another ‖?

5. Whether doeth any of your Parish refuse to pay vnto the Parish Clearke or Sexton such wages as are vnto them due, and haue bene accustomably payed?

Touching Parishioners.

Whether hath any in your Parish spoken against, or any way impugned the Kings Maiesties Supremacie in causes Ecclesiasticall, the Trueth and Doctrine of the Church of England, the forme of Gods worship contained in the Booke of Common Prayer, and Administration of the Sacraments?

2. Whether hath any in your Parish spoken against or impugned the Articles of Religion agreed vpon in *Anno* 1602.¶ the Rites, and Ceremonies established in the Church, the gouernment by Archbishops, Bishops, Deanes, Archdeacons, and others that beare office in the same?

3. Whether any haue in your Parish spoken against or impugned the forme of making and consecrating Bishops, Priests, or Deacons, or haue any separated themselues from the societie of the Congregation, and combined in a new Brotherhood, or depraued the Synod lately held by the Kings authoritie?

4. Whether doth any in your Parish profane, violate or mis-spend the Sabbath,** or holy day, or any part of them, vsing any offensiue conuersation, or worldly labour in those dayes, or any of them?

5. Whether hath any in your Parish in the time of Diuine Seruice couered his head (albeit he hath no infirmitie, in which case a cap or night-coife is allowed) or

---

* Whether is your Minister an allowed Preacher by the Lord Arch-Bishop or the Bishop of the Dioces? if he be, doth he preach (as he ought) usually in his owne parish, or in some other, where no preacher is? 1636.

† Ordinary] Bishop. 1636.

* or attempt—devils] *Omitted*, 1636.

† *The following articles are added in* 1636:—

31. Whether is there any that vseth not due and lowly obeysance at the blessed name of Jesus when it is read in the Gospel?

32. Whether is your Minister continually resident vpon his Benefice, and how long time hath he been absent? Whether hath hee licence or dispensation from the Arch-Bishop, or otherwise according to the Laws of this Realme, or in case he hath, whether he doeth supply his absence by a sufficient licenced Curate?

33. Whether his Maiesties instructions be punctually obserued? express in particular.

‡ Ordinary] Bishop. 1636.

§ and the Churchyard free from hogs, or other vnclean beasts, or pollution. *Added*, 1636.

‖ or the partie—another] *Omitted*, 1636.

¶ in *Anno* 1602] *Omitted*, 1636.

** Sabbath] Lords day. 1636.

is there any who hath not reuerently kneeled when the generall confession, Letanie, and other prayers are read, and which haue not stood vp at the saying of the Beliefe?

6. Whether hath any in your Parish disturbed the Seruice or Sermon by walking, talking, or any other way, or departed out of the Church during the Seruice or Sermon without some vrgent cause, or loytered about the Church or Church-porch?

7. Whether doe all Parishioners receiue the holy Communion thrice euery yeere at the least, whereof the feast of Easter to be one, and haue all being of the age of xviii. yeeres duely receiued, or not?

8. Whether hath any parent been vrged to be present, or admitted to answere as Godfather for his owne childe, or hath any Godfather or Godmother made any other answere or speach then is prescribed by the Booke, or haue any been admitted for such a Baptisme, who haue not first receiued the Communion?

9. Whether doe all Fathers, Mothers, Masters, Mistresses come, and cause their children, seruants and Apprentices to come duely to the Church, and according to the Ministers direction to be instructed and catechized, or who be they that haue not obeyed the Minister herein?

10. Whether haue any persons married together within the degrees of Consanguinitie or Affinitie prohibited, set foorth in a Table, appointed to be placed in euery Church?

11. Whether haue any persons, once lawfully married, forsaken each other, or do liue asunder without the authoritie of the Ordinary, or doe any being diuorced or separated, marrie againe, the former wife or husband yet liuing?

12. Whether haue any been maried in the times wherin marriage is by law restrained, without lawfull licence, *viz.*, from the Saturday next before Aduent Sunday, vntil the fourteenth of January: and from the Saturday next before Septuagesima Sunday, vntill the Munday next after Low Sunday; and from the Sunday next before the Rogation weeke, vntill Trinitie Sunday?

13. Whether hath any of your Parish vnreuerently vsed your Minister, or haue any laid violent hands vpon him, or disgraced his office and calling, by word or deede?

14. Whether you haue in your Parish, any dweller or soiourner, a maintainer of Popish Doctrine, or suspected to keepe Schismaticall bookes, or to fauour* any heresie or errour?

15. Whether haue you any common resorters to your Church, which are not of your Parish, or doe any such receiue the Communion amongst you: what be their names, and of what Parishes are they?†

16. Whether haue any in the time of Seruice opened their shops, exercised their trade, vsed any gaming, been in any Tauerne, or Alehouse, or otherwise ill imployed?

17. Whether are there in your Parish any Adulterers, Fornicators, incestuous persons,‡ Bawdes, receiuers, close fauourers, conueyers away, or which suffer to depart any incontinent person vnpunished, any blasphemers, common swearers, drunkards, ribaudes, vsurers, malicious slanderers, scolds, or sowers of discord, or any defamed of the said crimes?

18. Whether doe any in your Parish administer the goods of the dead without authority, or suppresse their Wil or testament? haue any executors neglected to performe their Wills, especially in paying of Legacies giuen to the Church, to the poore, or to any other charitable, or godly vses?

19. Whether doe any refuse to pay to the reparations, ornaments, and other things required in your Church, as they are sessed by a lawful Vestry, or any other dwelling out of your Parish, which hold land in your Parish?

20. Whether hath any person suspended or excommunicated, been suffered to heare Diuine Seruice, or the Sermon, to receiue the Sacraments, to be married or churched, or haue any excommunicate been buried in Christian buriall?

21. Whether haue any in your Parish been christened, churched, buried, or receiued the Communion, or been married out of your Church, (both parties dwelling in your Parish?)

22. Whether haue all women in your Parish deliuered of childe, come at conuenient time after to Church to giue thankes, and haue they been churched according to the forme of the Booke of Common Prayer?

23. Whether hath the perambulation of the circuit of your Parish been obserued once euery yeere, if not, whose default is it?*

24. Whether haue any in your Parish giuen the Churchwardens, or Sidemen, or any of them euill words for doing their duety, according to their oath and conscience in making presentment for any fault?

Touching Churchwardens and Swornemen.

Whether doe any in your Parish take vpon them to be Churchwarden or Side-man, which are not lawfully chosen by the Minister and Parishioners according to the Canon, or doe any continue that office longer then one yeere, except they be chosen againe, and are all such Officers chosen yeerely in Easter weeke?

2. Whether doe your Churchwardens within one moneth at the most after their yeere ended, before the Minister and Parishioners giue vp a iust account of all such money, and other things, as they haue receiued and bestowed, haue they deliuered all remaining in their hands belonging to their Church or Parish, by bill intended, (*sic*) to the next Churchwardens?

3. Whether haue the Churchwardens with the aduice of the Minister, from time to time prouided a sufficient quantity of fine white bread and wholesome wine for the number of Communicants?

4. Whether doe the Churchwardens and Swornemen, before euery Visitation, and at other times when there is iust occasion, meete and conferre about their presentments, and the answering of these Articles, and who hath (after notice giuen him of the time and place) carelesly absented himselfe?

5. Whether the forfeiture of twelue pence for absence from Church, appointed by Statute for the vse of the poore, be taken and leuied by the Churchwardens, and employed according to the said Statute: and whether is the same forfeiture taken of all persons which stand wilfully suspended or Excommunicated?

6. Whether haue any Churchwardens lost,† sold or detained any goods, ornaments, Bels, Rents, or implements of the Church?

7. Whether doe the Churchwardens and Sidemen about the midst of Diuine Seruice, vsually walke out of the Church, and see who are abroad in any Alehouse, or elsewhere absent, or euill employed, and whether haue they presented all such to the Ordinary?

8. Whether doe you know, or haue heard a fame of any offence committed, or duety omitted by any of your Parish before your time, and heretofore not presented to the Ordinary, or as yet not reformed, and whether haue you presented the same?‡

9. Finally, doe you know of any matter or cause which is a breach of the lawes Ecclesiasticall here not expressed?§

HOWSON, BISHOP OF OXFORD.

ARTICLES to be enqvired of within the dioces of Oxford, in the first Visitation of the Right Reverend Father in God, John Bishop of Oxford. Held in the yeare of our Lord God 1619, in the seuenteenth yeare of the Raigne of our most gratious Soveraigne Lord, James, by the grace of God, King of Great Brittaine, France, and Ireland, Defender of the Faith: &c. and of Scotland the three & fiftieth.

Printed at Oxford by *John Lichfield and James Short*, Printers to the University 1619.

[Collated with Bishop Howson's Oxford Articles in 1628, and Bishop Corbet's Oxford Articles in 1629.]

The Tenour of the Oath ministred to the Churchwardens and sworne men.‖

Yov shall sweare that you faithfully and truely administer the goods of the Church to the best profit of the

---

* frequent or. *Added*, 1636.

† Or whether do any of your parish resort vnto other parishes to heare Service or Sermons, especially in contempt of their owne Minister? *Added*, 1636.

‡ any that have attempted and sollicited the chastity of any woman. *Added*, 1636.

* *The following article is added here, in* 1636:—
24. Whether there be anything which was formerly presented in your parish, and not yet reformed, and publickly punished?

† lost] *Omitted*, 1636.

‡ *The following Article is added in* 1636:—
9. Whether any doe molest or trouble you for doing your dutyes?
And the two following are added in Archd. Hakewell's Articles of 1625, 1635, and 1638:—
9. Whether hath any part of your Church beene lately altered, new built, or any addition made thereunto, the walls pulled downe, new doores made into the Church, or any sollar built there by any, without allowance of the Ordinary?
10. Whether is any part of your Church imployed to any prophanenesse, is your Church-porch, Church-wals, and Church-yard, cleanly kept without any annoyance, in whose default is such annoyance?

§ You shall by vertue of your oath duely present it, and all breaches of all and singuler these Articles, expressely and particularly, the full trueth of your knowledge, or what by common Fame you haue heard therein, when and as often as occasion is offered, that Reformation may be made accordingly, wherein your Minister may and ought to ioyne with you for your better direction. *Added in* 1636.

‖ *Different in* 1628.

same, and make a true account thereof, and deliver that which shall remaine in your hands to the Churchwardens that shall succeed you, and that all affection, fauour, hatred, hope of reward, and gaine, or feare of displeasure set aside, you shall vpon due consideration of the Articles giuen you in charge, present all and every such person, of, or within your Parish, as hath committed any offence or fault, or made any default mentioned in these, or any of these Articles, or any part or branch of them: or which are vehemently suspected, or otherwise defamed of any such offence, fault, or default: Wherein you shall deale vprightly, and according to truth; neither of malice presenting any contrary to truth, nor of corrupt affection sparing to present any, and so conceale the truth, having in this action God before your eyes, with an earnest zeale to maintaine true Religion and vertue, and to suppresse wickednesse and vice: So helpe you God and the Contents of this Booke.

The Charge of the Churchwardens and Swornemen, set downe for the better performance of their duties, and discharge of their Oathes. [*Omitted* 1628.]

They are straightly charged to heare all these Articles read over to them, and diligently to consider and enquire thereof: and for that the time is so short in this Visitation, that they shall not bee able to make a perfect answer vnto them all: and that notwithstanding, there may be many notorious faults presently worthy of presentment & reformation, they are charged that together with their Minister (if hee will ioiyne with them) they doe read over all these Articles distinctly and leasurely, to the end they may consider of every particular Article, and of the offences in them contained, as also of such persons in their Parish as shall be noted to offend in any of them, and after that, to assemble themselues in some convenient time together, & to make their Bill, answering every Article by it selfe: which their presentment or answere, they shall cause to be deliuered at the Register his Office before the day of next: or else for not deliuering in thereof, the Churchwardens and swornemen are admonished to appeare that day at tenne of the clocke in the Consistory at Oxford, to alleage cause why they should not bee punished for their negligence or contempt therein.

[*Directions for making Bills of Presentments are added in* 1629.

—

ARTICLES to be enquired of within the Dioces of *Oxon*, in the first Visitation of the Right Reverend Father in God, *John* Bishop of *Oxon*, Holden in the yeare of our Lord God. 1619.

Articles concerning the Clergie.

First, Whether your Church be voyd of an Incumbent, how long it hath been voide, by whom, and at whose order the Fruits are gathered and bestowed? *

2. Whether is the whole Seruice or Common prayer, read in your Church or Chappell distinctly and reuerently vpon all Sundaies and Holydaies, in such order as is set downe in the Booke of Common prayer beginning at the *Confession*, *Absolution*, the *Psalmes*, and Chapters appointed for the dayes, the *Hymnes*, of *Te Deum*, *Benedictus*, *Magnificat*, and *Nunc dimittis*, the *Creede*, the *Versicles*, the *Collects*, the whole *Letany*, the prayers for the King, the Prince, (†) the Byshopps, the ten Commaundements, and the Epistle and Gospell, without any kind of alteration, or omission, and at due and convenient howres? And whether doth your Minister omit any part of the Seruice, and make long Sermons or Prayers of his owne?

3. Whether doth your Minister vpon Wednesdaies and Fridaies (not being Holydaies) reade in your Church or Chappell, the Letany and other prayers appointed in the said Booke for those dayes? And whether doth he sometime reade the Commination against Sinners, in such order and forme as is there prescribed?

4. Whether doth your Parson, Vicar, or Curat, in the administration of the Lords Supper, of Baptisme, in the solemnization of Marriage, Buriall of the dead, Churching of Women, &c. vse the formes, Prayers, and ceremonies prescribed in the Communion Booke? as namely, Whether doth he administer the Communion to himselfe kneeling and to none other but to such as do kneele at the receiuing thereof: make the signe of the Crosse vpon the Childs Fore-head in the administration of Baptisme: Baptise any without Godfathers and Godmothers: doth he vse the Ring in Marriage: and generally, doth he in the discharging of all these duties, (and when he readeth Common prayer vpon Sundaies and holy dayes,) weare a Surplesse?

5. Whether doth your Minister or Curate, refuse to baptise Children privately that are in danger of death, if they be thereunto required; and haue any Children dyed without Baptisme by their default; or doe they refuse to administer the holy Communion to those that be sick and desire the same?*

6. Whether doth your Minister, or Curat, or any other of the parish, spake (*sic*) publickly or privatly against the necessitie or benefit of the Sacraments, if they may conueniently be had.

7. Whether doth your Minister vpon Sundayes at morning prayer, declare vnto the Parishioners what Holydayes & Fasting dayes are appoynted to be kept the weeke following, according to the lawes of this Realme?

8. Whether doth your Minister in the Rogation weeke, vse the Perambulation of the circuite of your Parish. appoynted by Law: and whether doth he in the sayd Perambulation, moone the people to giue thankes to God in the beholding of his benefites, for the increase of the Fruites vpon the earth?†

9. Whether doth any man, being neither Minister or Deacon,‡ read Common prayer openly in your Church or Chappell, or administer the Sacrament of Baptisme, or solemnize Matrimony, or take vpon him to practise any other ministerial duety in the Church, which is prescrived to be executed particularly by such as are either Ministers or Deacons, and what is his name that so doth?

10. Whether is your Parson or Vicar a Preacher licenced to preach by lawfull authoritie? if he be, doth he vsually preach amongst you (§)? If he be not, how many Sermons doth he procure to be preached by others: who hath preached them: and whether were they Preachers licensed, as is before expressed?

11. Whether doth your Parson, Vicar, or Curat, euery Sunday and Holyday (when there is no Sermon) read distinctly and plainely some part of the Homilies prescribed and set foorth by authority?

12. Whether doth the Parson, Vicar, or Farmour of the benefice in your Parish, cause or suffer any Curate or Minister, either to read Seruice, &c. or to preach, before hee the sayd Curate (being no Preacher) be examined and admitted by the Ordinarie in writing, and before he the said Curate being a Preacher, be therevnto admitted according to Law, and before they shew their sayd seuerall Licenses vnto the Churchwardens? (‖)

13. Whether doth your Preacher in his prayer which he maketh at his Sermon vse to pray for his Maiestie, the Prince, and all the rest of the royall progeny, (¶) with his whole title; as King of great *Brittaine*, *France*, and *Ireland*, defender of the fayth, &c. and in all causes, and ouer all persons within his Highnesse dominions, as well Ecclesiasticall as temporall, next & immediately vnder God, supreame gouernor: And whether doth hee in like manner then pray for the Archbishops and Bishops, as by Law is also appoynted.

14. Whether doth you Minister serue two Cures in one day? except it be a Chappell belonging to his charge.

15. Whether doth your Parson, Vicar, or Curat, euery Sunday & Holyday openly in the Church earnestly cal for, heare, and instruct all the Children, Apprentices, and Seruants of both Sexes, that be of conuenient age within your Parish, or at the least so many of them by course as the time will serue, and as he may well heare and instruct one hower, or halfe an hower at the least, before or after Euening prayer, in the tenne Commandements, the Articles of the Beliefe and the Lords prayer; and diligently examine and teach them the Catechisme, as it is now allowed and set forth in the Booke of Common prayer, whereby the children of the Parish may be prepard for confirmation, and those which are confirmed for receiuing of the Communion? And whether be the Children and ignorant persons sent at the time to the Church there to be instructed by the Minister; and if not, what be there names that make default in not sending of them? And this we require you to have an especiall care of; as also to bring your Children to be

* *Article* 1 *omitted*. 1628.

† The King, the Prince] the King and Queene. 1628.

* and desire the same] or to visite them in their sicknesse if they desire the same. 1628.

† 8. Whether are the vsuall customes of drinkings at certaine places and houses of the parishioners at the time of such perambulations, observed and kept and allowed, vnto such as walke the bounds of your Parish, and the number of such as walke, so restrained and limitted by the Minister and Church-wardens and some other substantiall men of your parish that they be not over burthensome to such as performe those customes of drinking at the perambulation, and specially with out-commers from other Parishes. *Added*. 1628.

‡ being—Deacon] *Omitted*. 1628.

§ a Preacher—amongst you] or Curat, vse to preach amongst you. 1628.

‖ *Article* 12 *omitted*. 1628.

¶ his Maiestie—progeny] the Kings Maiestie the Queene and all the Royall Progenie. 1628.

confirmed when the Bishop shall come about that holy seruice.

16. Whether is there any man in your Parish, being neyther your Parson, Vicar, nor Curate, that taketh vpon him to Preach or read Lectures, * eyther in priuate houses or publikely in your Church or Chappell, who is not Licenced to Preach or read there or who doth not once a yeare (at the least) read the whole Seruice as it is prescribed in the Booke of Common prayer, and administer both the Sacraments in your sayd Church or Chappell where he so preacheth or readeth, according to the Booke of Common prayer?

17. Whether your Minister hath or doth receiue to the holy Communion any Persons which be not of his owne parish, without testimony from the Ministers of the place where they dwell, and what they be,† that it may appeare that they be not persons excommunicate, Sectaries, or otherwise infamous?

18. Whether doth your Parson, Vicar, or Curate, question or reiect any from the holy Communion, who is not by publike fame, or by presentment of the Churchwardens detected‡ for a notorious Fornicator, Adulterer, or other wicked liuer, or a common disturber of his Neighbours by whom publike offence is giuen; and whether he receiue any such person so infamed or presented, to the holy communion, before publike penance inioyned by his ordinary, be by him first performed, to the satisfaction of the congregation, according to the Law in that case prouided?

19. Whether hath your Parson, Vicar, or Curate, or any other Minister, or party whatsoeuer, publikely or priuately preached, or spoken anything in derogation of the booke of common prayer, by dispraysing or deprauing the same, or anything therein conteyned, or against the present estate§ of the Ecclesiastical gouernment established by authority, or against any office, function, or part thereof, affirming the same to be unlawfull Popish, Antichristian? &c.

20. Whether hath your Parson, or Vicar more Benefices then one? If he hath not, whether is he resident vpon that one? If he be not resident, where doth he remaine? And whether doth he leaue a sufficient Minister and Preacher to supply his absence, allowing something yeerely towarde the reliefe of the Poore? And what doth he so allow? Whether doth he let his Benefice to farme to his Curate or to any lay Parson?

21. Whether is your Parson, or Vicar, who hath two Benefices within, this Dioces, or one Benefice in this dioces, and an other foorth of the same resident one halfe of the yeere on one of them, and the other halfe yeere, or the greater part thereof vpon his other Benefice? And whether doth he leaue the Benefice in your Parish prouided of a sufficient Preacher to serue it, and hath an especiall care of some conuenient hospitality to be kept in his absence according to his ability, and the proportion of his liuing?

22. Whether doth your Parson, Vicar, or Curate, vse such decent and comely apparel, as is prescribed by the late Cannons, without colours, cuts, gards, or vnseemely fashions?

23. Whether doth your Parson, Vicar, or Curate, keepe any Man or Woman in there houses, that are suspected to be eyther of euill Religion, or of bad life: or whether he they or any of them negligent persons themselues, or giuen to drunkennes, or to be hunters of Tauerns, Alehouses, or suspected places, common dicers, Carders, Tableplayers, Swearers, or otherwise suspected parsons, of any notorious crime, or light and vnseemely behauiour, or giue euill example of life?

24. Whether be there any Minister or Priests within your Parish, which liue idlely without any cure, and so become offensiue to their calling, and what be their names who so liue, and how long haue they bin with you?

25. Whether doth your Minister euery six moneths denounce in his Church at the time of prayers all such of his parish as do persevere in the sentence of excommunication not seeking to be absolued?¶

* or expound the Scripture. *Added.* 1628.

† Without testimony—they be] without leaue or licence of the Lord Bishop, or other ordinary of the place. 1628.

‡ publike fame—detected] public authority adiudged. 1628.

§ present estate] particular estate. 1628.

‖ *Articles* 20–25 *omitted.* 1628.

¶ *The following articles are added by Bp. Corbet in* 1629:—

26. Whether doth your minister publikely read in the parish church once every year vpon some sunday or holyday the cannons and constitutions Ecclesiasticall made in the first yeare of our late Soveraigne Lord King James deceased, according to his said maiesties order and commandement set doune in the end of the said cannons?

27. Whether doth your minister solemnely denounce Recusans (*sic*), and other excommunicate persons vpon some sunday in time of divine service every sixe moneths according to the 65 cannon of the said cannons, in case they stand excommunicated aboue 3 months.

28. Whether doth your minister conferre with Recusants according to the 66. of the said Canons.

29. Whether doth your minister visit the sicke persons of his parish, according to the 67 of the said Cannons.

Articles concerning the Church.

Whether haue you in your parish * churches and chappels all things necessary and requisite for common prayer, and administration of the Sacraments, especially † the Booke of common prayer, with the new Kalender, the Psalter sette foorthe by the Bishops, the Homilies both first and second Tome,‡ a decent Surplis; a Table shewing what degrees of consanguinitie and Affinitie are forbidden in Mariage, set foorth by Authority, in the yeare of our Lord GOD 1563. the Table of the ten commandements; a conuenient Pulpit well placed; a comely and decent Table standing vpon a frame for the holy communion, with a faire Linnen cloth to lay vpon the same, & some covering of silke, or comely carpet, for the cleane keeping thereof; a faire and comely communion-cuppe of Silver, & a cover of Siluer for the same, which may serue also for the ministration of the communion-bread: a comly Pot to fetch Wine to serue the Lord's table, reserued and kept cleane to that vse only; and a strong chest or Boxe for the almes of the Poore, with three lockes and Keyes to the same, and all other thinges necessarie in and to the premises?

2.§ Whether within these last 20 yeares, your church or chappell beinge covered with lead the same lead hath been in any part taken away, and tyles or other stuffe layed on in steede thereof, & to what vse hath such lead so taken away bene imployed, or converted vnto, & by whom; of what kinde the stuffe is, or was layed on insteede of the sayde lead so taken awaye (as aforesayd)

3. Whether any hath pulled downe or vncouered your church, chancell, or chappell, or any part of them: or hath pulled downe the Bells? Whether is your church or chappell and the chancell, well and sufficiently repayred? Whether doth your Parson, Vicar, or curate, or the Proprietarie or Farmer of your Parsonage or Vicarage in your Parish, keepe the Parsonage or Vicarage house (with all other the Edifices thereunto appertaining,) in good and sufficient reparations: And whether is your churchyarde well fenced and cleanly kept, without any Laystall or other annoyances? and your trees in the churcheyard cut downe or spoyled, & by whom?

4. Whether your Fonts or Baptisteries be remooued from the place where they were wont to stand? or whether any Parsons (leauing the vse of them) do christen in Basons, or other Vessels, or haue taken downe the old vsuall Font, heretofore vsed in your Parish:

5. Whether is there in your Parish a sufficient Register booke of Parchment of mariages, christnings, and Burials, prouided at the charge of the Parish? Whether are all the names of those that haue been eyther christened, Married, or Buried since the beginning of his late Maiesties reigne, newly written into the sayd Parchment booke? Whether haue you a publike chest with three Lockes, for the Minister and the two churchwardens to keepe the said Booke in: and whether haue you brought a transcript of all the names of such as haue beene christned, maried, and buried this last yeare, into the Register his Office, as you are bound to doe everie yeare hereafter, within a month after the Feast of Easter, by the Constitutions?‖

Articles concerning the Ecclesiasticall Court.

Whether hath any person within your parish promised or paid any summe of Monie, or other reward, directly or indirectly, by himselfe or any other, to any iudge or Officer of the Ecclesiasticall Court, for avoiding punishment, for any Incest, Adulterie, Fornication, or any other Ecclesiasticall crime, if so, then with whom, when, or for what summe?

2. Item, hath any Chancellour, Archdeacon, Officiall, or any other,¶ exercising Ecclesiasticall iurisdiction within the Dioces,** or any Register, Apparitor, or Minister belonging to the same Ecclesiasticall court, exacted extraordinardie, (*sic*) or taken greater Fees then heretofore of late hath beene accustomed: And whether is there a Table of the Rates of all Fees set vp in their severall Courts or Offices: And whether they, or any of

* parish] *omitted.* 1628.

† A Bible of the largest volume and last edition. *Added.* 1628.

‡ The Canon set out in the yeare 1603. *Added.* 1628.

§ *Article* 2 *omitted.* 1628.

‖ and whether have you brought—Constitutions] *omitted.* 1628.

The following Article is added by Bishop Corbet in 1629.

6. Item. Whether doth your Minister or Churchwardens or any of your parish suffer any man or woman to dwell or have his or her habitation, or dwelling, or keepe any shop or warehouse, in your Church or Chancell or Belfrey, or in any roome belonging to the Church or Chancell scituated and being within the circuit of the Church or Church-yeard.

¶ Chancellour—other] *omitted.* 1628.

** within the Dioces] belonging to to the L. Bishop or Archdeacons of Oxon. 1628.

them, haue taken vpon them the Office of Informers, or Promoters to the Courts, or any other way abused themselues in their Office, contrarie vnto the Law & Canons in that case provided?

3. * Whether is the vsuall number of Apparitors increased, and wherein, and in what manner is the countrie overburdened and grieued by the said Apparitors?

Articles concerning Schoolemasters.

Whether every Schoolemaster within your parish, in any Noble, or Gentlemans house, or in any other place, bee of good and sincere Religion, life, and conversation, and bee diligent in teaching and bringing vp of Youth: and whether they have beene examined, allowed, and licensed for Schoolemasters, by the Ordinary in that behalfe?

2. † Whether your Schoolemaster, or schoolemasters, doe themselues receaue the holy communion as often as they ought to doe: and whether doe all their schollers, which be of age sufficient and of capacitie by instruction, come to the communion, either in your owne church, or else where their Parents dwell, once euery yeare, and be diligent to heare Common prayer;

3. Whether your Schoolmaster, or schoolemasters, do orderly ‡ on Sundaies with their schollers come to the Church of their Parish where they teach, and there see their Schollers placed in some convenient place, so as they doe not disquiet the Minister, or parish in time of Divine Service, but may exercise themselues in reading and hearing the Service & Sermons, and in answering with the Congregation, in reading of publike prayer § ?

4. Whether the Schoolemaster, or schoolemasters, either private, or publike, do teach their schollers the Catechisme, authorized by publike authority, at the least once euery weeke, and doe instruct and examine them in the same: or doe teach any other Catechisme? and what Catechisme it is that they so do teach?

5. Whether your Schoolemaister or Schoolmaisters, or any of them, be knowne or suspected to reade vnto their Schollers priuately any vnlawfull Bookes, or priuately to instruct them in their young yeares, eyther in Poperie, superstition, or disobedience, or contempt to his Maiesty and his Lawes Ecclesiasticall by publike authority allowed?

6. ‖ Whether the Schoolemaister or Schoolemaisters within your parish, do teach his or their Schollers any other Grammer then that which is commonly called the Kings Grammer, set foorth by the authority of King *Henrie* the Eight? ¶

Articles concerning the Parishioners, and others of the Laitie.

Whether all Housholders in your Parish, cause their children, servants, and Apprentises, both Mankind, and Womankind, being aboue seven ** yeares of age, and vnder twentie, which haue not learned the catechisme, to come to the church on Sundaies & Holidaies at the time appointed for catechising, and there diligently and obediently to heare? And what be the names of those that doe not cause their children, servants, and Apprentises so to come to the Church to be instructed and examined?

2. Whether the Churchwardens doe present all those who do not send their children and servants to be Catechised?

3. Whether any doe worke, or keepe shops open vpon Saboth daies, that is upon sundaies, or vpon any Holidaies appointed by the Lawes of the Realme to be kept Holyday, or vse any worke, †† or open shewe of their wares in any of those dayes?

4. Whether you your selues, or the Churchwardens in the yeare before you haue suffered any vnmarried women being gotten with child, to go out of your Parish before she hath by you, or them, beene presented to your Ordinarie, or any Man defamed of Whoredome, to depart vnpunished, vpon direction appointed by the Ordinarie? and foorth of whose houses haue they gon away with child vnpunished? and what be the names of such vnmarried Women which haue been deliuered within your parish, and haue gon away without dooing of penance?

5. * Whether the Parish Clarke be appointed according to the Law by the Parson or Vicar of the Parish, with the allowance of the Ordinarie? And whether he be obedient to the Parson, Vicar, or Curate? And whether he be able to read, and whether he keepe the Bookes and Ornaments of the Church faire and cleane, and cause the Church, and Quire, the communion Table, and the Font, to be kept cleane and decent against the seruice time, the Communion, sermon, and Baptisme?

6. Whether there be any person or persons Ecclesiasticall or Temporall within your Parish, or else where within this Diocesse, that haue retained and kept in their custody, or that read, sell, vtter, dispearse, carry, or deliuer to others any English Bookes or Libels, set foorth, eyther on this side, or beyond the seas, by Papists or sectaries against the Kings supremacie, in causes Ecclesiasticall, or against true Religion and catholique Doctrine now publikely professed in this Church, or the gouernment or discipline of the Church of England now within this Realme receiued and established by common Authorite, and what their names and surnames are:

7. Whether there be any in your Parish who are noted, knowne, or suspected to conceale or keepe hidden in their houses any Masse-bookes, Portesses, Breuiaries, or other Bookes of Poperie: or any challices, copes, Vestments, Albs,† or other ornaments of superstition, vncancelled or vndefaced?

8. Whether there be in your parish any popish or sectary Recusant or Recusants, which for any cause whatsoeuer forbeare to come to Church or Common prayer, andwhat their seuerall name or names are, and how long they haue been Recusants? ‡

9. ‡ Whether any doe refuse to receive the holy Communion at their owne Ministers hands, either because he is not a Preacher, or because he duly obserueth the order of administration appoynted by the Booke of Common prayer: and who they be that do goe from their owne Parish, to receiue at any other Ministers hands?

10. § Whether any of your Parishioners hauing a Preacher to their Parson, Vicar or Curate, doe absent themselves from his Sermons, and resort to any other place to heare other Preachers?

11. Whether all the people of your Parish aboue 16. yeares of age, and especially Housholders, hauing no lawfull excuse to be absent, doe resort with their seruants and children to their parish Church or Chappell on the Holidayes and on the Sundayes, to morning and euening Prayer, and who they be that either negligently or wilfully absent themselues; or doe vnreuerently behaue themselues in the Church, or vse any gaming or pastime abroad or in any house, or sit in the streete or Churchyard, or in any Tauern or Alehouse, vpon the sunday or Holiday, in the time of common prayer, sermon, or reading of the Homilies, or any of them, either before or after noone?

12. ‖ Whether there be any Inkeepers, Alewiues, Victualers, or Tiplers that suffer or doe admit any person or persons in their houses, to eate, drinke, or play at dice, cards, Tables, bowles, or such like games, in the time of Common prayer or sermon, one the sundayes or Holidayes; or any Butchers, or other that commonly vse to sell Meate, or other things, in the time of Common prayer, preaching, or reading of Homilies: and whether in any Fayres, or common Markets falling vpon the sundayes there be shewing of any Wares; and whether any Markets and selling of Wares be vsed or suffered in any Churchyards on the sundayes or Holidayes or at any other time, by common Packmen or Pedlers going about, or any Butchers?

13. Whether the churchwardens of the last yeare, haue given to the Parsons ¶ or Vicar, and the Parish, a iust account of the church goods that were committed to their charge, and what churchgoods, they or any other haue sold, and to whom; and whether to the profit of your church or no: and what hath been done with the Money thereof coming?

14. ** Whether all the mony, rents, stocks or profit of cattell, or other goods giuen to the poore, or to other

* *Article* 3 *omitted.* 1628.
† *Article* 2 *omitted.* 1628.
‡ orderly] ordinarily. 1628.
§ publike prayer] publikes. 1628.
‖ *Article* 6 *omitted* 1628.
¶ *The following Article is added by Bp. Corbet in* 1629.
7. Whether is there any free Schoole within your parish, who was or is the Founder thereof, or hath the guift or nomination of the Schoolemaster, what is his pension, who paieth it, and whether the new Schoolemaster be licensed by the Ordinary.
** seaven] seaventeene. 1628.
†† or labour. *Added* 1628. and 1629.

* *Article* 5 *omitted.* 1628.
† albs] robes. 1628.
‡ and what—Recusants] present their names qualities and conditions, and how long they have abstained from divine service and from the Communion? 1628.
§ *Articles* 9, 10 *omitted* 1628.
‖ *Article* 12 *omitted.* 1628.
¶ Parsons] Parson. 1628.
** *Article* 14 *omitted.* 1628.

charitable vses, haue beene accordingly imployed according to the gift:

15. Whether the churchwardens and swornemen, haue of any priuate corrupt affection, concealed any crime or other disorder in their time done in your Parish, and haue not presented the same to the Bishop, Chancellor, * Archdeacon, Commissarie, or such other as had authorithy (*sic*) to reforme the same: and whether they or any of them at any such time as they should haue beene at divine service on sundayes and Holydaies, and should there haue obserued others that were absent, haue beene away themselues, at home, or in some Tauerne or Alehouse, or else about some worldly businesse, or at Bowles, Cardes, Tables, Dice, or other gaming, without regard of their Office and duty in that behalfe?

16. Whether any of your Parish being of conuenient age, haue not receiued the holy Communion this last yeare, and namely, at Easter last, or thereabouts for once, and what their names are which haue not receiued?

17. Whether there be any in your Parish, that doth administer the goods of those that be dead, without lawfull authority, or any that suppresse the last Will of the dead; or any Executors that haue not fulfilled their testators last Will in paying of Legacies giuen to the Church, or to other good and godly vses; as to the reliefe of pouerty or Orphants, † poore Schollers, poore Maydens mariage, Highwayes, and suchlike, and by whom they are so denied?

18. ‡ Whether there be any amongst you that doe vse Sorcerie or Witchcraf (*sic*) punishable by their Ecclesiasticall lawes, or that be suspected of the same: and whether any vse any Charmes or unlawfull Prayers: and whether any doe resort to any such for helpe and counsaile, and what be the names both of such as vse it, and of such as resort to them for helpe?

19. Whether there be among you any Blasphemers of the name of God great or often Swearers, Adulterers, Fornicators, Harlots or Whore maisters, Incestuous persons, Bawdes, or receiuers of naughty and incontinent persons, or harborers of women with child which be vnmarried, conueying or suffering them to goe away before they doe § any penance: or any tha be vehemently suspected of any such faults, ‖ or drunkards, or ribauds, or any that be malicious, contentious, or vncharitable persons, fighters, or chiders in Church, or Church-yard, raylers, scoulders, or sowers of discord betwene neighbours? and especially raylers against Ministers, and against their Marriage, or haue committed fornication with there wyues before Marriage, and what be all their seuerall names?

20. Whether there be any in these partes, ¶ that haue been married within the degrees, of affinity or consanguinity, by the lawes of God forbidden: or any that beeing diuorced or separated for the same, doe yet notwithstanding cohabit and keepe company still ** together? Or any that being married without those degrees, haue vnlawfully forsaken their Wiues or Husbands, and married others: any that being diuorced or separated a sunder, haue married againe: any that haue married without Banes three seuerall Sundayes or Holydayes solemnely asked, and without Licence thereunto: †† or any couples married, that liue not together, but slaunderously liue apart?

21. ‡‡ Whether the Minister & Churchwardens haue suffered any Feastes, Banquets, Churchales, or Drinkinges in the Church, or any Lords of Misrule, or Sommer Lord or Lady, or any disguised persons: and players of May games, or any Moris-dancers, at any time to come vnreverently into the Church or Church-yard, and there to dance or play, or shew themselues disguised, and what be they that commit such disorder, or that accompanied or maintained them: or any Plaies to be plaied in the Church?

21. Whether there be any maried women, or others within your Parish, which after child-birth, refuse or contemne to come to the Church in decent sort to giue God thanks for their deliuery, and to heare the prayers publikely appointed in that behalfe by the Booke of Common-prayer?

22. Whether any within your Parish doe resort vnto Barnes, Fieldes, Woods, private Houses, to any extraordinary exposition of Scriptures or conferences together: or that be drawers or perswaders of others to any such schismaticall Conventicles?

23. Whether any doe keepe their children vnbaptised longer then is convenient: and whether any doe carry their Children from the Parish they are borne in, to other Parishes to be Baptised, and so refuse their owne Parish: or doe bring strange Ministers into their owne Houses to Baptise their Children privatly, according to their owne fantasies:

24. * Whether are the fift day of August, and † the fift of November, kept holy according to statute, and thanksgiuing made to God for his Maiestie, & the States happy deliverance?

25. Whether any haue beene admitted to be Godfather, or Godmother that ‡ haue not before that time receaued the Communion?

26. § Whether are your Midwiues sufficient for their place, and of good name and credit: are they licensed thereunto by the Ordinary, present the names of such as are not licensed? ‖

27. Finally, you shall present by vertue of you Ooaths, (*sic*) all and euery person knowne or vehemently suspected to be guilty of any manner of sinne or crime punishable by Ecclesiasticall discipline, all deprauers of the Religion and Church gouernment established in this Realme, and especially all the deprauers of the royall supremacie of our Soueraigne Lord the King in all causes Ecclesiasticall, and all that doe any way disquiet the peace of the Church of *England:* And whatsoever fault else worthy the presentment in your iudgement, and fit to bee reformed by Ecclesiasticall censure, although it be not expressed in these Articles. At the delivery of your Bill of presentment, at the time and place aboue set downe, the Minister, Churchwardens, and Sidemen of every Parish, must in the end of the said Bill of presentment, set downe besides their presenting which they make of all Rucusants, (*sic*) and non-Communicants, this note following,

Recusants men.—
Recusants women.—
Non Communicants of both sex.
Communicants of both sex in the whole Parish.—

So setting downe the number of euery one: the Minister, Churchwardens, and Sidemen must put their hands to this Note. ¶

FINIS.

OVERALL, BISHOP OF NORWICH, 1619.

ARTICLES to be enquired of in the Diocesse of Norwich, in the Ordinarie Visitation of the Reuerend Father in God, John Lord Bishop of Norwich.

Anno Dom. 1619, *& Translationis suæ primo.*

Printed *by* Cantrell Legge, *Printer to the Vniuersitie of* Cambridge, 1619.

[These Articles were re-issued, in the same words, by Sam. Harsnet, Bishop of Norwich, at his Visitation in 1627.]

[Collated with an edition re-issued by Francis White, Bishop of Norwich, in 1629.]

The Forme of the Oath to be ministred vnto the Churchwardens and Sidemen.

You shall sweare, that you, and euerie of you, shall duely consider, and diligently inquire, of all and euerie of these Articles giuen you in charge; and that all affection, fauour, hope of reward and gaine, or feare of displeasure, or malice set aside; you shall present all and euery such person of or within your Parish, as hath committed any offence, or made any default mentioned in these, or any of these Articles; or which are vehemently suspected or defamed of any such offence or default: Wherein you shall deale vprightly and fully: neither presenting, nor sparing to present any, contrarie to truth: hauing in this action God before your eyes, with an

---

* Chancellor] *omitted.* 1628.
† orphants] orphanes. 1628.
‡ *Article* 18 *omitted.* 1628.
§ doe] take. 1628.
‖ or knowne, or publikly, or credibly famed to be the attemptors of the chastity of any woman. *Added.* 1628.
¶ Whether—partes] Whether if you knowe of any in any private house, or not betweene the houres of eight and twelve in the forenoone, or. 1628.
** still] *omitted* 1628.
†† and without licence thereunto] and being not licensed by the authority of the Bishop, or Archdeacon of Oxon; or without other lawfull license therevnto. 1628.
‡‡ *Article* 21 *omitted.* 1628.

* *Article* 24 *omitted.* 1628.
† are—and] is. 1629.
‡ Godfather—that] Godfathers or Godmothers and. 1628.
§ *Article* 26 *omitted.* 1628.
‖ *The following Article is added by Bp. Corbet in* 1629.
27 Whether doth any man or boy in time of divine Service cover his head or sit with his hat vpon his head, in your Church or Chappell, contrary to the 18 of the said Cannons, or doth not vse all other gestures and behauiours in time of divine service required in that 18 Cannon.
¶ *Omitted* 1628 And the old Churchwardens are to be chosen Sidemen. *Added* 1629.

earnest zeale to maintaine truth and vertue, and to suppresse vice. So helpe you God, and the holy contents of this Booke.

ARTICLES to be enquired of in the Diocesse of Norwich. Anno Dom. 1619.

Titul. 1. *Articles concerning Religion and Doctrine.*

Hereticall opinions.

1. Whether be there any abiding, or resorting to your Parish, that haue wilfully maintained and defended any heresies, errors, or false opinions, contrarie to the faith of Christ, and holy Scripture.

Absence from Church.

2. *Item*, Whether doth any in your Parish, being 16 years of age or vpwards, or others lodging, or commonly resorting to any house in your parish, wilfully absent themselues from your parish Church, Chappell, or Oratorie, vpon Sundaies and holidaies, and other daies appointed, at Morning and Euening prayers. Or who come late to Church, and depart from Church before diuine Seruice and Sermon bee ended. Or whether be there any, that perswade others to forbeare and abstaine comming to Church to heare diuine Seruice, and receiue the holy Communion according to his Maiesties lawes in that behalfe enacted.

Vnlawfull Conuenticles.

3. *Item*, Whether be there any in your parish, that hath bin, or is vehemently suspected to haue beene present at any vnlawfull assemblies, conuenticles, or meetings, vnder colour or pretence of any exercise of Religion; or doth any affirme and maintaine such meeting to be lawfull, contrary to his Maiesties statutes in that behalfe.

Impugners of the Kings supremacie.

4. *Item*, Whether be there any within your parish that deny, or perswade any to deny, withstand, and impugne the Kings Maiesties authoritie and Supremacie in causes Ecclesiasticall within his Realme.

Popish Recusants.

5. *Item*, Whether be there any abiding, or resorting to your Parish that be, or are commonly reputed to be ill affected in matters of Religion professed in our Church, or taken to be Recusant Papists, refusing to repaire vnto the Church to heare diuine Seruice, and receiue the holy Communion, and beeing disobedient to his Highnesse Lawes in that behalfe prouided. Or doe any publish, sell, or disperse any superstitious books or writings; or other books, libells, or writings of any lectuaries (*sic*) touching the Religion, State, or Ecclesiasticall gouernement of this Kingdom of England. Present their names, qualities, and conditions. Doe any Papist keepe a schoolemaster in his house, which commeth not to Church as is required. What is his name, and how long hath he taught there or elsewhere.

Titul. 2. *Articles concerning Publique Prayer and Administration of the Sacraments.*

Deprauing the Booke of common Prayer, and Ceremonies.

First, Whether hath any of your parish spoken, or declared any thing in the derogation, or deprauing of the forme of Gods worship in the Church of England, and Administration of the Sacraments, Rites, and Ceremonies set forth and prescribed in the Booke of Common Prayer by the Kings Maiestie authorised and confirmed. Doe any preach, speak, or declare, that it conteineth any thing which is not agreeable to the holy Scriptures.

Perswading any Minister to alter the forme of common Prayer.

2. *Item*, Whether hath any in your parish caused, procured, or maintained any Minister to say any common or publike prayer, or to administer either of the Sacraments of Baptisme and the Lords Supper otherwise, or in any other manner and forme, then is mentioned in the said book of Common Prayer: Or whether hath any interrupted, hindred, let, or disturbed the Minister to read diuine seruice, and administer the Sacraments in such manner and forme, as is mentioned in the said book, or interrupted him in his preachings and Sermons.

Obseruation of the forme of Baptisme and Crosse.

3. *Item*, Whether is the Sacrament of Baptisme rightly and duly administred according to the prescript Forme expressed in the book of Common Prayer, with due obseruation of all Rites and Ceremonies prescribed in the administration of the same, without adding, or altering any part or parcell of any prayers, interrogatories, or not vsing the signe of the Crosse in the administration of the same.

Deferring of Baptisme.

4. *Item*, Whether is the administration of the Sacrament of Baptisme deferred longer then the next Sunday or Holiday immediately following the birth of the Child.

Children refused to be baptized, or dying without baptisme.

5. *Item*, Whether is the Sacrament of Baptisme refused to be administred to any children borne in or out of wedlock, their birth being made knowne to the Minister of the parish, and offered vnto him to be baptized, or haue any such children died vnbaptized.

Parents of children admitted Godfathers.

6. *Item*, Whether be the Parents of any child to be baptised, admitted to be godfathers, and godmothers to the same.

Priuate Baptisme.

7. *Item*, Whether haue there any children bin baptized in priuate houses by any Lay person or midwife, or Popish Priest, or by any other Minister, but vpon vrgent occasion when the child was in danger of death.

Baptising of Papists children.

8. *Item*, Whether haue the children which haue been borne to any Popish Recusants, or begotten by them in your parish, beene publikely baptized in your parish Church by your Parson, Vicar, or Curate; or by whom were they baptized, or where to your knowledge.

Receiuing of the Lords Supper thrice a yeare.

9. *Item*, Whether hath the blessed Sacrament of the Lords Supper bin duly and reuerently administred euery moneth, or thrice euery yeare at least, whereof once at Easter, within your Parish Church to euery parishioner beeing of sixteene yeares of age, or vpwards.

Kneeling at the Communion.

10. *Item*, Whether is the said Holy Sacrament deliuered vnto, or receiued by any of the Communicants within your Parish, that vnreuerently sit or stand, or doe not deuoutly and humbly kneele vpon their knees.

Notorious offenders admitted to the communion.

11. *Item*, Whether hath any of your Parish which be openly knowne to liue in notorious sinne without repentance, or excommunicate persons, or Schismatikes, common and notorious deprauers of the Religion and gouernement of this Realme, without vnfained sorrow showne for their impietie and wickednesse, beene admitted to be partaker of the said holy Communion.

Debarring others without cause.

12. *Item*, Whether hath any of your Parish bin debarred from the said holy Communion without iust cause, and without intimation first giuen to the ordinary or Bishop of the Dioces: and by whose default.

Titul. 3. *Articles concerning the Church, the Ornaments thereof, and the Churches Possessions.*

Books and ornaments in the Church.

First, Whether haue you in your Church or Chappell, the whole Bible of the largest Volume, and of the last translation, the Booke of common Prayer, lately set forth by his Maiesties authority, the two bookes of Homilies, and Bishop Iewell's Apologie, all well and fairely bound: A Font of stone set vp in the ancient vsuall place: A conuenient and decent Communion Table, with a carpet of silke, or some other decent stuffe, continually laid vpon the table at time of diuine Seruice, and a faire linnen cloath at the time of administring the Communion. And whether is the same Table placed conueniently as it ought. And whether is it so vsed in or out of time of Diuine Service or Sermon, as is not agreeable to the holy vse of it; as by sitting on it, and by throwing hats on it, or writing on it; or is it abused to other prophaner vses. Are the tenne Commandements set vpon the East end of your Church, with other sentences of Scripture about.

Abusing of the Communion Table.

Things apperteyning to Churches.

2. *Item*, Whether haue you in your said Church or Chappel, a conuenient seat for your Minister to read diuine seruice in, together with a comly Pulpit set vp in a conuenient place, with a decent cloth or cushion for the same; a comely, large, and fine Surplice, a faire Communion Cup, a flagon of Siluer, or Peuter, with all other things and ornaments necessarie for the celebration of diuine Seruice, and administration of the Sacraments: and whether haue you a Chest for Almes with three locks and keies, and another chest for keeping the books and Ornaments of the Church, and the Register booke. Haue you a Register booke in parchment for Christnings, Weddings, and Burialls, and is the same kept in all points according to the Canons. And haue you a Table set in your Church of the degrees where in by law men are prohibited to marrie?

Register Books.

Reparations of Churches and parsonage houses.

3. *Item*, Whether is your Church or Chappel with the Chauncel therof, and your Parsonage or Vicarage house, your Parish Almes-house and Church-house in good reparations; and are they imployed to godly, and their right holy vses;

if any be ruinated and wasted, in whom is the default. Is your Church, Chancell, and Chappel decently and comely kept, aswell within as without, and be the seats well maintained, the steeple and bells preserued, the windows well glazed,* the floore kept paued, plaine and euen, and all things in orderly and decent sort, without dust, or any thing that may be either noysome or vnseemely for the house of God, as is prescribed in an Homily to that effect, and the 85 Canon.

Keeping cleane of Churches.

4. *Item*, Whether be your Churchyards well fenced, and kept without abuse: if not, whose default is it: hath any person encroached vpon the ground of the Churchyard. Haue any vsed a place consecrated to holy vse prophanely or wickedly: haue any quarrelled or stricken another in Church or Churchyard: haue any annoyed your Churchyard or the fence thereof, by putting in of cattell, by hanging of cloathes, or by laying there any dust, dung or other filthines.

Fencing and keeping the Churchyard.

Profaning and annoying the Churchyard.

5. *Item*, Whether is your Church full, or vacant of an Incumbent; if vacant, who receiueth the fruits thereof, and who serueth the Cure, and by what authoritie: And whether is it a Parsonage Vicaridge, or Donatiue, or Appropriation.

Churches vacant.

6. *Item*, What legacies haue been giuen to the vse and benefit of your Church, how haue they been bestowed: who receiued them, and detaineth them without due imployment. Doth any detaine or embezell any of the Church goods, or any other gifts giuen to charitable vses.

Concealing of Church goods.

7. *Item*, Whether is there any erecting of pewes, or innovating of seats in your Church by any priuate man of his own authority: and what seats haue bin so built, and by whose procurement, and by what authoritie.

Erecting vp seats and pues.

8. *Item*, Whether hath any in your parish defaced, or caused to be defaced any monuments or ornaments in your Church.

Defacing of seemely Ornaments.

9. *Item*, Whether hath any Popish Recusant beeing lawfully excommunicated, been enterred or buried in your Church or Churchyard, before absolution of that censure and excommunication: if yea, then by whom, and when.

Burying of Popish Recusants.

10. *Item*, Whether be not the profits, tithes, and other commodities Ecclesiasticall, impiously and wickedly to the dishonour of Almightie God, and preiudice of the sacred ministerie, conuerted to the vse and benefit of couetous Patrons, and by them receiued and detained, and how long haue they been so vsed to your knowledge.

Alienation of tithes and profits of the Church.

11. *Item*, Whether haue you the Terrier of all the gleab-lands, meadowes, gardens, orchyards, houses, stocks, implements, tenements, and portions of Tythes (whether within your parish or without) belonging vnto your parsonage or vicaridge, taken by the view of honest men, in your said parish. And whether the said Terrier be laid vp in the Bishops Registrie, and in whose hands are any of them now. And if you haue no Terrier alreadie made in parchment, you the Churchwardens and Side-men, together with your Parson or Vicar, or in his absence your Curate, are to make diligent inquiry, and presentment of the premises, and make, subscribe, and signe the said Terrier, as aforesaid.

A terrier of Glebblands and other possessions of the Church.

Titul. 4. *Articles concerning Ministers, and Preachers of God's holy word.*

First, Whether is your Minister, Parson, Vicar, or Curate, a graduate in either of the Vniuersities, or no: if yea, then of what degree. Is he a publike Preacher of God's word, and by whom is he so licensed.

Degrees of Ministers.

2. *Item*, Whether doth your Minister distinctly, and reuerently say Diuine Seruice vpon Sundaies and Holidayes, and other daies appointed to be obserued by the booke of Common Prayer, as Wednesdayes, and Fridayes, and the Eues of euery Sunday and Holiday, at fit and vsuall times. And doth your Minister duely obserue the orders, Rites, and Ceremonies prescribed in the said Booke of Common prayer, as well in reading all publique praiers, and the Letanie, as also in administring the Sacraments, solemnization of matrimonie, visitation of the sicke, burying the dead, churching of women, and all other like Rites, and offices of the Church, in such manner & forme, as in the said book of common prayer is enioyned, without any omission or addition of any thing. And doth he read the booke of the last Canons yearely.

Obseruation of the forme, and time of common Praier and Sacraments.

3. *Item*, Whether doth your Minister alwaies, and at euerie time both morning and euening, reading Diuine Seruice, and administring the Sacraments, & other Rites of the Church, weare the Surplice according to the Canons, and doth he neuer omit wearing of the same at such times.

Continuall wearing of the Surplice.

4. *Item*, Whether doth your Minister bid holidaies and fasting daies, as is appointed. Doth he administer the holy Communion euery moneth, or thrice in the year at least, wherof once at Easter to euery parishioner: doth he receiue the same himselfe on euery day that he administreth it to others, and vseth he the words of Institution according to the booke, without alteration, at euery time that the bread and wine is renewed. Doth he vse and neuer omit the signe of the Crosse in Baptisme, or doth he euer baptize in any Bason or other thing but the vsuall Font. Doth he marrie without a Ring, or in times prohibited, or without the Banes thrice published, without a speciall Licence from the Archbishop, or Bishop of the Diocesse, or his Chauncellour first had and obteyned.

Obseruation of Rites.

5. *Item*, Whether is your Minister a Preacher licenced or no: If no, whether doth he take vpon him in his own Cure or elswhere to expound any Scripture or matter of doctrine, and doth not keep himselfe only to the reading of Homilies published by Authority: if so, then you are to present the same, the time and place where he did it. And if he be licensed, doth he preach vsually according to the 45 Canon, in his owne cure, or some other neighbour Church, where no preacher is: doth he preach standing, and with his hat off. Or whether doth he or his Curate vpon euery Sunday when there is no Sermon, read an Homily, or some part thereof, according as he ought to doe.

Preachers without licence.

Reading Homilies when there is no Sermon.

6. *Item*, Whether doth your Minister publish in his Sermons, any doctrine which is new and strange, & disagreeing from the word of God, & from the Articles of Christian faith and religion agreed on and published *Ann. Dom.* 1562. or whether doth they teach any thing, which they would haue the people religiously to obserue, and beleeue, but that which is agreeable to the Scriptures, and that which the Catholike Fathers and auncient Bishops haue gathered out of that doctrine, according to the Canon.

Preaching of false doctrine and new opinions.

7. *Item*, Whether are any Ministers admitted to preach in your Church, who doth not before the Churchwardens subscribe their names in your booke for that purpose, the day when he preached, and the name of the Bishop of whom he had licence to preach. And is any one admitted to preach before he sheweth* his licence.

Names of strange Preachers to be taken.

8. *Item*, Doth any Preacher in your pulpit particularly impugne and confute any doctrine deliuered by others his fellow preachers, before he hath acquainted the Bishop of the Dioces therewith, and receiued order from him what to doe in that case.

Opposition of Preachers in their Sermons.

9. *Item*, Doth your Minister vse alwaies to pray for the King's Maiestie, the Queene, Prince, Clergie, Councell, &c. giuing them their full titles as in the Canon is required.

Praying for his Maiestie, &c.

10. *Item*, Whether is your Minister resident vpon his Benefice, or absent; if absent, by whom is the cure serued, the fruits receiued. Doth your Minister or Curate serue any more cures then one: if yea, then what other Cure doth he serue, and how farre are they distant.

Non-residence of the Minister.

11. *Item*, Whether doth he catechize the youth of his Parish vpon Sundaies and holidaies before Euening praier for halfe an houre, or more, in the Catechisme set forth in the booke of common praier: and whether doe all the Parishioners diligently attend his catechising, and who refuse to send their children and seruants to be catechized by him.

Catechizing.

12. *Item*, Doth your Minister carefully looke to the releife of the poore, and from time to time call vpon his parishioners to give somewhat according to their abilitie, to godly and charitable vses, especially when they make their wills.

Ministers to cal for releefe of the poore, and almes deeds.

13. *Item*, Whether is your Minister suspected, or knowne to haue obteined his Benefice, or spirituall promotion by any symoniacall compact, directly or indirectly.

Symonie.

* Or any part of the Church or Chauncel windowes daubed or closed vp with Board, Lyme, or Stone. *Added in* 1629.

* Sheweth] hath shewed, 1629.

Demising of benefices.

14. *Item*, Whether doth your Minister demise the profits of his Benefice to any lay-man, aboue one yeare, and is not resident there, and keepeth no hospitalitie vpon his Benefice beeing of sufficient value?

Conferring with Recusants.

15. *Item*, Whether hath he beeing learned and sufficient, conferred with the Popish Recusants of his parish, endeauouring to reclaime them from their errours, and presenting them beeing obstinate for their Recusancie.

Obseruing of Rogation week.

16. *Item*, Doth your Minister in the Rogation daies goe in perambulation of the circuit of the parish, saying and vsing the praiers, suffrages, and thanksgiuing to God, appointed by lawe, according to his duty, thanking God for his blessings, and praying for his grace and fauour.

Preaching, &c., in priuate houses.

17. *Item*, Hath your Minister or any other preacher made any Sermons, administred the Sacraments, or Churched women in any priuate houses, otherwise then is by law allowed.

Curates not licenced, and laymen doing offices of a minister.

18. *Item*, What Curats, or Preachers doe read praiers, or administer the Sacraments in your Parish, without lawfull licence from the Bishop of the Diocesse vnder his hand and seale, according to the Canon: or doth any Layman, not hauing holy orders, presume to read publike praiers in the church.

Lecturers and Preachers to read seruice.

19. *Item*, Whether haue you any Preacher or Lecturer in your parish, and whether (if any such be) he doth twice at the least euery yeare read himselfe Diuine Seruice both morning and euening two seuerall Sundaies publiquely in his Surplice; and also twice in the yeare administer both Sacraments, with such rites and ceremonies as are prescribed in the booke of Common Prayer, according to the 56 Canon.

Conuersation of the Minister.

20. *Item*, Whether is your Minister studious in the holy Scriptures, and abstaineth from mechanicall trades, or labour not befitting his function, and from apparell vnseemely for his calling, and from gaming, swearing, and drunkennesse, or such notorious crimes: or is there any in your parish, who hauing been admitted into holy orders, either Deacon or Minister, doth relinquish and forsake his calling, and liueth in the course of his life as a Lay-man.

Ministers forsaking their calling.

Ministers reuealing priuate confessions.

21. *Item*, Whether doth your minister before the seuerall times of the administration of the Lords Supper, admonish and exhort his parishioners, if they haue their consciences troubled and disquieted, to resort vnto him, or some other learned Minister, and open his greife, that he may receiue such ghostly counsell and comfort, as his conscience may be releiued, and by the Minister he may receiue the benefit of absolution, to the quiet of his conscience, and auoiding of the scruple; And if any man confesse his secret and hidden sinnes beeing sicke or whole to the Minister, for the vnburthening of his conscience, and receiuing such spirituall consolation, doth or hath the said minister at any time reuealed and made knowne to any person whatsoeuer, any crime or offence so committed to his trust and secrecie, contrarie to the 113 Canon.

Titul. 5. *Articles concerning Matrimonie.*

Marriage within Leuiticall degrees.

First, Whether be there any in your Parish that haue married within the degrees of affinity, or consanguinitie by the law of God forbidden; if any, what be they.

Priuate marriage, and without consent of Parents.

2. *Item*, Whether haue any beene married secretly in priuate houses, or without their parents or gouernours consent signified, beeing vnder the age of 21 yeares.

Married persons liuing apart.

3. *Item*, Whether doe any persons lawfully married liue asunder vnlawfully, and in whom is the default.

Marriage without banes, and licence.

4. *Item*, Whether any persons, (the banes beeing not thrice published in the Church,) haue beene married without licence,* who were present at such marriages, and what Minister married them.

Persons married out of their parishes.

5. *Item*, Whether any persons by licence or without haue beene married in your Parish Church, neither of them at that time dwelling in your Towne.

Recusants marriage.

6. *Item*, What Popish Recusants or their children haue beene married in your parish, in what sort was that matrimonie solemnized, when and by whom.

* Lawfully obtained. *Added in* 1629.

Bigamy.

7. *Item*, Is there any in your parish that is voyced, noted, and credibly reported and accused to haue too (*sic*) wiues liuing, or two husbands.

Titul. 6. *Articles concerning the Churchwardens.*

Election of Churchwardens.

First, Whether be the Churchwardens chosen by the Minister and parishioners, according to the 89 Canon, and whether hath any taken vpon him to be Churchwarden beeing not so chosen? Or hath any continued aboue one yeare in his office without a new choise.

Churchwardens due accompt.

2. *Item*, Whether haue any Churchwardens reteined any of the Church goods, and not made a iust accompt of what they haue receiued and expended.

Churchwardens diligent in the Church.

3. *Item*, Haue they been and are they diligent in their office, to see decencie kept in the Church, and order in the time of Common praier, and administration of the Sacraments, and that there be no disturbance, but sobernesse and quietnesse in the Church. And doe the Churchwardens keepe a booke in your Parish, wherein the name of euery strange Preacher in your Parish is set downe; and haue the Churchwardens suffered any to preach not shewing or hauing no licence.

A booke for strange Preachers.

Titul. 7. *Articles concerning the Parishioners.*

Profaning the Lord's day.

First, Whether do any in your parish prophane the Sunday by vnlawfull games, drinking or tippling in the time of Common prayer, or Sermon; and by working, and doing the ordinarie workes of their vocation and trades.

Impugning the Rites and gouernement of the Church.

2. *Item*, Is there any in your Parish that doe impugne or speak against the Rites and Ceremonies of the Church of England, or the lawfull vse of them; and the gouernement of this Church vnder his Maiestie by Archbishops, Bishops, and other ecclesiasticall officers.

Reuerent behauiour at diuine seruice.

3. *Item*, Who in your Parish doe come to the Sermon onely, and not to diuine seruice, and who doe not reuerently behaue themselues during the time of diuine seruice, deuoutly kneeling when the generall Confession of sinnes, the Letany, the tenne Commaundements, and all Prayers, and Collects are read: and vsing all duly and lowly reuerence when the blessed name of the Lord Iesus is mentioned, and standing vp when the Articles of the Beleife, the *Magnificat*, *Nunc dimittis*, the *Te Deum*, *Benedictus*, and *Gloria Patri*, &c. are read, or who doe couer their heads in the Church, during the whole time of diuine seruice, vnlesse it be in case of necessitie, in which case they may weare a nightcap. Or who doe giue themselues to babling, talking, or walking, and are not attentiue to heare the Word read and preached.

Leauing their owne Churches to go to others.

4. *Item*, Is there any of your parish hauing a preacher to their Minister, that doe absent themselues from his Sermons, and resort to other places to heare other preachers: or doe any in your parish communicate, or baptize their children in any other parish.

Exception against the Minister.

5. *Item*, Is there any in your parish that refuse to haue their children baptised, or themselues to receiue the Communion of your Minister, taking exception against him: or haue any wiues that refuse to come to Church according to the booke of Common prayer, to giue thankes to God for their safe deliuerance, in a decent habit, as hath been aunciently accustomed.

Churching of women.

Disgracing of Ministers.

6. *Item*, Hath any in your parish spoken slaunderous and reproachfull words against your Minister, to the scandall of his vocation, or against their marriage or wiues, or against his neighbour, defaming them touching any crime of Ecclesiasticall cognizance.

Opening of shops vpon holidayes.

7. *Item*, Whether do any in your Parish exercise any trade, or labour, buy or sell, or keep open shops, or set out any wares to be sold vpon Sundayes and Holidayes by themselues, their seruants, or apprentices, or haue otherwise prophaned the said daies.

Keeping holy of 24 March, 5 August, 5 Nouember.

8. *Item*, Whether is the 24 of March, the 5 of August,* and the 5 of Nouember kept holy, and thanksgiuing made to God, according to the order set forth in that behalfe.

Adulterie, fornication, incest, &c.

9. *Item*, Is there any in your parish that be, or are commonly knowne or reputed, to be blasphemers of Gods holy

* the 5 of Aug.] *Omitted in* 1629.

name, drunkards, adulterers, fornicators, incestuous persons, concealors or harbourers of fornicators or adulterers: haue any beene detected of such notorious crimes, and what penance haue they done for the same.

Commutation of Penance.

10. *Item*, What corporall punishmen for any such offences, haue beene commuted and changed into a pecuniary mulct or summe of money by any Ecclesiasticall Iudge, exercising iurisdiction within this Diocesse by vertue of any grant or commission; or what was the summe of money by them or any of them so receiued and taken, and to what vses was the same bestowed: or whether vpon such commutations, was the vnfained repentance of the delinquents published in the Church.

Persons dying since the 2 of February* 1618.

11. *Item*, What person or persons haue died and departed this mortal life, since the 2 day of February last past, and whether did they make any last wills or Testaments, and who were their executors, or whether died they intestate, and who hath the administration of their goods; and what be the names of such deceased, and executors, and administrators.

Administring of goods without authoritie.

12. *Item*, Whether haue any in your parish administred the goods of any person deceased without lawfull authoritie, and before hee or they haue prooued the will and Testament of the partie deceased, or haue obtained Commission from the Ordinarie to dispose the said mooueable goods; or are there any wills vnprooued, or goods not administred.

Excommunicate persons.

13. *Item*, What persons be excommunicate within your Parish, and for what cause to your knowledge: and whether do any of them repaire to the Church, in time of Prayer vnabsolued.

Titul. 8. *Articles concerning Scholemasters, Physitians, and Chyrurgions, and Parish Clarks.*

Schoolemasters not licenced.

First, is there any Schoolemaster in your Parish that teacheth publikely or priuately, not licensed by the Ordinarie the Bishop of the Diocesse. Doth he teach any Papists or Sectaries children, that come not to Church. And doth he instruct all his schollers to learne the

Dutie of all Schoolemasters.

shorter Catechisme by law established, contained in the booke of common Praier. Is he a graduate, and sufficient to teach.

Physitians not licenced.

2. *Item*, What Physitian or Chyrurgion is in your parish vnlicensed, and beeing not a Doctor of physicke in either of the Vniuersities, doth practise physicke. And what ignorant persons haue left their trade, and taken vpon them to professe Physicke or Chyrurgerie; and who be they that so abuse the people.

Parish Clarks.

3. *Item*, Haue you a fit parish-Clarke, aged 20 yeares at least, of honest life, able to read and write. Are his and the Sextons wages paid without fraud; if not, then whose default is it. By whom is he chosen: is he diligent in his office, and seruiceable to the Minister; doth he meddle with any thing aboue his office; doth he keepe the Church cleane, the doores locked. Is any thing lost and spoiled by his default, and doth he execute his office duly.

Titul. 9. *Articles concerning Ecclesiasticall Offices.*

Excessiue fees.

First, Whether be there any ecclesiasticall officers that exercise ecclesiasticall iurisdiction within this Diocesse, that take and receiue, or exact any extraordinarie and excessiue fees for any cause. Whether haue your Churchwardens and Questmen, concealed any abuses or offences punishable in the Ecclesiasticall Court; and whether such offences beeing presented are suppressed and vnpunished.

Table of fees in Courts.

2. *Item*, Whether is there not a Table of Fees in euery Court, of the Consistorie, Archdeacons, and Commissaries, allowed & subscribed by the Iudge and Register of the Court of Consistory *Ann. Dom.* 1597, and the same euery Court day hung vp in some publique place of the Court and Registry.

Speeding of acts without a Notarie.

3. *Item*, Doth any Ecclesiasticall Iudge speed any act in any cause priuately of himselfe, and not in presence of some publike Notarie or Actuarie.

Abuses in Apparitors and Sumners.

4. *Item*, Whether is there any excessiue number of Apparitors and Sumners in this Diocesse; or haue any of them vnder pretence of authoritie cited or summoned any person vnlawfully, or hath taken any reward for the concealing of any offence or sinne, or the auoiding of punishment of the offenders, and who be they that haue done so; or doe they take any fees not accustomable. Haue they threatned any to prosecute them if they had no reward, and doe they summon any without a Citation first had.

Abuses in ecclesiasticall offices.

5. *Item*, Hath any Ecclesiasticall Iudge, or officer, Aduocate, Register, Procter, Clarks, or other such ministers any way abused themselues in their offices, contrarie to the law and Canons in that behalfe prouided.

Sincerity and impartialitie in the Inquisitors.

6. *Item*, Lastly, Whether haue you and euery of you, sincerely, vprightly, and without any partiall affection, and concealing, presented and made known all and euery the offenders in any of the matters mentioned in the precedent Articles exhibited vnto you, either as they are taken in truth to be, or by common fame reported.

If you know of any other default or crime of Ecclesiasticall cognizance, you are to present the same.

The Ministers of euerie Parish may ioyne in presentment with the Churchwardens and Side-men, and if they will not present, then the Ministers themselues (beeing the persons that should haue the cheife care for the suppressing of sinne and impietie in their parishes) may present the Crimes aforesaid, and such things as shall be thought to require due reformation, *Can.* 113.

There must be seuerall presentments made to euerie seuerall Article.

FINIS.

Hos Articulos sub hisce Titulis in hac visitatione, 1619. proponit inquirendos,

IO. NORVICENSIS.

HARSNET, BISHOP OF NORWICH, 1620.

ARTICLES to be inqvired of within the Dioces of Norwich, in the Ordinary Visitation of the Reverend Father in God, Samvel, Lord Bishop of Norwich.

Anno Domini 1620, *et Translationis suæ primo.*

Imprinted at London 1620.

The Forme of the Oath to be ministred unto the Churchwardens and Sidemen.

You shall sweare to make diligent inquirie and true presentment of all and every the offences mentioned in the subsequent Articles in this booke, which be known to you either by notoriety of the fact, confession of any party, or by any publike speech and common fame, or by other proofe had and made, without affection of loue or hatred to any person; So helpe you God, and the Contents of this Booke.

ARTICLES to be inquired of in the Dioces of Norwich, Anno Domini 1620.

TIT. 1. *Articles concerning religion, prayer, and Sacraments.*

1. First, whether be there any person or persons abiding in your parish or resorting thereunto, aboue the age of sixteene yeares, that wilfully, and obstinately, refuse to repaire to their parish Church, Chappell, or oratorie, vpon sabboth daies and Holidaies, and be thereby taken to be Popish or sectary recusants.

2. Item, whether be there any that be knowne to haue defended or maintayned any hereticall opinions, contrary to the holy scriptures of God, and first foure generall counsells or any of them, and what be those opinions, and who be the authors thereof.

3. Item, whether be there any in your parish, that hath bene or is vehemently suspected, to haue bene present at any vnlawful assemblies, or priuate conventicles, vnder colour or pretence of any exercise of religion: or doth affirme and maintaine such meetings to be lawfull.

4. Item, whether doth any person within your Parish, depraue the forme of common praier, and administration of the Sacraments, rites, and ceremonies, set forth and prescribed in the booke of common praier of this realme.

5. Item, whether is there any doctrine taught, published, or preached, by any person or persons directly or indirectly against the state eclesiasticall, and lawfull gouernment of the Church of England, and the consecrating of Archbishops and Bishops, and the ordering of Deacons and Ministers, after such manner and forme as is now vsed and prescribed by his Maiesties lawes within this Realme of England.

6. Item, whether be there any within your parish, that deny or perswade any to deny, withstand, and impugne

* the 2 of Feb. 1618] 1 of March, 1628. *In* 1629.

the kings Maiesties authority and supremacie, in causes eclesiasticall within this realme.

7. Item, whether doth any person within your parish, aboue the age of 16 yeeres, refuse or forbeare thrice in euery year, and at Easter especially, to communicate and receiue the blessed Sacrament of the Lords supper: And what reverence doe the people within your Parish vse by outward gestures of their bodies, when they be partakers of that blessed Sacrament: and whether doe they reverently kneele vpon their knees when the minister deliuereth the same to them.

8. Item, whether doth any person within your Parish deferre the baptisme of his child, longer then vntill the nex Sabboth day or holiday, after the birth thereof.

9. Item, whether hath any child died unbaptised within your Parish, and by whose default.

10. Item, whether be the parents of any childe to be Baptised admitted to be godfathers or godmothers to the same.

11. Item, whether haue the children of popish recusants or wilfull sectaries borne within your Parish, bene priuately baptised by any lay man not in holy orders.

12. Item, whether hath any person not lawfully confirmed according to the forme of confirmation, prescribed in the booke of common Prayer of this realme, beene admitted to receiue the holy communion.

13. Item, whether hath any Popish recusant, after he or she hath beene conformed, repaired to Church and receiued the blessed Sacrament of the Lords supper, once a yeare at the least, in that parish Church where he or she doe most vsually abide.

14. Item, whether doe any within your parish vpon Sabboth daies and holy daies, negligently and carelesly repaire to your parish Church, so that halfe or the most part of diuine service is ended before they come, and vpon light occasion depart out of the Church before prayers be done.

TIT. 2. *Articles Concerning the Ministers and Preachers of Gods holy word.*

1. First, whether doth the minister of your parish Church read the forme of common praier, in such sort as is set forth in the booke of common praier, confirmed by his Maiesties authority, and administer the Sacraments with due ofservation [*sic*] of all rites and ceremonies prescribed to be vsed in the administration thereof, without adding, altering, or omitting any part or parcell of the said praiers, or innouating any other matter in the administration of either of the Sacraments.

2. Item, whether is the said forme of common praier duly and orderly red in your Church, Chappell, or oratorie, vpon sabboth daies, holy daies, wednsdaies and fridaies, and vpon holy eues and Sabboth eues.

3. Item, whether be the words of institution of the Sacrament of the Lords supper, vsed by the minister in deliuery of the bread and wine to euery communicant?

4. Item, whether be the words in the administration of the sacrament of baptisme, *I signe thee with the signe of the Crosse*, onely vsed, and noe visible or formall crosse made in the forehead of the child so baptised.

5. Item, whether is the sacrament of baptisme denied to any children borne out of wedlock, and by whom.

6. Item, whether is the forme of common prayer red upon the 24 of March, the fifth of Nouember, and the fifth of August, yearely in your parish Church: and publique thanksgiuing vsed vpon those daies to almighty God, for his Maiesties gratious succession to the royall crowne of this realme, the deliuerance of his Highnesse, and the whole state from the damnable gunpowder treason, and for his Maiesties preseruation from the conspiracy of *Gowry*.

7. Item, whether is the statute intituled *An act for a publique thanksgiuing to almightie God*, &c. euery yeare distinctly red in your parish church at morning praier, vpon the fifth day of Nouember.

8. Item, whether doth your Minister alwaies and at euery time, both morning and euening, reading diuine service, and administring the sacraments, weare the surplice, and doth he neuer omit the wearing of the same, at such times or at any of them.

9. Item, whether doth he catechise the youth of his parish vpon sundaies and holidaies before euening prayer, for halfe an howre or more, in the catechisme set forth in the booke of common Prayer, and in none other: And whether doe all the parishioners attend his catechising: And whether doe any of them neglect or refuse to send their children to be catechized by him.

10. Item, whether doth your minister once euery yeare in your parish church reade the booke of canons published *Anno Domini* 1603, and whether doth he visit the sicke as by law is required.

11. Item, whether doth he giue thanks for women after their child-birth in such manner as is prescribed in the booke of common praier of this realme: And doth he admit any to the performance of that holy action, that doe not come hauing a decent vaile vpon their heads Matron-like as hath beene accustomed heeretofore; And whether doth any woman refuse to giue thanks in that manner after her childbirth.

12. Item, whether is your minister resiant at and vpon his benefice or spirituall promotion, and doth he preach euery sabboth day or monthly in his said cure, or read an homily when there is no sermon there preached.

13. Item, whether is your Minister a graduate and hath taken any scholasticall degree of bachelor or Master of arts, or batchelor or doctor in diuinity, either in Cambridge or Oxeford, and is he a preacher lawfully licensed, and by whom?

14. Item, whether doth your Minister preach or teach any matter publiquely in his pulpit within his parish Church, which is not agreeable to the doctrine of the old and new testament, and which the learned Fathers, and aunceient (*sic*) Bishops haue not taken and gathered out of the holy scriptures, for an undoubted truth?

15. Item, whether doth your minister side it in his preaching, by taking part with one of them that be at variance, and therevpon preach doctrine tending to the breach of christian loue and vnity, and stirring up of schisme and faction amongst his auditors, offensiuely and scandalously, and colour his schismaticall designements by a secret perswasiue of his desire of peace and vnitie in the Church?

16. Item, whether doth your minister vse alwaies to pray for the Kings Maiesty, the Prince, Clergie, and Counsell, in the forme of Prayer prescribed in the constitutions published in that behalfe, in the yeare of our Lord 1603.

17. Item, whether doth your Minister hold any more Benefices with cure of soules then one, and by what dispensation doth he so retaine them?

18. Item, Whether is your Minister vehemently suspected by common voyce, publike fame, or credible report, to haue obtained his spirituall promotion or benefice with cure of soules by any symoniacall compact, directly or indirectly, or for any lucre or gaine to haue resigned his said Benefice or spirituall promotion?

19. Item, Whether doth your Minister vpon light cause not warrantable by law, and vpon priuate displeasure by him conceiued against any of his Parishioners, repell and debarre any of them from the receiuing of the holy communion?

20. Item, whether hath any notorious or knowne fornicator, adulterer, scandalous person or blasphemer of Gods holy name, beene admitted to receiue the holy Communion without publique repentance?

21. Item, Whether doth your Minister reade publike prayers at meete and conuenient houres, and bid holidaies and fasting dayes?

22. Item, Whether doth your Minister euery sixe moneths denounce in his Parish Church all such as doe perseuere and continue in the sentence of excommunication, not seeking to be absolued: and whether hath hee admitted into the Church any excommunicate person without certificate of his absolution from the Ordinary, or other competent Judge, vnder their authenticall seale?

23. Item, Whether doth your Minister diligently labour and endeauour to reclaime the Popish Recusants in his Parish from their errours, if there be any such there abiding?

24. Item, Whether is your Minister familiar and conuersant with Popish Recusants, or a fauourer of them, and thereby taken not to be sound and sincere in Religion?

25. Item, Whether doth your Minister publikely in the Church vpon the Sabboth day next before his administration of the Sacrament of the Lords Supper, giue knowledge of it to all his Parishioners, that such as intend to communicate may prepare themselues for the receiuing of that blessed Sacrament?

26. Item, Whether is your Minister studious in the holy Scriptures, and abstaineth from mechanicall trades, or labour, not befitting his function, and from gaming, swearing, and drunkennesse, or such notorious crimes?

27. Item, Is there any in your Parish who (hauing been admitted unto holy Orders, either Deacon or Priest) doth relinquish and forsake his calling, and liueth in the course of his life as a Laye man?

28. Item, whether hath any Laye man (not in holy Orders) read publique prayers in your Church, or churched any women, or buried any dead person within your parish?

29. Item, whether hath your Minister buried any excommunicate person, not absolued from that censure?

30. Item, Whether hath your Minister with any other persons within your Parish, vsed to meete in any priuate house, or other place, there to confer and consult together, how to impeach or depraue the booke of Common Prayer, or the doctrine or discipline of the Church of *England*?

31. Item, Whether hath any person being meerely ignorant in the holy Scriptures, not able to render a reason of his faith in Latine, nor hauing a speciall guift of preaching, beene from a manuall trade or artificer, admitted to holy orders, and to administer the Sacraments, and preach the word of God?

32. Item, Whether is there any opposition amongst the preachers vsed publikely in matters of faith and doctrine in their sermons preached: And what Ministers admitted to holy orders be within your Parish, and allowed Preachers, not hauing any pastorall charge or cure committed to them?

33. Item, Whether doth your Minister or Curate in Rogation Weeke, goe in perambulation of the circuite of the Parish, vsing thanksgiuing to God for his blessings according to law?

TIT. 3. *Articles concerning Lecturers.*

First, Whether doth any person reade any publike Lecture, or expound the holy Scriptures in your Church, Chappell, or Oratorie, he being not in holy orders, and lawfully licensed for a publique Preacher according to the lawes of this Realme?

2. Item, Whether doth euery such Lecturer before his Sermon, or exposition of the Scriptures, reade publique Prayers in his surplice, according to the forme prescribed in the booke of common prayer of this realme, without omission of any part thereof.

3. Item, whether doth your said lecturer before his sermons, vse any other forme of prayer for the whole state of this realme, then that which is prescribed in the constitutions eclesiasticall, published and confirmed by his Maiesties authority, *Anno Domini*, 1603.

4. Item, whether doth your said lecturer maintaine any doctrine directly contrary or repugnant to the Articles of Christian faith and religion, published and ratefied, *Anno Domini* 1562.

5. Item, whether is any lecturer admitted to preach in your Church, that is not conformable to the discipline and governement eclesiasticall within the church of England, but schismatically and phantastically affected to nouelties and innouations.

6. Item, whether doth your lecturer or sole preacher, twice at the least, euery yeare in his owne person, read both morning and euening prayer, two seuerall sundaies in the parish church where he preacheth, and at those times weare the surplice; and twice euery yeare administer the Sacraments, without omission of any rites or ceremonies, that are prescribed in the booke of common prayer of this realme to be vsed at the administration thereof?

TIT. 4. *Articles concerning Matrimony.*

First, whether hath any matrimonie beene contracted and solemnized within your parish, betwixt any persons being in consanguinity or affinity within the leuiticall degrees, and by the word of God prohibited.

2. Item, whether hath any matrimony beene solemnized, or rather prophaned, secretly in any priuate house within your parish?

3. Item, whether hath the vncle married his niece, by consanguinity, or affinitie; or hath any person successiuely maried two sisters: and who be they that haue contracted such incestuous mariages.

4. Item, whether hath any person two wiues now liuing, or any woman two husbands; and who are so voiced, noted, and reported to be offenders in this behalfe.

5. Item, whether be there any persons coupled together, in matrimony, that liue a part without lawfull diuorce.

6. Item, whether hath any person lawfully diuorced, beene coupled in matrimony, with any other man or woman, during the life of the other person so diuorced?

7. Item, whether haue any matrimonies beene solemnized betwixt any persons being vnder the age of xxi. yeares without their parents or gouernors consent first had and obtained?

8. Item, whether hath any person by license or without, beene maried in your church, neither of them at that time dwelling in your parish?

9. Item, whether haue any Popish recusants or their children beene married within your parish; and in what sort were those matrimonies solemnised, when, and by whom?

TIT. 5. *Articles concerning the parishioners and others of the Laiety.*

First, Whether be there any person or persons within your parish, who in your hearing or to your knowledge, haue at any time depraued by word or deede, the forme of common prayer, and administration of the Sacraments of Baptisme and the Lords Supper?

2. Item, whether haue any dwelling within your parish reviled and abused the Ministers of God's holy Word by contumelious words, and disgraced their lawfull mariages?

3. Item, whether haue any person or persons disorderly behaued themselues, in the Church or Church-yard, by brawling, quarrelling, or fighting?

4. Item, whether be there any abiding within your parish or resorting thereunto as an vsuall parishioner thereof, that refuse to receiue the Sacrament of the Lords supper administred by an vnpreaching minister, and who be they that so doe?

5. Item, whether doe any in your parish prophane the sabboth day by vnlawfull games, drinking, or tippling in the time of common prayer or sermon, or by doing the ordinary workes of their vocations and trades?

6. Item, whether is there any within your parish, that denieth the church of England by law established vnder the king's most excellent Maiesty to be a true and apostolicall church?

7. Item, whether doe any of the inhabitants within your parish, entertain in their howses any soiourners or common guests (other then his or her father or mother wanting other habitation or sufficient maintenance, or the ward of any such person, or any person that shall be committed by authority to the custody of any of them) that be Popish recusants, and refuse to frequent diuine seruice, or receiue the communion, and what be their names?

8. Item, how long haue the said Popish recusants obstinately abstained, either from hearing diuine seruice red, or receiuing the blessed sacrament of the Lords supper, administred in the parish Church?

9. Item, whether is there due reuerence and humble submission vsed within your church or chappell, in the time of diuine seruice as by the XVIII. constitution eclesiastical of the realme *Anno Domini* 1603, is prescribed; whether each one in the church or chappell doe apply and order himselfe there in time of diuine seruice, as by the latter part of the same constitution is most commendably enioyned; namely, that no man doe couer his head in the time of diuine seruice, except he haue some infirmity; that all doe kneele vpon their knees, when the confession and other prayers are read; stand vp at the reading of the beleife, and bow their bodies reuerently when *Iesus* shall be named?

10. Item, whether be there any within your parish that come vpon sabboth daies and holy dayes, and at other times of prayer, to the sermon only, and not to heare diuine seruice; And be there any that do not reuerently stand vp, when *Gloria Patri*, &c., is read, and at the reading of the Gospell?

11. Item, whether be there any within your parish, that by walking or talking, disquiet your minister in reading of praiers, or in his sermon?

12. Item, Whether be there any in your parish, that doe onely come once a month to their parish Church, to heare diuine prayers red, and never receiue the sacrament of the Lords supper?

13. Item, Whether doth any within your parish, in contempt of his owne minister, repaire to any other Church in time of common prayer to heare the same red, and to receiue the sacrament; and what be there names that be so affected; and the names of the ministers of other churches, that admit those that be not their own parishioners to prayers and sacraments by him or them read and administred?

14. Item, is there any in your parish that be commonly knowne or reputed to be blasphemers of Gods holy name, drunkards, adulterers, fornicators, incestuous persons, or concealers or harbourers of fornicators or adulterers: Haue any been detected for any such notorious crimes, or of the common and publique fame of them, and neuer performed any penance, nor giuen satisfaction to the congregation for the said offences?

15. Item, what persons testate haue died within your Parish since the first of February 1619, and whether be their last wills and Testaments proued, and who be executors of the same?

16. Item, what persons haue died intestate since the time before expressed and who doe administer the goods of the persons so deceased?

17. Item, whether haue any person or persons being dulie rated in equall proportion, for the repairing of your Parish Church, or for prouision of bread and wine, for the administration of the blessed Sacrament of the Lords

Supper, or for any other necessary ornaments and vtensils belonging to your Church, that haue or doe refuse to pay that rate, or to giue satisfaction to the Churchwardens in that behalfe, and who bee they that haue offended herein?

TIT. 6. *Articles concerning the Church and Church-yard.*

First, Whether haue you in your Church, Chappell, or Oratorie, the Booke of Common Prayer by the King's Maiestie confirmed, a Bible of the largest volume, and the last translation, *Iewels* Apologie of the last edition, with the rest of his Works adioyned, the Bookes of Homilies, *Erasmus* paraphrase, and the Booke for speciall thanksgiuing with the Statute in that behalfe, for the gracious deliuerance of the whole state of this Realme, from the Gunpowder treason, and haue you the Booke of Canons ecclesiasticall, published *Anno Dom.* 1603, and all other bookes by Law or Custome vsually to bee had within your said Churches?

2. Item, whether are the Ten Commandments religiously hung vp in a faire Table within your Parish Church, and the Table of the degrees of Matrimony prohibited?

3. Item, whether haue you in your Parish Church one or two Surplisses, and a Hoode faced with Taffaty or Sattin, if your Minister be a Graduate, a Master of Arts, a Batchelor, or Doctor in Diuinity?

4. Item, whether haue you a decent seat for your Minister to reade publike prayers in, a seate nigh vnto him for his Clarke, and a seat for the women that come to giue thankes after their Childebirth, a comely Pulpit, with a Cushion and a Cloth for it, a decent Communion Table, with a Carpet of broad cloth, and a faire linnen cloth, a Communion cup of Silver, and a flagon of silver or Pewter, to be vsed at the Communion?

5. Item, whether haue you a Beare for the carriage of dead bodies to their buriall, a conuenient and decent Font with a couer standing in the accustomed place, and a Register booke in parchment, wherein be duly entred the names of all such as bee baptised, married, and buried?

6. Item, whether haue you one Chest, with three locke s nd keyes, wherein the Register booke, and other vtensils elonging to your Church be duely kept; And whether haue you one booke in Parchment or Paper, wherein be entred the names of all strangers that come to preach within your Parish, and their licenses therein recorded?

7. Item, whether is your Parish Church, Chappell, or Oratory, in good and sufficient reparations, not prophaned, comely and decently kept, and the seates therein well maintained?

8. Item, whether be there any Pues lately built within your Parish Church, without the authority, consent and approbation of the Ordinary, and who haue so built them?

9. Item, whether haue any Pues beene taken vp which were formerly set in any other Church, and bee transferred to your Church, and there set vp, and by whom, and by what authority?

10. Item, whether is there any Church or Chappell (wherein there be a competent number of people, to the number of ten or aboue dwelling and abiding) prophaned and conuerted to any irreligious vse, by making of it a Barne, Stable, or Granary, and the Parishioners thereof not knowen to resort to any other Church, Chappell, or Oratorie, by lawfull assignation of the Ordinarie?

11. Item, whether be there in your Steeple the vsuall and ancient number of Bells still remaining and hanging; and by whom haue any Bells beene taken out of your Steeple, and to what vse haue they beene conuerted?

12. Item, whether haue there beene kept in your Church any Playes, Feasts, Banquets, Church-ales, drinkings, or any other prophane vsages by laying of Drums or Guns in your Church or Steeple, and discharging them there, and by whose commandement and appointment?

13. Item, whether is your Church-yard well and sufficiently repaired by a comely wall of Stone or Pale: and whether haue you a grate at the entrance into the said Church-yarde, to keepe out Swine, and other noisome beasts?

14. Item, whether be not the Graues and Monuments of the dead broken, and rooted vp by Swine in your said Church-yarde: and whether be not noisome draines and priuies made and suffered within the said Church-yard, and vnvsuall dores and passages made into the same?

TIT. 7. *Articles concerning Parsonage and Vicarage-houses.*

First, Whether be the Houses, Edifices, and Buildings belonging to your Parsonage or Vicaridge well and sufficiently repaired; and whether be any of them ruinated, wasted, and dilapidated, and by whose default?

2. Item, whether is the Chancell of your Parish Church ruinated, and by whose default is it so decaied?

TIT. 8. *Articles concerning Legacies and Bequests giuen to godly vses.*

First, Whether be there any Legacies giuen in the last Will and Testament of any person deceased, out of his moueable goods, for the reliefe of the poore, or to the reparations of the Church, or to either of the Uniuersities, *Cambridge*, or *Oxford*, or to any Schoole of Learning or Colledge, for the increase of vertue and knowledge, or to any other charitable vse; what be those bequests, and by whom were they giuen?

2. Item, what Legacies giuen to the vses aforesaid, haue bin detained by the executor of any person deceased; and who be they that doe so detaine them?

TIT. 9. *Articles concerning Churchwardens.*

First, whether be the Church-wardens of your Parish chosen by the Minister and Parishioners, according to the 89 Canon; and whether hath any taken vpon him to bee Churchwarden being not so chosen?

2. Item, Whether haue the Church-wardens beene diligent in the execution of their office, to see decency and comelinesse kept in the Church, in the time of diuine seruice, and at the administration of the Sacraments?

3. Item, whether haue any Church-wardens, detained any of the Church goods in their hands, and not made a iust account of what they haue receiued and expended?

4. Item, whether haue the Church-wardens at euery Communion prouided sufficient Bread and Wine for the Communicants, and set the same vpon the Communion Table, in the presence of the minister, before he beginne the administration of the said Sacrament?

TIT. 10. *Articles concerning Schoole-masters, Physitions and Chyrurgions*

First, Is there any Schoolemaster within your Parish that teacheth publikely or priuately, not licensed by the Bishop of the Diocesse, or his Chancellour, and that so teacheth and commeth not to Church to heare diuine seruice, vpon daies appointed for reading of the same, and receiue the Communion thrice in the yeare at the least: Or doth hee teach any Papists' or Sectaries' children, that come not to Church in time of publike prayer read?

2. Item, whether doth he instruct his Schollers in the Catechisme set forth in the Booke of Common Prayer of this Realme, and in no other?

3. Item, whether doth any practise Physicke or Chyrurgerie, being not lawfully licensed thereunto, or created Doctor of Physicke, in either of the Uniuersities of this Realme.

4. Item, what ignorant persons haue left their manuell trades, and taken vpon them to professe Physicke or Chyrurgerie, and who be they that so abuse the people?

TIT. 11. *Articles concerning Ecclesiasticall Officers.*

First, What corporall punishment inioyned for any offence of eclesiasticall cognizance hath beene commuted by any ecclesiasticall Iudge within this dioces into a pecuniary mulct, or sum of money, and how was the same money imployed?

2. Item, Whether is there not a table of fees in euery of the Courts eclesiasticall within this dioces hung vp in some publique place in the court and Registry, and no other fees taken and receiued by any ecclesiasticall Iudge more or greater then in the said table are expressed.

3. Item, Whether doth any ecclesiasticall Iudge speed any iudiciall acts priuately himselfe, and not in the presence of some publique notary or actuary?

4. Item, what presentments haue beene made for any offence cognizable and punishable in the ecclesiasticall courts within this dioces, and haue beene suppressed by any iudge or register, and by them withdrawne and not effectually proceeded in, according to the lawes ecclesiasticall of this realme?

5. Item, whether doe you know any person inioyned by iudiciall decree or sentence in court to doe publique penance for his sinne, or excommunicate for not doing the same, that doth still by conniuencie or fauour of the Judge, or Register of that court, where the said penance was inioyned, still continue winked at and vnreformed?

6. Item, What numbers of appa..tors be there to your knowledge within the Arch-deaconry wherein you liue; and whether haue any of them vnder colour and pretence of their office and authority committed vnto them, cited or summoned any person vnlawfully; and wrongfully troubled him, or for the concealing of any offence or sinne, and for the auoiding of punishment in the offenders, haue taken any rewarde or guift, or otherwise delt corruptly, and who be they that haue so offended?

7. Lastly, whether haue you without affection of loue or

hatred to any person, presented and detected all offenders mentioned in the precedent articles, knowne to be delinquents either in truth, or by their owne confession, or by lawfull proofe, or by common fame, and report: And whether doe you know any other matter of ecclesiasticall cognizance, worthy the presenting in your iudgement, which is not heeretofore by you presented?

FINIS.

LAUD, BISHOP OF ST. DAVID'S, 1622.

ARTICLES to be inquired of, in the First Visitation of the Right Reuerend Father in God, William L. Bishop of Saint Dauids, in the yeare of our Lord 1622.*

London: printed by *John Haviland*, 1622.

The Tenor of the Oath to be ministred to the Church-wardens and Side-men.

You shall sweare, that you, and euery of you, shall duly consider, and diligently enquire, of all and euery of these Articles giuen you in charge; and that all affection, fauour, hatred, hope of reward and gaine, or feare of displeasure, or malice set aside; you shall present all and euery such person, of, or within your Parish, as hath committed any offence, or made any default mentioned in these, or any of these Articles; or which are vehemently suspected or defamed of any such offence or default: Wherein you shall deale vprightly & truly; neither presenting, nor sparing to present any, contrary to truth: hauing in this action God before your eyes, with an earnest zeale to maintaine truth, and to suppresse vice. So helpe you God, and the holy Contents of this Booke.

Concerning the Church, the Ornaments thereof, and the Churches possessions.

1. *Imprimis,* haue you in your seuerall Churches and Chappels, the whole Bible of the largest volume, and latest edition, the Booke of Common Prayer, lately set foorth by his Maiesties authority, both fairely and substantially bound: a Font of Stone, set vp in the auncient vsuall place; a conuenient and decent Communion Table, with a Carpet of Silke or some other decent stuffe, continually laid vpon the Table at the time of Diuine Seruice, and a faire Linnen cloth vpon the same, at the time of the receiuing of the holy Communion? And whether is the same table placed in conuenient sort within the Chancell? and whether is it so vsed out of time of Diuine Seruice,† as is not agreeable to the holy vse of it, and by sitting on it, throwing hats on it, writing on it, or is it abused to other prophaner vses? and are the Ten Commandements‡ set vpon the east end of your Church or Chappell where the people may best see and read them, and other sentences of holy Scripture, written on the walles likewise for that purpose.§

2. Haue you in your said Church or Chappell, a conuenient seat for your Minister to read seruice in; together with a comely pulpit set vp in a conuenient place, with a decent cloth or cushion for the same, a comely large surplice‖ a faire Communion cup, with a couer of Siluer, a Flaggon of Siluer, Tinne, or Pewter, to put the Wine in, whereby it may be set vpon the Communion Table, at the time of the blessing and consecrating thereof, reserued and kept decently for that vse only: with all other things & ornaments necessary¶ for the celebration of Diuine Seruice, and administration of the Sacraments?** and whether haue you a strong Chest for Almes for the poore, with three Lockes and Keies†† and another Chest for keeping the Bookes and Ornaments of the Church: and the Register Booke.‡‡ And whether haue you a Register Booke in Parchment, for Christnings, weddings and Burials, and whether the same be kept in all points, according to the Cannons in that behalfe provided? And whether haue you in your said Church or Chancell, a Table set, of the degrees wherein by Law men are prohibited to marry, set forth by authority in the yeare 1563.

3. Whether are your Church and chapels, with the Chancels therof, and your Parsonage or Vicarage house, with all other edifices belonging to them, your Parish Almes-house and Church-house, in good reparations. And are they imployed to godly, and their right holy vses. Is your Church, chancell, and chappell decently and comely couered and kept, as well within as without, and the seats well maintained, according to the 85 Cannon, in that behalfe provided; Is your Church-yard well fenced, and kept without abuse, and if not, in whose default the same is, and what the defect or fault is: hath any person incroached vpon the ground of the Church-yard, vsed any thing or place consecrated to holy vse, prophanely or wickedly? or pulled downe or disordred any bells?

4. Whether haue you the Terrier* of all the Gleabe-Lands, Medowes, Gardens, Orchards, Houses, Stockes, Implements, Tenements, and portions of Tithes (whether within your Parish or without) belonging vnto your parsonage or vicarage, taken by the view of honest men in your said parish? And whether the same Terrier be laid vp in the Bishops Registry?† And in whose hands any of them are now, and if you haue no Terrier already made in Parchment, you the Church-wardens and Sidemen, together with your Parson or Vicar, or in his absence, with your Minister, are to make diligent inquiry and presentment of the premises, and make, subscribe, and signe the said Terrier, as aforesaid.‡

Concerning the Ministers.

1. Is your Church void of an Incumbent, how long hath it beene void, by whose order, and by whome are the fruits gathered.

2. Is Seruice read in your Church or chappell, distinctly, and reuerently, vpon all Sundayes and holy dayes, in such order as is set downe in the Booke of Common Prayer, without alteration or omission, and at due and convenient houres?

3. Whether doth your Minister distinctly and reverently say Divine seruice vpon Sundaies and Holy daies, and other daies, appointed to be obserued by the Booke of Common prayer; as Wednesdaies, and Fridaies, and the eeues of euery Sunday and holy day, at fit and vsuall times? and doth your Minister duly obserue the orders, Rites, and Ceremonies, prescribed in the said Booke of Common Prayer, as well in reading publike prayers and the Letany, as also in administring the Sacraments, solemnization of Matrimony, visiting the sicke, burying the dead, Churching of women, and all other like Rites and offices of the Church, in such manner and forme, as in the said booke of Common prayer he is inioyned, without any omission or addition. And doth he reade the Booke of the last cannons once yearely, and§ wear a Surplice according to the said Cannons?

4. Doth your Minister bid Holidaies and Fasting daies, as by the Booke of common prayer is appointed? And doth hee giue warning beforehand to the Parishioners for the receiuing of the holy Communion, as the two and twentith Cannon requireth? And whether hee doth administer the holy Communion so often, and at such times, as that euery Parishioner may receiue the same at the least thrice in euery yeare: wherof once at Easter, as by the booke of common prayer is appointed? And doth your Minister receiue the same himselfe, on euery day that he administreth it to others, and vse the words of Institution according to the Booke, at euery time that the Bread and Wine is renewed, accordingly as by the prouiso of the 21 Canon is directed. And doth he deliuer the bread and wine to euery Communicant seuerally? Whether he hath admitted to the holy Communion any Offender or Schismaticke contrary to the 26 and 27 constitutions, or receiued any to the communion, being not of his owne Cure, especially if any so admitted bee excommunicate persons: or put any from the communion, who are not publikely infamous‖ for any notorious crime? Doth he vse the signe of the crosse in Baptisme, or baptize in any Bason, or other vessell, and not in the vsuall font, or admit any Father to be God-father to his owne childe, or such which haue not receiued the holy Communion, or baptize any children that were not borne in the parish, or wilfully refuse to baptize any Infant in his parish, being in danger, hauing beene informed of the weaknesse of the said childe: and whether the childe died through his default without baptisme?

5. Whether hath your Minister married any without a Ring, or without Banes published three seuerall Sundaies

---

* Altered in *MS.* to 1625. There are various MSS. corrections throughout by an unknown hand, adapting the articles to a subsequent visitation in that year. All such as are not mere verbal alterations of the simplest kind are subjoined in notes.

† Or in it, *MS.*

‡ Of Almightie God, *MS.*

§ And other —— purpose.] *Erased in MS.*

‖ clean kept, *MS.*

¶ & required, *MS.*

** Haue you a faire paper booke whearin euery preacher (which is a strainger) shall wright his name, the daye he preacheth, & bye whose authoritye he is licensed? *MS.*

†† For ye Minister & ye two Churchwardens, *MS.*

‡‡ *Erased in MS.*

* In parchment, *MS.*

† To be kept, *MS.*

‡ And in whose —— aforesaid.] *Erased in MS.*

‡ And in whose hands —— aforesaid. *Erased in MS.*

§ doth he in the discharge of all these deutyes, *MS.*

‖ Or bye presentment of the churchwardens detected, *MS.*

or Holy dayes in time of diuine seruice, in the seuerall Churches or chappels of their seuerall abode, according to the booke of common Prayer, or in times prohibited, albeit the banes were thrice published, without a Licence or dispensation from the Archbishop, the bishop of the Diocesse, or his Chancellor, first obtained in that behalfe? Or not betwixt the houres of eight and twelue in the forenoone, or haue maried any in any priuate house, or if the parties be vnder the age of 21 yeares, before their parents or gouernors haue signified their consent vnto him.

6. Doth he refuse to bury any which ought to be interred in Christian buriall, or defer the same longer then he should, or bury any in Christian buriall, which by the constitutions of the Church of *England* ought not to be so interred?

7. Is your Minister a Preacher allowed? If yea, then by whom? If not, whether doth hee procure some who are lawfully licensed, to preach monthly amongst you at the least?

8. Doth your Minister, (being licensed) preach vsually according to the Canons, either in his owne Cure, or in some other Church or Chappell neare adioyning, where no Preacher is, and how often hee hath beene negligent in that behalfe, and doth he preach standing, and with his Hat off? Or whether doth hee or his Curate vpon euery Sunday, when there is no Sermon, reade an Homily, or some part thereof, according as he ought to doe: or in case he be not licensed to preach, doth he take vpon him to preach or expound the Scriptures in his owne Cure or elsewhere: If so, then you are to present the same, the time and place, when and where he did it.

9. Doth your Minister vse to pray for the Kings* Maiesty, *King James and*† the Prince, and all their Royall Progeny, with addition of such stile and Titles as are due to his Highnesse,‡ and exhort the people to obedience to his Maiesty, and all Magistrates in authority vnder him?

10. Is your Minister continually resident vpon his Benefice, and how long time hath he beene absent, and in case he be licensed to bee absent, whether doth he cause his Cure to be sufficiently supplied, according to the Canons,§ or in case he hath another Benefice, whether doth he supply his absence by a Curate sufficiently licensed to preach in that Cure where he himselfe is not resident. Or otherwise, in case the smallnesse of the Liuing cannot find a preaching Minister, doth he preach at both his Benefices vsually?

11. Doth your Minister or Curate serue any more Cures then one? If‖ then what other Cure doth he serue, and how far are they distant?

12. Doth your Minister euery Sunday and Holiday, before Euening Prayer, for an houre, or halfe an houre at the least, examine and instruct the youth and ignorant persons of his parish in the ten Commandments, Articles of the beleefe, and in the Lords prayer, and the Sacrament, and diligently informe them in the Catechisme set forth in the Booke of Common Prayer?

13. Doth your Minister in the Rogation daies, goe in perambulation of the circuit of the Parish, saying and vsing the Prayers, Suffrages, and thanksgiuing to God appointed by Law, according to his duty, thanking God for his blessings, if there be plenty on the earth; Or otherwise to pray for his grace and fauor, if there be a feare of scarcity?

14. Hath your Minister admitted any woman begotten with child in adultery or fornication, to be churched without license of y^e^ ordinary.

15. Hath your Minister or any Preacher, baptized children, churched any woman, or ministred the Holy Communion in any priuate house, otherwise then by Law is allowed?

16. Doth your Minister, being a Preacher, endeuour and labour diligently to reclaime the Popish Recusants in his parish from their errors (if there be any such abiding in your parish). Or whether is your Parson, Vicar, or Curate, ouer-conuersant with or a fauourer of Recusants, whereby he is suspected not to be sincere in Religion?

17. Hath your Minister taken vpon him to appoint any publike or priuate Feasts, Prophesies, or exercises, not approved by Law, or publike authority, or hath vsed to meete in any priuate house or place, with any person or persons, there to consult how to impeach or depraue the Booke of Common prayer, or the Doctrine or Discipline of the Church of *England*, if yea, then you shall present them all.

18. Hath your Minister stayed the publication of any excommunications or suspensions, or doth he euery halfe yeare denounce in his Parish church all such of his parish as are excommunicated, and perseuer therin without seeking to be absolued, or doth he wittingly and willingly keepe company with such as are excommunicated: and hath he admitted into your Church any person excommunicate, without a certificate of his absolution from the Ordinary, or other competent Judge?

19. Doth your Minister carefully looke to the releefe of the poore, and from time to time call vpon his Parishioners to giue somewhat as they can spare, to godly and charitable vses, especially when they make their Testaments?

20. Whether your Ministers or any, hauing taken holy Orders being now silenced or suspended,* or any other person of your knowledge, or as you haue heard, hold any conuenticles, or doth preach in any place, or vse any other forme of Diuine Service then is appointed in the Booke of common Prayer;† If yea then you are to present their names, and with whom.‡

21. Whether is your Curate licensed to serue, by the Bishop of this Diocese, or by any other, and by whom?

22. Doth your Minister vse such decencie and comelinesse in his apparell, as by the 47 Canon is inioyned: and is hee of sober behauiour, and one that doth not vse such bodily labour, as is not seemely for his function and calling?

23. Is your Minister noted or defamed, to haue obtained his benefice or his orders, by Symony, or any other way defamed to bee a Symoniacall person, or any way noted to be a Schismaticke, or schismatically affected, or reputed to be an incontinent person, or doth table or lodge any such in his house: or is he a frequenter of Tauerns, Inns, or Alehouses, or any place suspected for ill rule; or is hee a common Drunkard, a common Gamester, or player at Dice§, a Swearer, or one that applieth himselfe not at his studie, or is otherwise offensiue and scandalous to his function or ministry?

24. Doth your Preacher or lecturer read Diuine service, and minister the Sacraments twice a yeare at least in his owne person, according to the Canons? Doth any man read a Lecture in your church that is beneficed out of the Dioces: Or if he be beneficed in the diocese, is he by that Lecture kept from his cure?

Schoole-Masters.

25‖. Doth any in your Parish take vpon him to teach Schools, publike, or in any house without Licence of the Ordinary, and is he conformable to the Religion now established? And doth he bring his Schollers to the Church, to heare diuine seruice and Sermons, and se that they be orderly there? And doth he instruct his schollers in the grounds of the religion now established in this Church of *England*, according to the catechisme in the booke of common prayer, and not otherwise. Doe not your Schoolemasters teach by Grammar, or if they do, is it by any other Grammar then that which is set forth by Authority. And is he carefull and diligent to benefit his Schollers in learning? Is himselfe of honest life and conuersation?

Parish Clerkes and Sextons.

Haue you a fit Parish clerke, aged twenty yeares at least, of honest conuersation, able to reade and write? Whether are his and the Sexton's wages paid without fraud, according to the ancient custome of your Parish: if not, then by whom are they so defrauded or denied: By whom are they chosen? and¶ whether the said Clerke be approued by the Ordinary? and hath hee taken an oath as in such cases is fit and required;** and is hee diligent in his Office and seruiceable to the Minister: and doth he take vpon him to meddle with any thing aboue his Office as Churching of women, burying the dead, or such like?

Doth your Clerke or Sexton keepe the Church cleane, the doores locked? Is any thing lost or spoyled in the Church, through his default? Doth he suffer any vnseasonable ringing, or any prophane exercise in your Church? Or doth he (when any is passing out of this life) neglect to tole a Bell hauing notice thereof? Doth he keepe the Communion Table, Font, Bookes, and Ornaments of the Church faire and cleane?

Concerning the Parishioners.

1. Whether any of the Parishioners, becing sixteene yeares of age or vpwards, or others lodging or commonly resorting to any house within your Parish, doe wilfully absent themselues from your Parish Church, vpon Sundaies or Holidaies, at Morning and Euening praiers? Or who come late to Church, and depart from Church, before seruice be done vpon the said daies? Or who doe not reuerently behaue themselues during the time of diuine Seruice, deuoutly kneeling, when the generall confession of sins,

* Most excellent, *MS.* † *Erased in MS.*
‡ And for Arch Byshops & Bp^s^ as bye lawe is appointed, *MS.*
§ And in the tyme of his absence make Alowance for the poore, & what that allowance is, *MS.*
‖ He doe, *MS.*

* Hauing —— being.] *Erased in MS.*
† Or use —— prayer.] *Erased in MS.*
‡ They haue those meetings, *MS.*
§ Cards or Tables, *MS.*
‖ This whole article is struck out in *MS.* and the words "The other booke" are added in the margin.
¶ And after their choice, *MS.*
** And hath hee —— required.] *Erased in MS.*

the Letany, the Ten Commandements, and all Prayers and Collects are read, and vsing all due and lowly reuerence when the blessed Name of the Lord JESUS CHRIST is mentioned, and standing vp when the Articles of the Beleefe are read; or who do couer their heads in the Church during the time of diuine service, vnlesse it be in case of necessity, in which case they may weare a night-cap or coyfe*, Or who do giue themselues to babling, talking, or walking, and are not attentiue to heare the word preached, or read: or† reading, or praying during the time aforesaid? Whether any of your Parish being of sixteene yeares of age or upwards, doe not receiue the Holy Communion thrice euery yeare, whereof once at Easter, and whether they doe not deuoutly kneele at the receiuing thereof?

2. Whether any of your Parish doe not send their Children, Seruants, and Apprentizes of either sex, beeing aboue seuen yeares of age, and vnder twenty, to the Minister, to be Catechized vpon such Sundaies and Holidaies as are appointed? Or whether any of them doe refuse to come, or if they come, refuse to learne those instructions set forth in the booke of Common Prayer?

3. Whether any of your Parish doe entertaine within their house,‡ any soiourners, common guests, or other persons, who refuse to frequent Diuine Seruice, or receiue the holy Communion, as aforesaid. Present their names, their qualities, or conditions.

4. What Recusant Papists or Sectaries are there in your Parish: present their names, qualities or conditions§ whether keepe they any Schoolemaster in their house, which commeth not to Church to heare Diuine Seruice and receiue the Communion? What is his name, and how long hath he taught there, or else-where.

5. Whether any of the said Popish or other sectarie Recusants do labour to seduce and withdraw others from the Religion now established: Or instruct their Families or children in any other Religion: or refuse to entertain any especially in place of greatest seruice, or trust but such as concurre with them in their papistry or other‖ errors?

6. How long haue the said Recusants, Popish or other, abstained from Diuine Service, or from the Communion as aforesaid?

7. Is there any in your Parish that retaine vndefaced or¶ sell, vtter or disperse any Popish Bookes or writings, or other Bookes, Libels, or writings of any Sectuaries, touching the Religion, State, or gouernment Ecclesiasticall of this Kingdome of *England*, or keepe any Ornamentes of superstition vncancelled or defaced.**

8. Whether haue you any in your Parish, which heretofore being Popish Recusants or Sectuaries, haue since reformed themselues, and come to Church to heare diuine seruice, and receiue the Sacraments: If yea, then who they are, And how long since haue they so reformed themselues? and whether they stil remaine and abide in that conformity?

9. Is there any in your Parish that refuse to haue their Children Baptized, or themselues to receiue the Communion at the hands of your Minister, taking exception against him, and what causes or exceptions doe they alleadge? or haue any married wiues refused to come to Church, according to the Booke of common Prayer, to giue God thankes after their Child-birth, for their safe deliuerance? And whether doe any of, or in your Parish, refuse to haue their Children baptized in your Parish-Church, according to the forme prescribed in the Booke of Common Prayer?

10. Whether any of your Parish hauing a Preacher to their Parson, Vicar, or Curate, doe absent themselues from his Sermons, and resort to other places to heare other Preachers? Or whether any of your Parish doe communicate, or baptize their Children in any other parish? Or keepe their children longer vnbaptized then is conuenient? Or bring strangers into their houses, priuately to baptize them according to their owne fancies?

11. What persons within your Parish, for any offence, contumacy or crime of Ecclesiasticall Conusance doe stand excommunicate? Present their names, and for what cause they are excommunicated, and how long they haue so stood, and what person or persons doe wittingly and vsually keepe them company.

12. Whether any, not being in Orders, doe execute any priestly or ministeriall office, in your Church, Chappell, or Church-yard, and what be their names?

13. Whether any in your Parish, that hauing heretofore taken vpon him the order of Priest-hood or Deacon, hath since relinquished the same, and liues a Lay-man, neglecting his vocation?

14. Hath any person in your Parish, quarrelled, or stricken, or vsed any violence to your Minister, or haue strucken or quarrelled with any other person within your Church, or Church-yard, or demeaned himselfe disorderedly in the Church, by filthy or prophane talke, or any other lewd or immodest behauiour? Or haue disturbed the Minister in time of Diuine Seruice or Sermon, or haue libelled or spoken slanderous words against your Minister, to the scandall of his vocation, or defamed any of his Neighbours, touching any Crime of Ecclesiasticall conusance?

15. Whether any of or in your Parish, without consent of the Ordinary, or other lawfull authority, haue caused any to doe penance, or to be censured or punished for any matter of Ecclesiasticall conusance, by any Vestry meetings, or otherwise by their owne authoritie? Or haue taken any money or commutation for the same? Present their names that haue done it: And who haue beene so punished? In what manner, and vpon what cause?*

16. Whether any person in your Parish, doe exercise any trade or labour, buy or sell, or keepe open Shops or Warehouses vpon any Sunday or Holiday by themselues, their seruants, or Apprentices, or haue otherwise prophaned the said daies, contrary to the orders of the Church of England? And whether there be any Inne-keepers, Ale-house-keepers, Victuallers, or other persons that permit any persons in their Houses, to eate, drinke, or play, during the time of Diuine Seruice or Sermon, or reading the Homilies in the forenoone or afternoone, vpon those daies?

17. Whether the fift day of August, and† the fift day of Nouember, be kept holy, and thanksgiuing made to God, for his Maiesties, and this States happy deliuerance according to the ordinance in that behalfe?

18. Whether any of your parish hold or frequent any conuenticles or priuate Congregations‡ or make or maintaine any constitutions, agreed vpon in any such assemblies: Or any that doe write, or publiquely or priuately speake against the Booke of Common prayer, or any thing therein contained, or against any of the Articles of Religion agreed vpon in *Anno* 1562, or against the Kings Supremacie in causes Ecclesiasticall, or against the Oath of Supremacie, or of Alleageance, as pretending the same to be vnlawful, and not warrantable by the Word of God? Or against any of the Rites or Ceremonies of the Church of *England* now established? Or against the gouernment of the church of *England*, vnder the Kings most excellent Maiestie, by Arch-bishops, Bishops, Deanes, Arch Deanes, and other officers of the same: affirming, that the same is repugnant to the word of God, and that the said Ecclesiasticall Officers are not lawfully ordained? Or whether there be any authors, maintainers, or fauourers of Heresie or Schisme, or that bee suspected to be Anabaptists, Libertines, Brownists, of the family of Loue, or of any other Heresie or Schisme? present their names.§

19. Whether any in your parish haue married within the degrees by Law prohibited? or any couple in your parish being lawfully married, liue apart one from the other, without due separation of the Law, or any that haue beene diuorced, doe marrie againe, or keepe company with any other at Bed or at Boord,‖ and when and where were they married?

20. How many Physitians, Chirurgions, or Midwiues haue you in your Parish: How long haue they vsed their seuerall Sciences or Offices, and by what authority? And how haue they demeaned themselues therein, and of what skill are they accounted to be in their profession. And present such Midwiues as are not licensed.

21. Whether do any persons administer the goods of the dead without lawfull authoritie, or suppresse the last will of the dead? Or are there in your Parish any Wils not yet proued, or goods of the dead dying intestate, left vnadministered? By authoritie in that behalfe, you shall not faile to present the Executors, and all others faultie therein; and also how many persons being possessed of any goods and cattles, haue died within your parish since the first of June, 1620.¶

22. Whether any with-hold the stocke of the Church, or any goods, or other things, giuen to good and charitable vses.

23. Whether your Hospitalls and Almes-houses, and other such houses and corporations, founded to good and charitable vses, and the lands, possessions, and goods of the same, be ordered and disposed of as they should be? And do the Masters, Gouernours, Fellowes, and others of the said Houses and corporations, behaue and demeane

* Or coyfe] *Erased in MS.*
† are not. *MS.*
‡ Within their house.] *Erased in MS.*
§ Present —— conditions.] *Erased in MS.*
‖ Papistry or other.] *Erased in MS.*
¶ Undefaced or.] *Erased in MS.*
** Or keepe —— defaced.] *Erased in MS.*

* Present their names—cause.] *Erased in MS.*
† The Fifth day of Aug. and.] *Erased in MS.*
‡ Congregations] Meetings, *MS.*
§ Present their names.] *Erased in MS.*
‖ Or keepe—boord.] *Erased in MS.*
¶ By authoritie—1620.] *Erased in MS., and the following paragraph added*: or anye Executors that haue not performed their Testators will as not payinge the Legacyes giuen to the Church, or good vses, as to the relief of pouertye, orphans, poore schollers, poore maydens Marriages, Highwayes, and the like.

themselues, according to the godly Ordinances and Statutes of their seuerall Foundations?

24. Whether haue you any in your parish to your knowledge, or by common fame or report, which haue committed Adultery, Fornication, or Incest; or any which haue impudently bragged or boasted, that he or she haue liued incontinently with any person or persons whatsoeuer; or any that hath attempted the chastitie of any woman, or solicited any woman to haue the carnall knowledge of her body, or which are commonly reputed to be common Drunkards, Blasphemers of Gods holy name, common swearers, common Slanderers of their Neighbours, and sowers of discord, filthy and lasciuious Talkers, Usurers, Simonicall persons, bawds, or Harborers of women with childe which be vnmaried, or conueying or suffering them to go away before they haue made satisfaction to the congregation, or any that hauing heretofore beene presented, or suspected of any the foresaid crimes, haue for that cause departed your Parish, and are now returned againe? Or any which haue vsed any inchantments, sorceries, incantations or witchcrafts, which are not made felony by the statutes of this Realme,* or any which haue committed any perjury in any Ecclesiasticall court, in an Ecclesiasticall cause, or which haue committed any forgery punishable by the Ecclesiasticall Lawes, and the procurer and abettors of the said offences: You shall truely present the names of all and singular the said Offendors, and with whom they haue committed the said Offences, in case they haue not beene publikely punished to your knowledge for the same crimes.

Touching the Church-wardens and Side-men.

1. Whether you and the Church-wardens, Quest-men, or Side-men, from time to time, do and haue done their diligences, in not suffering any idle person to abide either in the Church-yard, or Church-porch, in seruice or sermon time, but causing them either to come into the church to heare diuine seruice, or to depart and not disturb such as be hearers there? And whether haue they, and do you diligently see the Parishioners duly resort to the church euery Sunday and Holyday, and there to remain during diuine seruice and Sermon? And whether you or your predecessors, church-wardens there, suffer any plaies, Feasts, Drinkings, or any other prophane vsages, to be kept in your church, chappell, or church-yards, or haue suffered to your and their vttermost power and endeuour, any person or persons to be tipling or drinking in any Inne or victualling House in your parish, during the time of diuine Seruice or Sermon, on Sundaies and Holidaies.

2. Whether, and how often haue you admitted any to preach within your church or chappell, which was not sufficiently licenced?† And whether you, together with your Minister, haue not taken diligent heed and care, that euery of your parishioners being of sixteen yeares of age or vpwards, haue receiued thrice euery yeare, as aforesaid: and also that no strangers haue vsually come to your Church, from their owne parish church?

3. Whether haue there beene prouided against euery communion, a sufficient quantity of fine white bread, and of good and wholesome wine for the communicants that shall receiue? And whether that wine be brought in a cleane and sweet standing pot of pewter, or of other purer mettall?

4. Whether were you chosen by the consent of the Minister and the parishioners? And haue the late church-wardens giuen vp a iust account for their time, and deliuered to their Successors the money, and other things belonging to the church, which was in their hands? And are the Almes of the church faithfully distributed to the vse of the poore?

Concerning Ecclesiasticall Magistrates, and Officers.

1. Whether do you know or haue heard of any payment, composition, or agreement, to, or with any Ecclesiasticall Magistrate, Judge, or Officer, for winking at, or sparing to punish any person for any‡ offence of Ecclesiasticall Conusance, or for suppressing or concealing of any excommunication, or any other Ecclesiasticall censure, of, or against any Recusant or other sectarie, or any other offender in the cases aforesaid? What summe of money or other consideration hath beene receiued or promised, by, or to any of them, in that respect, by whom, and with whom?

2. Hath any person within your parish, paid or promised any summe of money or other reward, for commutation of penance for any crime of Ecclesiasticall Conusance? If so, then with whom, when and for what, and how hath the same beene imploied?

3. Are your Ecclesiasticall Judges and their substitutes, Masters of Arts, or Bachellors of the Lawes at the least§ learned and practised in the Civill and Ecclesiasticall Lawes, Men of good life and fame, zealously* affected in Religion, and iust and vpright in executing their offices? Haue they heard any matter of office priuately in their Chambers, without their sworne Registers, or their Deputies presence?

4. Do you know, or haue you heard, that any ecclesiasticall Judge, Officer, or Minister, hath receiued or taken any extraordinary Fees, or other rewards or promises, by any wayes or meanes, directly or indirectly, of any person or persons whatsoeuer, either for the granting of the administration of the Goods and Chattels of those that haue died intestate to one before another, or for allotting of larger portions of the goods and chattels of those that haue died intestate, to one more then to another: or for allowing large and vnreasonable accounts, made by Executors or Administrators: or for giuing them *Quietus est*, or discharges, without Inuentory or account, to defraud creditors, Legataries, or those who are to haue portions. And what summes of money do you know, or haue you heard, that any Ecclesiasticall Judge or Officer hath taken out of the state of any dying intestate, vpon pretence to bestow the same in *pios vsus*: and how haue the same beene bestowed?

5. Hath any Ecclesiasticall Magistrate, Judge, Officer, or any other, exercising Ecclesiasticall iurisdiction within this your Diocesse; or any Aduocate, Register, Procter, Clarke, Apparator, or other Minister belonging to the same Ecclesiasticall courts, exacted or taken by any wayes or meanes, directly or indirectly, extraordinary or greater Fees than are due and accustomed? And whether is there a Table for the rates of all fees, set vp in their seuerall courts and Offices? And whether haue they sent or suffered any Processe to go out of the Ecclesiasticall courts otherwise then by Law they ought? Or haue they taken vpon them the Office of Informerso (*sic*) Promoters to the said Courts, or any other way abused themselues in their Offices contrary to the Law and canon in that behalfe prouided?

6. What number of Apparators haue euery seuerall Judge Ecclesiasticall? And wherein and in what manner is the Countrey ouerburthened by them? And wherein haue they caused or summoned any to appeare in the said courts, without a presentment or citation first had? Or whether haue they threatened any to prosecute them in the said courts, if they would not giue them some rewards, and what bribes in that behalfe haue they taken.

If you know of any other default or crime of Ecclesiasticall conusance, you are to present the same by vertue of your Oathes.

The Minister of euery Parish, may and ought to ioyne in presentment with the Churchwardens, and side-men, and if they will not present, the minister may and ought himselfe present the defaults and crimes aforesaid: and there must be seuerall presentments made to euery seuerall article: and the Minister, Church-wardens, and sworne men, are to meete and conferre about the said presentments, and answering of euery of the aforesaid Articles.†

FINIS.

1624.

KENT, ARCHDEACON OF SUDBURY.

ARTICLES for the Church-wardens and Inquirers to ground their presentments vpon, to be exhibited vnder their oathes and hands to Mr. Archdeacon of Sudbury, or his Officiall, in the Visitation, Ann. Dom. 1624.‡

The tenor of the Oath to be ministred to the Church-wardens and Questmen.

You shall make diligent inquirie and true presentment of all and euery person of or within your Parish, who hath committed any offence, or made any default in any of these Articles mentioned, or who is vehemently suspected, or publiquely defamed of any such offence or default, and this without all partialitie or corrupt affection: So helpe you God by the contents of his holy Gospel.

The answer to euery Article to bee made distinctly and seuerally.

Certaine ARTICLES to which the Churchwardens are charged to make especiall enquirie, of which there shall bee speciall account taken.

1. Doth your Minister say or sing Diuine Seruice (according to the prescript forme established by his Maiesties authoritie) distinctly and reuerently, (and that in due time) vpon Sundaies and holidaies, and in such place of the Church as is fitted for the people to heare? doth he obserue all the Orders, Rites, and Ceremonies prescribed in the Booke of Common Praier, as well in

* Or any charmes? Or which doe resort to anye such for helpe or counsell. *MS.*
† And how often, *MS.*
‡ Incest, Adulterye, Fornication, *MS.*
§ At the least.] *Erased in MS.*

* Well *substituted for* zealously, *in MS.*
† *This last paragraph is erased in MS.*
‡ *The figure "4" is inserted in MS.*

reading of holy Scriptures, as in administration of the Sacraments, without adding or diminishing?

2. Doth your Minister euery Sunday and holiday, for halfe an houre before Euening Praier, catechise the youth and ignorant persons of your parish, in the tenne Commandements, the Articles of the Beliefe, and in the Lords Praier? Doe the Fathers and Mothers, Masters and Mistresses within your parish, cause their children and seruants to come to Church at the time aforesaid to be catechised? Set downe in your answer to this Article, such particular Sundaies, in which your Minister hath omitted to catechize, euer since you were Churchwardens and Questmen.

3. Be there in your parish that doe vsually resort to Church to heare the Sermon, but will not, or are not vsually present at the reading of publique Praier, as it is appointed by the booke of Common Praier? Or be there any that doe absent themselues from diuine Seruice or Sermons said or made by the Minister of the Parish, and resort to other Churches to heare other Preachers Sermons?

4. Haue you any common resorters to your Church being not of your parish: or do any such receiue the Communion with you?

5. What strangers haue preached in your Church this last halfe yeare; by whom were they authorized as Preachers? And whether haue they written their names, and the seuerall daies when they preached, and the seuerall names of them, of whom they had their seuerall licenses to preach?

6. Doth your Lecturer or Preacher, (not beeing your Parson or Vicar) reade the diuine seruice himselfe twice euery yeare, vpon two seuerall Sundaies, publikely at the vsuall times, both forenoone and afternoone in your Church; and doth he twice in euery yeare also administer the Sacraments of Baptisme, and of the Lords Supper, in such forme, and with such rites and ceremonies as is prescribed in the Booke of Common praier: when did you last heare him so reade the diuine seruice?

7. Hath your Minister (be he Parson, Vicar, Lecturer, Preacher, or Curate) or any other Minister, or other, preached or read any Lecture vpon any text of Scripture, in any priuate house within your parish, or doth your Minister or any other vse so to do, or to administer the Communion in any such house?

8. Hath any of your Parishioners received the holy Communion, not kneeling reuerently vpon their knees, but sitting standing, or walking: doth your Parson, Vicar, Preacher, or Curate administer the holy Communion to any person, who doth refuse to receiue it kneeling, or doth not vsually receiue it kneeling?

9. Hath your Minister, or any other in your Church, baptized any child, without signing it with the signe of the Crosse. Hath any child died vnbaptized within your Parish: if so, by whose default?

Articles concerning Religion.

1. Be there any abiding, or resorting to your Parish, that be knowne to defend or maintaine any heretically or schismaticall opinions, contrary to the holy Scriptures of God: or doe openly or secretly impugne or dislike the publike worship of God, or the rites and ceremonies now established in the Church of England: or doe affirme them to be such as godly men may not (with good conscience) approoue?

2. Be there any in your parish, which doe say or affirme, that in the booke of Common praier, or in the booke of Articles set forth by the Conuocation, *Ann. Dom.* 1562. or in the booke of the forme of making and consecrating Bishops, Priests, and Deacons, any thing is contained that is corrupt, superstitious, or vnlawfull, or any thing that is repugnant to the holy Scriptures?

3. Be there any Popish Recusants maried, the child of any Recusant buried within your Parish, by any other then the Minister of the parish: or doth the child of any Recusant remaine vnbaptized aboue one moneth; or is it not baptized at your Church, being borne in your parish?

Concerning the Church.

1. Is your Church well and sufficiently repaired, are the windowes well glazed, the floares decently paued, seats fit and conuenient, the steeple and bels kept in repaire, are all things in your Church and Chappel in comely sort, without dust or anything that is noysome or vnseemely?

2. Have you in your Church or Chappell, the booke of Common praier by the Kings Maiestie confirmed, a Bible of the largest volume, and latest translation; the booke of Homilies allowed by authority; the booke of Constitutions or Canons Ecclesiasticall, published by his Hignesse authoritie: a fine large surplesse with sleeues, a coffer with three lockes and three keyes, for the safe keeping of the Register booke, and the like chest (with an hole in the vpper part thereof) for the almes of the poore?

3. Haue you a Register booke in parchment, of them that be christened, maried, and buried within your parish? doth your Minister every Sabbath day next after such christening, mariage, or buriall, (in presence of the Churchwardens) therein write the names of the parties, and also the day and yeare of such christening, marriage, and buriall had the weeke before? And doe the Minister and Churchwardens subscribe their names to the end of euery page being full?

4. Is the said Register book laid vp againe after such writing, and kept in a sure chest, vnder three lockes and three keies? and who doe keep the said keies?

5. Is your Churchyard well and sufficiently repaired, fenced, and maintained, with walls railes, or pales, as hath been of late yeares accustomed? Or is the fence thereof, or any part of it onely by hedge, and how long hath it been so? haue any built or encroached vpon any part of your Churchyard?

6. Haue any brawled, quarrelled, stricken, or laid violent hand (one vpon an other) in your Church or Churchyard?

7. Haue any annoied your Churchyard, or the fence thereof, by putting in of cattell, by hanging of cloths, or by laying there any straw, dust, dung, rubbish, filth, or otherwise?

8. Is your Chancell (as well for glasing, pauing, and seats, as also for other reparations) and likewise the buildings belonging to your Parsonage, Vicarage, Almes-house, Church-house, or Vestrie, in good and sufficient repaire? Or be they ruinated, wasted, gone, or decaied? if so, specifie the decaies?

9. Are the same houses, and likewise your parsonage and vicaradge houses imployed to such vse and vses as they ought to be: or otherwise vsurped and abused?

10. Doe any refuse or delay to pay their church-duties, or leuies rated towards the repaire, or ornaments, or other charges of your church or churchyard?

11. Haue you at any time in your Church, Chappel, or churchyard, any plaies, gaming at bowles, hand-ball, or foot-ball, or any other playing: or any feasts, church-ales, temporall courts, Leets, musters, or any other prophane vsage there, and by whom?

Concerning Ministers and Preachers of Gods holy word, and Schoolmasters.

1. Is your Parson, Vicar, Curate, or Preacher, an incontinent person, or doth he keep any suspected woman in his house, or is he giuen to drunkennesse, or idleness: A haunter of tauernes, alehouses, or suspected places; or one that doth board or lodge in any such place? A dicer, carder, tabler, swearer, giuen to base or seruile labour; or otherwise giueth he any euill example of life? Is his apparell graue and comely, beseeming his function and calling?

2. Doth your Minister say or sing the Letanie, in your parish Church, vpon Wednesdaies and Fridaies, causing a bell to be tolled thereunto? Doth hee declare to the people openly in the Church, on the Sabbath day, what holidaies and fasting daies be in the weeke following? Hath he openly in the church vpon some Sundaies or holidaies before diuine seruice, read the whole book of Canons, published by his Highnesse authoritie, within this yeare last past?

3. Is your Parson or Vicar resident vpon his benefice? if not, then have you a sufficient Curate? and is he lawfully admitted to holy orders, and licensed by the Ordinary vnder his hand and seal, to serue the cure in that place? and haue yee seene such license?

4. Is your Minister diligent to execute his office, by reading of the holy Scriptures: is he a licensed Preacher, and therefore doth preach once euery Sunday: or is he no licensed Preacher, and therefore doth procure sermons in his cure euery moneth? and when there is no sermon, doth he read one of the Homilies appointed by authority?

5. Hath your Minister (be he Parson, Vicar, Lecturer, Preacher, or Curate) or any other persons met together in any priuate house or elswhere, to consult vpon any course to be taken by them or any other, which may tend to the impeaching or deprauing of the doctrine of the Church of England, or of the booke of common praier, or of any part of the gouernement or discipline Ecclesiasticall now established in the said Church?

6. Doth your Minister, before his sermon, lecture, or homilie, pray for his Maiesty, giving him his lawfull title and iust style, and commend his Highnesse, the

Prince, and the Kings royall issue, in his praiers to Almighty God?

7. Doth your Minister in time of diuine seruice, or ministring the Sacraments, weare a decent and a comely surplice with sleeues, and vpon it (and if he be a graduate) an hood sutable to his degree in the Vniversity?

8. Doth he performe his duty, in visiting the sicke, and burying of the dead, doth he not delay to christen any child according to the forme appointed by the booke of Common praier?

9. Doth he keepe a note of euery excommunication, and doth he euery sixe moneths openly denounce in his parish-church, euery such person of his parish as doth perseuere in that Censure, not seeking to be absolued? and is any such person admitted into the Church, without a sufficient certificate of his absolution?

10. Was your accustomed perambulation made and obserued by your Minister, with the better sort of your parishioners in rogation weeke last past: if not, by whose fault was it neglected? and when was it last obserued and gone?

11. Haue you in your parish any that teach schollers publikely or priuately? is he licenced by the Ordinary vnder his hand and seale? doth he frequent his parish church with his schollers in time of common praier and sermon, and instruct them in the Principles of Religion; doth he teach, or is he suspected to teach any of his schollers Popery, superstition, disobedience, or contempt of the truth and Christian religion now established within this Realme, or to contemne Orders Ecclesiasticall?

Concerning the Sabbaoth, diuine seruice, prayer, and Sacraments.

1. Haue your people obserued the Sabbaoth day in all sobernes and godly conuersation? or be there any which haue prophaned the same, by playing at cards, tables, football, dancing, bowling, excessiue ringing, immoderate drinking, or other foolish delight or vaine pleasure?

2. Do all and singular dwellers and soiourners, within your parish, diligently resort to your parish church (with their seruants and children) to morning and euening praier, vpon the Sunday and holy-day, and there (with due attention) orderly abide during the whole time of common praier, seruice, and sermon, reuerently behauing themselues as well inwardly as also by outward gesture of their bodies, in keeping their heads vncouered, in kneeling, standing, and other decent behauiour?

3. Hath euery one in your parish (beeing aboue sixteene years of age, and of discretion) receiued the holy communion at your parish church, thrice at least this last yeare, and especially at or about Easter for once, kneeling and with such due and humble reuerence, as become true Christians? and doth your Minister so often celebrate the communion, that euery one may so receiue thrice in the yeare? hath any refused to receiue the holy communion kneeling?

4. Doe the Church-wardens (with the aduice of the Minister) prouide bread and wine for the communicants, and is the wine brought in a faire pot or stoope of pewter or purer mettall?

5. Hath your Minister admitted to the holy communion any notorious euill liuer, adulterer, fornicatour, common drunkard, periured or malitious person, before they be reconciled by the Ordinary, or any churchwardens which (without regard of their oath) haue wilfully omitted to present notorious defects or offences: or hath he put back any parishioners from the communion of malice, or for any light or friuolous occasion?

Concerning Churchwardens, Questmen, and Parish Clarke.

1. Be your Churchwardens and Questmen chosen yearely in Easter weeke according to the Canon: and did the last Churchwardens (at the end of their yeare, or within a moneth after) giue a true account before the Minister and parishioners, of such money and things as they receiued and expended, and did they deliuer the residue to those that now are churchwardens?

2. Haue any churchwardens lost, sold, or detained any ornaments, bells, or implements of the Church, or any legacies bequeathed thereunto?

3. Doe you that now are churchwardens and questmen, see that all persons excommunicate be kept out of the Church: and did your predecessors so for their time?

4. Haue you a parish Clarke sufficient for his place, aged 20 yeares, and of honest conuersation: can he write and read: is he chosen by your minister, and dutifull to him in his office: doe any refuse to pay and allow to the Clarke and Sexton, accustomed wages and duties?

Concerning Matrimonie.

1. Haue you the tables of degrees of kinred and alliance within which matrimonie is prohibited, set vp in some open place in your Church, and hath any married contrary to the same?

2. Haue any persons beene married either secretly in any priuate house, or openly in the Church, within the times prohibited: or without sufficient licence, or banes thrice published in time of diuine seruice, three seuerall Sundaies or holydaies before the congregation: who were present at such marriage, and what Minister did marrie them?

3. Be there any couples in your parish, which beeing lawfully married, doe liue a sunder without lawfull separation: or any separated, which (both beeing aliue) doe marrie againe?

Concerning the Parishioners and Laitie.

1. Haue you any, which (to your knowledge, or by common fame) haue committed incest, adulterie, or fornication: either any malitious and vncharitable persons, bawdes, common drunkards, vsurers, brawlers, slanderers, swearers, cursers, blasphemers, common scolds, ribawds, periured persons or such like?

2. Haue any conueied, receiued, or harboured any light or leud women, or any vnlawfully begotten with child, or vehemently suspected thereof, and haue suffred them to depart before they haue performed penance enioyned by the Ordinary?

3. Be there any in your parish which liued incontinently, or any woman vnlawfully begotten with child before their marriage: or which be thereof vehemently suspected?

4. Haue any vnreuerently abused your Minister, or laid violent hands vpon him, or otherwise disgraced his office and calling by word or deede?

5. Haue any miscalled or railed vpon any of the church-wardens or questmen, for doing of their duties according to their oathes?

6. Doe ye know or heare of any, which (without authoritie) doe administer the goods of the dead, or conceale any testament, or neglect to pay legacies bequeathed to the Church, or poore, or to the repaire of high waies, or to other charitable vses?

7. Haue any Innekeepers, alewiues, victualers, or tiplers receiued, harboured, or suffered any persons to eate, drinke, stay or play in their houses, in time of common praier, sermon or homily, on Sundaies or holy daies: and what persons were so receiued, harboured, or suffered?

8. Haue any laboured, wrought, or gone to cart on the Sunday or holy-day? and haue any artificers or other set open their shop windowes, or vsed their trade or any manuall occupation vpon any of those daies: and hath any mill beene set to grinde vpon the Sabbath day, or any other holy-daie?

9. Doe you know or heare by common fame, of any other matter (to be presented) belonging vnto the Ecclesiasticall Iurisdiction, although not in these Articles contained?

The Minister (bee he Parson, Vicar, Lecturer, Preacher, or Curate) may ioyne with the sworn-men in their presentments, and he is to informe the Ordinarie vnder his hand, of such faults as the Sworne men shall leaue vnpresented. It is laufull for the Minister alone, or for the sworne Officers, to present as often as occasion requireth; and it is meete that notorious offences, should in due time be presented and punished.

ANDREWES, BISHOP OF WINCHESTER. 1625.

ARTICLES to be enqvired of by the Church-wardens and Sworne-men, in the Trienniall Visitation of the Right Reuerend Father in GOD, LANCELOT, Lord Bishop of Winton, within the Diocese of Winchester, Anno 1625.

London: Imprinted *Anno supradicto.*

The Tenor of the Oath of the Church-wardens and Sworne-men.

You shall sweare, that vpon due consideration of these Articles giuen you in charge, you shall present euery such person of or within your Parish, as you shall knowe to haue committed any offence, or omitted any duty mentioned in any of these Articles, or which are publickly defamed, or vehemently suspected of any such

offence or negligence. So help you God by the contents ofhis holy Gospell.

ARTICLES

Touching the Church.

Whether is the body of the Church, and the Chancell thereof in good reparations, decently kept, as well within as without, the roofes so that it raine not in, the windowes well glazed, the floores plaine and euen paued, the pewes and seates orderly set, well maintained, cleane and sweet kept, without dust or any thing noysome or vnseemly? And whether is there any striuing or contention for sitting in pewes? And by whom? Whether is there any new pewes erected in places where none were before, or old altered? By whom and by what authority? Is there a partition between the body of the Church and the Chancell, and, if not, when and by whom, and by what authority was it taken downe? Is the steeple in good repaire, and the ancient number of Bells still kept without diminishing? If not, what is the defect, and by whose default is it?

2. Whether haue you in your Church the whole Bible of the largest volume, the booke of common-Prayer, two Psalters, the book of Constitutions and Canons, all fairely and substantially bound?

3. Whether haue you a comely large Surplice with wide and long sleeues, and what it costs by the yard? a higher Pulpit for preaching, a lower to say Seruice in, a Font of stone with a couer, set in the ancient vsual place, a decent Table for the Communion, *and what is it worth to be prized?* Whether is the Communion-Table abused by sitting on it, throwing hats on it, writing on it, or otherwise, as is not agreeable to the holy vse of it? Haue you a Carpet of silke or other decent stuffe continually lying on it in the time of diuine Seruice, with a faire linnen cloth at the time of Communion, *and what might either of them be worth?* Haue you a faire Communion-Cup of Siluer, with a large couer of siluer to deliuer the bread? and a Flagon of siluer or tin for the wine to be set on the Communion-Table?

4. And whether have you a registrar book of parchment for Christnings, Mariages and Burialls? And whether is the same kept in all points according to the Canons in that behalfe prouided? Another book wherin strange Preachers are to subscribe their names, and the name of the Bishop by whom they were licensed? A Chest as well for keeping the bookes and ornaments of the Church, as the said registrar? Another strong Chest with a hole in the lid for the Almes, with three locks and keyes, one for the Minister, the other two for the Church-wardens? A Table set of the degrees wherein, by law, men and weomen are prohibited to marry?

5. Whether haue any Bells, Ornaments or other Vtensills, anciently belonging to your Church, been aliened, and by whom?

6. Whether is your Churchyard well fensed with walls, pales, and railes, as hath been accustomed, and kept without abuse? And, if not, by whose default?

7. Whether hath any person encroched vpon the ground of the Churchyard? And if any, who it is? Or haue your Ministers, Church-wardens and Parishioners iointly, or seuerally, made any lease or leases for tearm of yeares, or otherwise, of your Church-yard, or any part thereof? And whether haue any trees therein growing been felled, and by whom?

8. Whether hath there been any quarrelling, or striking, brawling, or reuiling; and Playes, temporall Courts, Leets, Lay-Juries, Musters, or other prophane vsages in your Church or Churchyard?

9. Whether is the mansion-house of your Parson, Vicar, or Minister, with all the housing thereunto belonging, well and sufficiently repayred? And whether haue you any Almes-house, or Church-house in your parish, and they well maintained, and imployed to those godly vses whereto they were intended?

10. Whether is your Church full, or vacant of an Incumbent? If vacant, who receiueth the fruits thereof, and who serueth the Cure, and by what authority? And whether is it a Parsonage, Vicarage, or Donatiue, or Appropriation?

11. Whether haue you a Terrier, or any ancient true note of all the Glebes, Grounds, and Portions of Tithes, to your Parsonage or Vicarage belonging, taken by the view of honest men of your parish? And in whose hands is it? And whether is there a copy thereof laid vp in the Bishops registry? If none such be made, you the Church-wardens and Sidemen together with your Parson, Vicar, or Minister, are to make diligent enquiry of the premisses, as they are knowne by metes, bounds and inclosures; And to make signe, and bring in the said Terrier at the time of this your presentment, or within a time after to be prefixed?

12. Whether hath there not any of the said Glebe, or other Grounds thereto belonging, been concealed, aliened, exchanged, or by collusion recouered or gotten from the Incumbent?

13. Whether be any of the profits, tithes or other commodities Ecclesiasticall taken and conuerted to the vse and benefite of Patrons, or such as pretend themselues so to be, and by them receiued and deteyned? And how long haue they been so deteyned to your knowledge?

Touching Ministers, Seruice, and Sacraments.

Whether is your Parson, Vicar or Minister, a Graduate of one of the Vniversities, or not? And if yea, of what degree? was he admitted into holy Orders by any corrupt means of gift or promise? Or came hee to his Benefice by any compact for money, or for releasing the Patrons, or any others tithes, directly, or indirectly, as you haue credibly heard? Is he a Preacher licensed? And if so, by whom?

2. Whether hath he more benefices than one? If he haue, what is his other benefice, and how far distant? How often and how long is he absent in the yeare? When he is absent, hath he an allowed Preacher for his Curate?

3. Whether is his Curate allowed by the Ordinary vnder his hand and seale? Whether doth he serue two Cures in one day? What is his Curates name, and how long hath he been Curate? And who was your Curate before, and what is become of him?

4. Whether doth your Minister, being no Preacher allowed, presume to expound the Scripture, in his owne Cure, or elsewhere? And being no Preacher, whether doth he procure a Sermon euery moneth in his Cure, by Preachers licensed? Or in default thereof, reade some of the Homilies prescribed?

5. Whether doth your Minister, euery Sunday and Holiday, halfe an houre before euening prayer, examine and instruct the youth of the Parish in the ten Commandements, the Beliefe, the Lords Prayer, and the Catechisme set forth in the booke of Common-Praier?

6. Whether doth he distinctly and reuerently euery Sunday and Holiday, and on their Eues, and other daies appointed by the booke of Common-Praier (as on Wednesdaies and Frydaies) say and celebrate diuine Seruice both morning and euening, at fit and vsuall times on those dayes?

7. Whether doth he obserue the Orders, Rites, and Ceremonies prescribed in the booke of Common-Prayer, in reading publick Praiers and the Letanie, in administring the Sacraments of Baptisme, and the Lords Supper, in solemnizing matrimony, in visiting the sick, burying the dead, churching of weomen, in such manner and forme as in the said booke is enioyned, without omission or admission?

8. Whether doth he in the time of diuine Seruice, wear a Surplice both morning and euening; and neuer omit the same in ministring the Sacraments and other Rites of the Church?

9. Whether doth he, in regard of Preaching, diminish diuine Seruice or Praier, *that the Creed bee not said, and the Commandements read euery Sunday*, whereby the Parishioners may lose the knowledge of them both, which it most of all concernes them to know?

10. Whether doth he bid Holidayes and Fasting dayes, as by the booke of common Prayers is prescribed?

11. Whether doth he baptize any in a priuate house, but in case of necessitie?

12. Whether doth he refuse to baptize any Infant in his Parish, hauing beene informed of the weakenesse of the said child? And whether the child through his default dyed without baptisme?

13. Whether doth he vse the signe of the Crosse in Baptisme, or baptize any child in a bason or other vessell, and not in the vsuall Font?

14. Whether doth he baptize any that were not borne in the Parish?

15. Whether doth he admit any father to be Godfather to his owne child? Or any that haue not receiued the holy Communion?

16. Whether doth your Minister, before the seuerall times of the administration of the Lords Supper, admonish and exhort his parishioners, if they haue their consciences troubled and disquieted, to resort vnto him, or some other learned Minister, and open his griefe, that he may receiue such ghostly counsaile and comfort, as his conscience may be relieued, and by the Minister he may receiue the benefite of absolution, to the quiet of his conscience, and auoyding of scruple? And if any man confesse his secret and hidden sinnes, being sicke or whole to the Minister, for the vnburthening of

his conscience, and receiuing such spirituall consolation: doth or hath the said Minister at any time reuealed and made knowne to any person whatsoeuer, any crime or offence so committed to his trust and secresy, contrary to the 113. Canon?

17. Whether doth hee giue warning, the Sunday before, to his Parishioners, that they may prepare themselues for the Communion the Sunday following?

18. Whether doth he administer so oft, as that euery Parishioner may receiue the Communion, thrice, at least, euery yeer, whereof Easter to be one?

19. Whether hath hee debarred any of his Parish from the holy Communion, who are not publickly infamous for some notorious crime?

20. Whether doth hee receiue to the holy Communion any beeing not of his owne Cure, but comming from other Parishes?

21. Whether doth he receiue the holy Communion himselfe first, kneeling? or deliuer it to any other, but such as kneele? or to any that refuse to be present at publick prayers?

22. Whether doth he vse the words of Institution euery time that the bread and wine is receiued?

23. Whether doth he deliuer the bread and wine to euery Communicant seuerally?

24. Whether hath hee *married* any without a Ring? or without Banes published three seuerall Sundaies or Holi-daies in time of diuine Seruice, in the seuerall Churches or Chappels of their seuerall abodes? or, in *times prohibited*, without a License first obtained from the Bishop or his Chancellor? or before the houre of eight, or after the houre of twelue in the forenoon? or in any priuate house? or married any vnder the age of xxi. yeeres, before the consent of their Parents or Gouernors first to him signified?

25. Whether doth your Minister (hauing notice giuen him) *visit the sick* diligently (the disease not being infectious)? Doth he instruct and comfort them? Doth he moue them to make their Testaments, and to remember the poor, and other works of charity.

26. Doth he refuse to bury any, who ought to be interred in Christian buriall? or deferre the same longer than he should? or bury any in Christian buriall that, by the Canons of the Church, ought not so to be buried?

27. Doth your Minister carefully look to the reliefe of the poore, and from time to time call vpon his Parishioners to giue somewhat according to their ability?

28. Whether doth your Minister, being a Preacher, conferre with all Recusants, or persons excommunicate or suspended; and, beeing no Preacher, procure a sufficient Preacher to reclaime them?

29. Whether doth he keep a note of persons excommunicate, and denounce them once a month on some Sunday in Seruice time?

30. Whether doth he hold or appoint any Fasts, Prophesies, or Exercises, or hath been present at any?

31. Whether hath there been any Conuenticles or Meetings by any Ministers now silenced or suspended, or others in any priuate house, to depraue the Book of Common Prayer, or the doctrine and discipline of the Church of England, or to vse any other forme than is therein appointed?

32. Whether doth your Minister vse decency or comelinesse in apparell, and weare a cloke with sleeues (called a Priests cloke) in his going abroad?

33. Whether doth he boord or lodge in any Tauerne or Ale-house, or resort thither commonly? or vse any base or seruile labour, not seemly for his calling? or any dice, cards, tables, or other vnlawfull games? Is he one that plies not his study, a hunter, hawker, dancer, swearer, vsurer, or suspected of incontinency, or any waies offensiue or scandalous to his function or Ministery?

34. Whether doth he admit any woman gotten with childe out of matrimony, to be churched without licence?

35. Whether doth he baptize any in priuate houses (but in case of necessity) or church any woman, or minister the Communion to any persons?

36. Whether doth he goe in perambulation in the Rogation week, vsing the prayers and thanksgiuing to God for his blessings, or otherwise entreat his grace and fauour, if there be feare of scarsity?

37. Whether is there in your parish any Minister or Deacon that hath forsaken his calling, or that vseth himselfe in his course of life as a Gentleman or a Lay-man?

Touching Schoolemasters.

Is there in your Parish any *Schoolemaster* who teacheth in a publick Schoole, or any other which teacheth in priuate houses? Haue they the licence of the Bishop?

2. Are they conformable to the sound Religion now established, and receiue the holy Communion? Doe they bring their Scholars to Church to heare Diuine Seruice and Sermon? Are they diligent to benefit their Scholars in learning? Doe they instruct their Scholars in the grounds of Religion, in the Catechisme contayned in the Booke of Common prayer, once euery week, or teach any other Catechismes besides, or reade vnto them priuately any vnlawfull bookes?

3. Doe they teach children in any Papists or Sectaries house that come not to Church? what are their names, and how long haue they so taught?

Touching Physicians and Surgeons.

Haue you any in your Parish that practice Physicke or Surgery not being a Doctor in either of the Vniversities, or otherwise licensed? Or that haue left their trade, and taking vpon them to professe Physick or Surgery, abuse the people?

Touching the Clerke and Sexton.

Haue you a fit Parish-Clerke aged twenty yeeres at least, able to read, write and sing? Is he seruiceable to the Minister, not giuen to drinke or any other vice? Doth he meddle with any thing aboue his office, as to church weomen, read Prayers, bury the dead, or such like?

2. Doth he or the Sexton, keep the Church cleane, and the doores lockt? Is any thing of the Church spoiled or lost by his default, or any prophane exercises in your Church?

3. Doth he neglect to toll a Bell, when any person is passing out of this life?

4. Are the Clerke and Sextons wages duly paid vnto them without fraud, as hath been accustomed?

Touching the Parishioners.

Are there abiding or resorting to your Parish, any that defend any Heresies, contrary to the faith of Christ and true Religion?

2. Do any of your Parish, or that soiournes therein by the space of a month, being sixteen yeers of age or vpward, neglect to resort to your Church on Sundaies and Holidaies, at morning and euening Prayer?

3. Are there any noted to come late, or to depart before Seruice be done?

4. Are there any that perswade others to forbeare comming to Church, or to receiue the Communion in such wise as is appointed by the booke of common-Praier?

5. Are there any that depraue or speake against the gouernment of now (*sic*) established in the Church? Or separate themselues from the societie of the Congregation, and combine themselues with a new Brotherhood?

6. Are there any that sell or disperse any forbidden bookes or libells of any Sectaries, touching the religion or gouernment of the Church?

7. Doe any of the Parish mis-spend or prophane the Lords day, Sunday, or any Holy-day, vsing any worldly labour, or exercising their trades, or any offensiue games vpon any of those dayes?

8. Are there any that do not reuerently behave themselues during the time of diuine Seruice, deuoutly kneeling when the confession of sinnes, the Letanie, the ten Commandments, and other Praiers and Collects are read? and vsing all due and lowly reuerence, when the blessed Name of our Lord Jesus Christ is mentioned? and standing vp when the Articles of the Beleef and the Gospell are read? or that couer their heads in the time of diuine Service; vnlesse it be in case of necessity, wherein a night-cap or coif is allowed? or that giue themselues to walk or babble, and be not attentiue during the time of praiers, or the Word read or preached? or that kneele not deuoutly at their receiuing of the Communion? or that receiue it not thrice euery yeere, whereof once at Easter?

9. Whether any of your Parishioners send not their children and seruants to be catechized on Sundaies and Holy-daies? or whether such children and seruants, being sent, refuse to come? or being come, refuse to learne and be instructed in the same?

10. Whether have there been any persons married together within the degrees of consanguinity or affinity prohibited, set forth in a Table, appointed to be placed in euery Church?

11. Whether haue any being married, in the times wherein marriage is by Law restrained, without lawfull license?

12. Whether haue any been married in priuate houses; or any knowne or suspected to haue been married by any Popish Priest: Or in any other order then is appointed by the Church of England?

13. Whether haue any persons, once lawfully married, forsaken each other, or doe liue asunder, without a sentence giuen by the Ordinarie? Or doe any being diuorced or separated, marry againe, the former wife or husband yet liuing?

14. Whether haue all weomen in your Parish deliuered of child, come, at conuenient time after, to giue thankes? And haue they beene churched according to the forme of the booke of common-Praier?

15. Whether doe any in your Parish refuse to haue their children baptized; or to receiue the Communion of your Minister because hee is no Preacher?

16. Whether doe any bring strange Ministers into their owne houses, to baptize their children priuately, according to their own phansies? Or receiue any child or children borne elsewhere, to be baptized in your Parish? If so, who were they that receiued any such, and whose child or children were so baptized, and what was the name of the child, and who baptized it? And whether doe you know of your owne knowledge, that the Parents of such child or children were married together? And where, when, and by whom?

17. Whether haue any in your parish bin christned, churched, buried, or receiued the Communion, out of your parish-Church, or bin maried out of your Church (one or both parties not dwelling in your parish?)

18. Whether haue you any common resorters to your Church which are not of your Parish? Or doe any such receiue the Communion amongst you? what be their names, and of what Parishes are they?

19. Whether haue you in your Parish any Popish Recusants, of insolent behauiour, or that doe boldly busie themselues in seducing others, either abroad, or in their owne families, by instructing their children in Popish religion; or refusing to entertaine any (especially into place of trust) but such as concurre with them in opinion: And what be their names that so doe?

20. How long haue the said Recusants abstained from diuine Seruice, or the holy Communion?

21. Whether bee any such Recusants married, or their children christened, or any of them buried, by any other then your Minister? Where, when, and by whom? And what certificate haue you receiued thereof? And whether hath any of their children remained vnbaptized, aboue one month, or hath not been baptized in your Parish Church? You shall present how the children of such as refuse to come to Church, are brought vp? how many children they haue? vnder what Schoolmaister or Tutor? Where and in what schoole? And what those childrens names are?

22. Whether hath any person suspended or excommunicated, been suffered to heare diuine Seruice, or the Sermon, to receiue the Sacraments, to be married or churched? Or haue any, dying excommunicate, been buryed in Christian buriall?

23. Whether hath any of your Parish vnreuerently vsed your Minister, or laid violent hands vpon him? Or disgraced his office and calling, by word or deed?

24. Whether are there in your Parish any Adulterers, Fornicators, Incestuous persons, Bawdes, Receiuers, close Fauourers, Conueyers away or which suffer to depart any incontinent person vnpunished: Any Blasphemers, common Swearers, Ribawdes, Drunkards, Vsurers, malitious Slanderers, Scolds, or Sowers of discord, or any defamed of the said crimes?

25. Whether haue the said Parties offending in, or suspected of Fornication, Adulterie, Incest, or keeping of a Bawdy-house, or any other Ecclesiasticall crime, been presented since the last Visitation? And haue they, being presented, done publicke pennance for the offence? If not, what are their names, and what was the offence? What Parish were they then, or are they now of?

26. Whether haue any person or persons suspected or detected of incontinency, and therefore departing, returned againe to your Parish? In what place are they now abiding, as you know, or haue heard? Or haue they done any penance? And what penance?

27. Whether is there any in your Parish that hath vsed Sorcerie or Witchcraft, or been suspected of the same? Or that hath vsed any Charmes or vnlawfull Prayers? Or is there any that haue resorted to any Sorcerers, or Witches for helpe and counsell? And what are the names both of such as vse it, and of such as resort to them?

28. Whether are there in your parish any Wills not yet proued or goods of the dead dying intestate left vnadministred, neyther of both being proued or administred by the authority of the Ordinary? and whether do any administer the goods of any person deceased without authority, or suppresse their Will or Testament? or hath any Executor neglected to performe their Wills, especially in paying of Legacies giuen to the Church, to the poore, or to any other charitable or godly vses?

29. Whether doe any refuse to pay to the reparations, ornaments, and other things required in your Church, as they are sessed by a lawfull Vestry? or any other dwelling out of your parish, which hold land in your parish?

30. Whether haue any in your Parish giuen the Church-wardens or Sidemen, or any of them euill words for doing their duty, according to their oath and conscience, in making presentment for any fault?

Touching the Church-wardens.

Whether do any in your Parish take vpon them to be Church-warden or Sideman, which are not lawfully chosen by the Minister and Parishioners, according to the Canon; or do any continue that office longer than one yeer, except they be chosen againe; and are all such officers chosen yeerly in Easter week?

2. Whether do your Church-wardens, within one month at the most after their yeer ended, before the Minister and Parishioners, giue vp a iust account of all such money and other things as they haue receiued and bestowed? haue they deliuered all remaining in their hands belonging to their Church or Parish, by Bill indented, to the next Church-wardens?

3. Whether haue the Church-wardens, with the aduice of the Minister, from time to time prouided a sufficient quantity of fine white bread, and wholesome wine, for the number of Communicants?

4. Whether do the Church-wardens and Sworn-men, before euery Visitation, and at other times when there is iust occasion, meet and conferre about their Presentments, and the answering of these Articles; and who hath (after notice giuen him of the time and place) carelesly absented himself?

5. Whether is the forfeiture of twelve pence for absence from Church, appointed by Statute for the vse of the poore, taken and leuied by the Church-wardens, and imployed according to the said Statute: and whether is the same forfeiture taken of all persons which stand wilfully suspended or excommunicated?

6. Whether haue any Church-wardens lost, sold, or detayned any goods, ornaments, Bels, Belfry, rents, or implements of the Church?

7. Whether do the Church-wardens and Sidemen, about the middest of diuine Seruice, vsually walk out of the Church, and see who are abroad in any Ale-house, or elsewhere absent, or euill imployed: and whether haue they presented all such to the Ordinary?

8. Whether do you know or haue heard a fame of any offense committed, or duty omitted by any of your Parish, before your time, and heertofore not presented to the Ordinary, or as yet not reformed; and whether haue you presented the same?

Touching Ecclesiasticall Officers.

Whether doe you know or haue heard of any payment, composition, or agreement, to or with the Chancellor, Register, or other inferior Officers Ecclesiastical, for suppressing or concealing of any excommunication, or other Ecclesiastical censure, of or against Recusants, or any other Offendors? Or for not certifying of Recusants to the Ordinary, or for not seruing of Processe without a summe of mony or other consideration receiued, or promised to any of them in that respect: And by whom?

2. Haue they heard any matter of office priuately in their chambers without their sworne Registers or their Deputies presence?

3. Whether hath any mis-liuer or mis-doer lawfully presented, and confessing the fault for which hee or shee was so presented; or being thereof otherwise conuicted, had his or their penance, or anie part thereof omitted; If so, you shall present the name of the Partie or Parties who haue so omitted their penance or any part thereof.

4. Hath any person within your Parish paid or promised any summe of money, or other reward, for commutation of penance for any crime of Ecclesiasticall conusance? If so, then with whom; when, and for what? And how hath the same been employed?

5. Finally, doe you know of any matter or cause, which is a breach of the Lawes Ecclesiasticall heer not expressed?

FINIS.

WILLIAMS, BISHOP OF LINCOLN, 1625.

ARTICLES to be enquired of within the Diocesse of Lincolne in the generall and trienniall Visitation of the right reuerend Father in God Iohn by Gods providence, Bishop of Lincolne, Lord Keeper of the great Seale of England.

Imprinted at London, 1625.

[*Collated with Williams' Articles of* 1627.]

The Aduertisement.

The Minister and Churchwardens are to call unto them the Neighbours of the Parish, and out of them to make choice of two of the discreetest parishioners to be Sidemen, and they all together are to read ouer these Articles diuers times.

Then, after they haue duely considered of them, they are to write an answer or presentment vnto euery Article particlarly, and truely, according to their Consciences.

Lastly, they are all of them to bring their presentments to the Visitation and there the Churchwardens and Side men vpon their Oathes are to deliuer them vp vnder their hands to the Lord Bishops Visitors. The Minister is to put them in minde of such things as he knoweth needfull to be presented, and in case they neglect, to giue notice to the Visitors.

The Oath to be ministred to the Churchwardens and Sworne-men.

You shall duely enquire and true presentment make of all offences or defaults mentioned in the Articles giuen you in charge, or otherwise against the Ecclesiasticall Lawes, together with the names of the seuerall Offenders therein. *So helpe you God.*

Articles to be enquired of in the Diocese of LINCOLNE.

Church. Chancell. Churchyard. First, whether is your Church, or Chappell, and the Chancell sufficiently in repaire of the wals, roofe, seats, pauement, and windowes; also the Parsonage or Vicarage house? And whether is the Church-yard decently fenced with Railes, Pales, or Wals, and by whose default are any of these in decay, either Minister, lay-person, Appropriator, Farmer or Parishioner? Set downe the names of those in whose time or by whose meanes the said decaies were made, or suffered to be made.

Patron. Terrier. Glebe. 2. Who is the Patron of your Parsonage or Vicarage as you know or haue credibly heard? what glebe Land is there belonging to the Parsonage or Vicarage? Enquire of your Minister, and giue up a Terrier of the same to the Lord Bishops visitors, or some by them appointed, before the Wednesday after Easter next.*

Also you shall present the names of all such men, either Ministers or lay persons, who haue changed vsurped, or inclosed any of the said glebe, or taken away any part of the building belonging to the Church, Parsonage, or Vicarage, or doe detaine from the Parson or Vicar, any tithes, glebe land, duties, or profits, which you know or haue heard haue belonged within the memorie of man vnto the Parsonage or Vicarage.

Free Schoole. Hospitall. Church repaires, &c. 3. Whether is there in your Parish any free School, or any monies, rents, stocks, lands, or houses giuen to the maintenance of a Schoole, or of an Hospitall, or of the Poore, or of the Church, or the repaires thereof, or of a Preacher, or an Organist, or of any other thing for the maintenance or ornament of the seruice of God: whether are the said monies or lands, &c., so imploed as they were bequeathed, or whether are they detained or vsurped to any other vse, and by whom? you shall giue certificate hereof, if there be cause, vpon the day aboue said.

Prophaners. 4. Whether haue your Church or church-yard beene prophaned or abused with plaies, quarrels, fighting, scoulding, or ill words, or with feasts, pedlars buying and selling, Courts, or any such like, and by whom; And whether haue any Trees beene cut downe in the Church-yard and by whom†.

Bookes. Church parts. 5. Whether haue you in your Church or Chappell a large Bible, Bookes of Common Prayer; sufficient bookes of Homilies, *Erasmus* his *Paraphrasis*, Bishop *Jewels* workes, the booke of God and the King*, a conuenient Pulpit, and a Pulpit-cloth, a decent seat for the Minister and Clarke, a chest for the Registry to be kept in with three Keyes, whereof the Minister to haue one. Also a poore mans Box after the same manner, and whether is the Register-booke so written, kept, perused, and certified as it ought?†

Easter weeke. (*sic*)

6. Whether haue you a decent Font with a couer for Baptisme; and a decent Communion Table with two Couers, one of Silke, or some fine stuffe, another of Linnen; a faire Surplice, a communion Siluer Cup, and a stoop for the wine; sufficient Bels and Bel-ropes fit for ringing? And whether haue you had any necessaries or ornaments of your church now fallen into decay, as Bels, Organes, or Chime, or a Clocke, or Lofts to sit in, maintenance for singing, or any such like? and by whom are any of these with-held, or taken away, or who haue defaced, broken downe, or taken away any decent ornaments in your Church?

Preachers and ministers. 7. Whether are the names of foraine Preachers and their licences registred? Haue you the Book of Canons of 1603. And doth your Minister reade them publickely once euery yeere.

8. Whether doth your Minister euery Sunday and holiday, and on their Eues, sing or say distinctly in due time and place the Prayers and Seruice according to the booke of Common Prayer? Also on Wednesdaies and Fridaies, without addition, or omitting any thing. And whether doth he appoint holy-daies, fasting-dayes, and the Ember-weekes? And whether doth hee warne and keepe the perambulations?

9. Whether doth the Minister euery Sunday and holy-day catechize the youth, and vnmarried persons in the parish?‡ Whether doth he vse any Catechisme other than that in the booke of Common prayer? if he doe, you shall before Wednesday in Easter weeke next, warne your Minister to bring his said Catechisme to the Lord Bishops visitors, or some appointed by them, that it may be perused:§ Also whether doth he admit any persons to the Communion, or to be Godfathers or Godmothers, or to be married,‖ that cannot say the catechisme, and who they were?¶

Lecturers. 10. Whether haue you any Lecture or extraordinary Preaching by one or more Preachers? Whether haue those Preachers or Preacher lawfull authority thereto from the LordBishop? what stipend they haue, and from whom? Whether doth the said Lecturer reade Prayers twice a yeere at the least, and conforme himself to the Orders of the Church of *England*, according to the Canon?

11. Whether doe any Preachers that you know, or haue heard of, Preach one against another, and whether doth your Minister obserue the late Orders or Articles appointed by his Maiestie for the edifying of the people, and auoiding of dangerous questions?

12. Whether doth your Minister or any other person in your Parish keepe any priuate meetings for prayers or teaching (other then with their owne Families) or any priuate Fasts or Exercises, or exercising (*sic*) to cast out Diuels without lawfull authority.

13. Whether doth your Minister vse the rites and ceremonies, and other orders appointed by the Lawes and Canons of the Church and Realme in the administring of the Sacraments and Seruice, as the Surplice the Crosse in Baptisme, the Ring in mariage, and the rest?

14. Whether hath your Minister or any other in your Parish in their Sermons** oppugned or spoken against the Doctrine, Orders, or ceremonies of the Church of England, as against the Kings supremacy, the gouernment of the church, the booke of Canons, the Communion booke, kneeling at Communion, Crosse in Baptisme, Surplice, Ring in marriage, the bowing at the name of Jesus, or any other of the Rites authorised? And whether are there any such that refuse or speake against the said Rites, receiued by the Minister to the Communion?

15. Whether doth the Minister warne and celebrate so many Communions that euery Parishioner may receiue thrice at least in the yeere?††

16. Whether doe you know or haue heard of any

* Who is the patron—Easter next. *Omitted.* 1627.
† And how imployed. *Added.* 1627.

* The booke of God and the King. *Omitted.* 1627. [This was the Dialogue on the Oath of Allegiance put out by James I. in 1615–6, and ordered to be taught to all Children and provided in every household.]
† And you shall bring in your Register booke at the visitation to be veiwed there by the Lord Bishops visitors. *Added.* 1627.
‡ Catechise the younger sort in the parish. 1627.
§ If he doe—perused. *Omitted.* 1627.
‖ Or to be Godfathers—married. *Omitted.* 1627.
¶ And who they were. *Omitted.* 1627.
** Preached any seditious doctrine, or. *Added.* 1627.
†† and especially once at Easter. *Added.* 1627.

popish Priests, Seminaries, or Jesuites intertained in your Parish, or any that suffer Masse, or any popish seruice in their houses, or that doe seduce the people from the Religion established, or doe speak euill of the same?

17. How many Benefices hath your Minister, and how farre distant? doth he serue your cure himselfe, and there diligently preach, or hath a sufficient Preacher for his Curate? Let the Minister himselfe also come with his Curate and signifie to the Lord Bishops Visitors what stipend he doth allow him.*

18. Whether doe you know or haue heard of any Simony, which your Minister hath vsed, directly or indirectly or any money† which he gaue to his patron or any other for his liuing?

19. If your Minister be not a Preacher, whether doth he procure monthly Sermons to be made by some able licensed Preacher: and whether doth he, when there is no Sermon, reade the Homilies?

20. Whether doe you know, or haue heard of any maried in your Church at the times prohibited, or not being thrice asked in the Church, or without a lawfull Licence, or in an vnlawfull place, or houre, that is, not betweene eight and twelue of the clocke in the forenoon, or where the parties being vnder one and twenty yeeres of age, had not the consent of their parents?

21. Whether haue any beene maried within the degrees forbidden, or in any church which was not the Parish Church of one of the parties who were maried?

22. What persons doe you know that come not diligently to Church on Sundaies and holy-daies, or refuse or neglect to send their children to be catechised?

23. Whether doth your Minister visit the sicke, or refuse to goe and comfort them, or to minister the Communion to them, or to baptise a child that is in danger?‡

24. If you haue any Chappels of ease in your Parish, whether doe the inhabitants resort once a yeere at the least to the Parish church to receiue the communion?

25. Whether doth your Minister weare decent and graue§ apparel? whether doth he resort to Tauernes, or Alehouses, or any vnlawfull games? or doth he vse any seruile labour, as carting, plowing, &c.

26. Whether is your Minister peaceable and a peacemaker, ‖ and whether doth he abet any suits or contentions amongst his neighbours, or trouble, sue, or present them for vaine and triuiall causes?

27. Whether doth the Minister warne and celebrate the daies of the Kings beginning of his reigne, and the fift of August,¶ and the fift of Nouember, for his Maiesties happy deliuerance? And whom do you know in your Parish that refuse to celebrate them: and whether is your Minister absent aboue fourescore dayes in the yeere from his charge?**

Ecclesiasticall Courts.

28. Whether doe you know that any ecclesiasticall Judge, or any of the Registers, or Apparators, or any other Officer belonging to the Ecclesiasticall Courts, haue taken rewards or gifts for peruerting iustice. or denied Justice to any man who lawfully required the same?

29. Whether doe you know or haue heard that any of the said Judges, or Registers, or any belonging to the said Courts doe fauour any Papists or popish Recusants, or non-conformitants, or Brownists, Anabaptists, or any other Sectaries, or doe forbeare to enquire, cite, denounce, and censure them?

30. Whether haue the said Ecclesiasticall Judges appointed and constituted certaine and determined Surrogates and substitutes, being Batchelors of Diuinitie, Batchelors of the Law, or at the least Masters of Arts, and graue licensed Preachers; or doe they appoint weake and†† insufficient men in their owne absences?

31. Whether hath your Archdeacon, or any for him, viewed your Church, Chappell, and other buildings mentioned in the sixe first Articles?

32. Whether hath the Chancellour, Commissaries, or any using Ecclesiasticall Jurisdiction vpon the presentment or information giuen vnto him of any foule offences or scandals in your Parish, not punished the persons detected, so that the Congregation hath not beene satisfied both of Justice, and the amendment of the partie, and who were the parties committing the said offences, as Incest, Adulterie, Fornication, Drunkennesse, Blasphemy, Heresie, clandestine mariage, prophaning of the church, or such like?

33. Whether hath the said Chancellor, Commissaries, or any other Ecclesiasticall Judge* committed (*sic*) the penance of any such delinquents to pay a summe of money, and how much of the said money haue you knowne to be sent, distributed, or imployed to the poore, or to any other charitable vses in your Parish?†

34. Whether are your Ecclesiasticall courts kept at conuenient times and places, and whether is any man cited out of his owne Jurisdiction?‡

35. Whether doe the Ecclesiasticall Judges suffer any persons detected for crimes to sue and molest the Churchwardens (who detected them) for the same.

36. Whether doe you know or haue heard that any of the said Judges, in case, when the deceased dies without a will, haue assigned or taken part of the goods to charitable vses, and how haue you knowne them so imployed?

37. Whether in such case of any dying without a Will, doth the Ecclesiasticall Judge send out intimation to summon the creditors, kindred, wife and children to come take administration, and committed the same, not to needy persons, but to able men, and such as enterd sufficient bond to preserue the estate, and answer all that is due, and saue the Lord Bishop harmelesse?

38. Whether doth the said Judge Ecclesiasticall, when a Benefice is vacant, commit sequestration to able men that doe answer and account truely for the maine profits? And whether are the Parishes, during the vacancy well serued with able Ministers?

39. Whether doe you know, or haue credibly heard, that the said Judges Ecclesiasticall, Registers, or Apparators doe take any extraordinary or more fees for probate of wils, Administrations, accounts, assignations of portions, or citations, then are allowed by the statutes of the Land, or any fees greater then heretofore haue beene accustomed in other businesses belonging to their courts?

40. Whether doe you know, or haue heard, that any Register of the said Courts have sped any act or dismissed any person detected without the knowledge and actuall consent of the Judge?

41. Whether doe the Registers in the said Courts professe the Religion of the Church of England? Whether doe they orderly receiue the holy communion; and whether are they of honest, sober, and godly conuersation?

42. Whether doe the said Registers keepe sufficient Scribes and seruants, who are publique notaries, to make Acts, and keepe the Courts? whether doe they allow them sufficient meanes to liue, or suffer them to take, or exact monies of suitors for expedition?§

43. Whether is there in euery place where Ecclesiasticall Courts are kept, and also in the Registry of euery such Office or Court, a Table of Fees set up, that euery one may reade the same containing all the Fees that euery Officer of the Court ought to take according to the Canon made at the Conuocation vnder Archbishop *Whitguift, Anno Dom.* 1599.

44. Whether are there more Apparators belonging to the Courts then‖ heretofore were accustomed? whether doe any of the Apparators buy or take to farme their offices or the execution of the same?

45. Whether doth any person in your knowledge, or as you haue heard, take upon him to execute both the places of Judge and Registery, directly or indirectly?

46. Whether are there any in your Parish who occupie or enioy any goods of any man deceased, not hauing proued his Will, or taken Administration of his goods where there was no Will made?

Schoolmaster.

47. Whether haue you any Schoolemaster or Usher in your parish who is not licensed by the Ordinary and is not of sound Religion and honest conuersation?

48. Whether doth the Schoolemaster catechise his Schollers in the grounds of Religion; cause them discreetely to behaue themselues in the church on Sundaies and Holidaies, and take an account of their learning both in godlinesse and in other studies?¶

Parish clearke.

49. Whether is your Parish Clarke aboue twenty yeeres of age, and sufficient for his place, able distinctly to reade the first Lesson and to sing, and diligent in his office?

---

* Let the Minister—allow him] What wages doth he allow to his Curate. 1627.
† Or other reward. *Added.* 1627.
‡ Having no lawfull impediment. *Added.* 1627.
§ Grave.] Canonicall. 1627.
‖ And a peacemaker.] *Omitted.* 1627.
¶ And the fift of Aug.] *Omitted.* 1627.
** And whether—charge.] *Omitted.* 1627.
†† And] or. 1627.

* the said—Judge] any Ordinary in the Diocesse. 1627.
† any such—your parish] any delinquent convicted, contrary to the Canon? 1627.
‡ and whether—jurisdiction]. *Omitted.* 1627.
§ Whether doe they allow—expedition]. *Omitted.* 1627.
‖ by law are allowed, or. *Added.* 1627.
¶ and take—studies]. *Omitted.* 1627.

50. Whether the Clarke or any person not authorised meddle aboue his place, as to reade Prayers, bury the dead, Church women, and such like?

51. Whether doth the Clarke or Sexton keepe cleane the Church, ring the Bels, attend the buriall of the dead, and other things belonging to their places?

52. Whether doe all the Parishioners pay their accustomable wages and duties to the Clark and Sexton, and what be their names that refuse?

53. Whether are there any in your Parish who impugne, speake, print, publish or keepe, any books against the Kings supremacy, the Articles of Religion of 1562. or against the present gouernment of the Church?

Negligence in diuine seruice.

54. Whether doe any on Sundaies or Holidaies, especially in the time of diuine Seruice or Sermon, mispend the time in Alehouses, vnlawfull games, idlenesse or labour; or who doe not reuerently behaue themselues in the church: or vse talking, walking, or any other vncomely behauiour then or there?

55. Whether haue any aboue seuenteene yeeres of age not receiued thrice in the yeere the Communion, or doe refuse (being vnmarried people) to be catechised.*

Marriage.

56. Whether haue any beene married their former husbands or wiues being aliue, *although they were diuorced from them?* or doe any man or woman liue from their husbands or wiues?

57. Whether hath any man abused your Minister by blowes or vnreuerent speeches, or beaten, or railed on any man in the Church or Churchyard?

58. Whether are there in your Parish any Popish, Anabaptisticall, Brownist, or other Recusant, or noncommunicant, or who labour to peruert others to their opinions?

59. Whether doe any forreiner of other Parishes resort to your Church to Seruice or Communion, or doe any of your Parish accustome to go to other Churches, and neglect their owne?

Enormities.

60. Whether are there in your Parish any incestuous Adulterers, Fornicators, Bawds, conueiors or intertainers of incontinent persons, or who are famed or suspected for the same?

61. Whether are there in your Parish any blasphemers, common swearers, or such as vse to speake bawdry, immodest and filthy speeches, malicious slanderers, scolds, drunkards, or any defamed for the same, or any that make, sing, or publish libels, or defamations against any?

Sessements.

62. Whether doe any refuse their sessements† to the repaires and ordinary charges of the Church, although they dwell without the Parish, hauing goods or lands within it?

63. Whether haue any in your Parish abused the Churchwardens or Sidemen for doing their duties?‡

Witches.

64. §Whether doe you know any men or women suspected for coniurers, Witches, Sorcerers, or that use any unlawfull or inchanting prayers, or charmes in writing or otherwise, to hurt or heale man or beast; and what are their names, and who resort vnto them for helpe or counsell?

Phisitians. Surgeons.

65. Whether are there in your Parish any that practise Phisicke or Chirurgerie without license, and who are they? You shall also warne all that haue licenses from the Lord Bishop, or his predecessors, or any of his officers to come shew them to his visitors to haue their Licenses seene and allowed.

Excommunicates.

66. Whether doe any in your Parish‖ conuerse with wilfull excommunicate persons: what excommunicate persons haue been buried in the Church or Churchyard?

Usurers.

67. Whether are there in your Parish any notorious Usurers?

Fasting-daies.

68. Whether doe you know or haue heard of any that obserue not the abstinence or fasts (by the lawes and canons commanded, and warned in the Church) of the time of Lent, Ember weekes, Fridaies and Saturdaies and holy day eues.

Churchwardens.

69. Whether are your Churchwardens according to order and lawfully chosen? whether haue the old Churchwardens accounted for what they receiued, to the Minister and Parish: And whether doe they and the Sidemen meete to conferre of these present or any former Articles giuen them in charge, to make true presentments, or haue wilfully omitted to present knowne or famed offendors?

70. *Whether doe the Churchwardens take and gather twelue pence for euery Sunday of Recusants, excommunicate persons, and others who come not to Church, and distribute it to the poore?

71. You shall also enquire whether heretofore you haue had a Parson or Vicar indowed, and whether there haue beene any such in your memory, or as you haue heard from your neighbours or ancestors. And that now† your Church is serued by a Curate, sequestration, or stipendary, and who‡ doth receiue the fruits, and pay the Curate his wages?

72. You shall also enquire of all other faults, not in these Articles expressed, punishable by the Ecclesiasticall lawes, and present them.

These things are to be exhibited by the Churchwardens and Sidemen at or before the Wednesday in Easter weeke.

A Terrior of glebe Land belonging to the Parsonage or Vicarage. And who is Patron of the Liuing?

Also what Lands, Rents, stockes, or monies haue beene giuen for the maintenance of the Church, or Poore, or Schoole, or other pious vse.

The Catechisme, if any be taught by the Minister, besides that in the Booke of Common Prayer.§

FINIS.

* or doe refuse—catechised] or any under that age refuse to be catechised by their Minister. 1627.
† lawfully made. *Added.* 1627
‡ for doing their duties] in the execution of their office, or for the doeing thereof. 1627.
§ Article 64 *omitted.* 1627
‖ Wittingly. *Added,* 1627.

DAVENANT, BISHOP OF SALISBURY. 1628.

ARTICLES to be enquired of in the Diocesse of Salisbury in the Visitation of the Reuerend Father in God John Lord Bishop of Sarum.

London, Printed by R. Y. for H. F. 1628.

[The Oath of the Churchwardens is almost verbally the same as in the Articles of Bishop Neile of Winchester in 1628.]

ARTICLES to be enquired of in the Diocesse of SALISBVRY.

Titul. 1. *Articles concerning publike Prayer. and administration of the Sacraments.*

Deprauing of the Booke of Common Prayer and Ceremonies.

First, Whether hath any of your Parish spoken or declared anything in the derogation or deprauing of the forme of Gods Worship in the Church of England, and Administration of the Sacraments, Rites, and Ceremonies set forth and prescribed in the Booke of Common Prayer, by the Kings Maiesty authorized and confirmed? Doe any preach, speake, or declare, that it containeth anything which is not agreeable to the holy Scriptures.

Perswading any Minister to alter the forme of Common Prayer.

2. Item, Whether hath any in your Parish caused, procured, or maintained any Minister to say any common or publike Prayer, or to administer eyther of the Sacraments of Baptisme and the Lords Supper, otherwise or in any other manner or forme than is mentioned in the said Booke of Common Prayer? Or whether hath any interrupted, hindered, let, or disturbed, the Minister to reade diuine Seruice, and administer the Sacraments in such manner and forme as is mentioned in the said Booke: or interrupted him in his preachings and Sermons?

Obseruation of the form of Baptisme and Crosse.

3. Item, Whether is the Sacrament of Baptisme rightly and duly administred according to the prescript forme expressed in the Booke of Common Prayer, with due obseruation of all Rites and Ceremonies prescribed in the administration of the same.

Deferring of Baptisme.

4. Item, whether is the administration of the Sacrament of Baptisme deferred longer than the next Sunday or Holyday immediately following the birth of the Childe?

Children refused to be baptized or dying without Baptisme.

5. Item, Whether is the Sacrament of Baptisme refused to be administred to any children borne in and out of Wedlocke, their birth being made knowne to the Minister of the Parish, and offered vnto him to be baptized, or haue any such children dyed vnbaptized?

Parents of children admitted Godfathers.

6. Item, Whether be the Parents of any childe to be baptized, admitted to bee Godfathers and Godmothers to the same?

Private Baptisme.

7. Item, Whether haue there beene any children baptized in priuate houses by any Lay-person, or Midwife, or Popish Priest, or by any other Minister, but vpon vrgent occasion when the childe was in danger of death?

Baptizing of Papists children.

8. Item, Whether haue the children which haue beene borne to any Popish recusants, or begotten by them in your

* Article 70 *omitted,* 1627.
† that now] now that. 1627.
‡ and who] who. 1627.
§ These things are to be exhibited—Common Prayer] *Omitted,* 1627.

Parish, been publikely baptized in your Parish Church by your Parson, Vicar, or Curate or by whom were they baptized or where to your knowledge?

Receiuing of the Lords Supper thrice a yeere.

9. Item, Whether hath the blessed Sacrament of the Lords Supper been duly and reuerently administred euery moneth, or thrice euery yeere at least, whereof once at Easter, within your Parish Church, to euery parishioner being of sixteene yeeres of age, or vpwards?

Kneeling at the Communion.

10. Item, Whether is the said holy Sacrament deliuered vnto or receiued by any of the Communicants within your Parish, that doe not deuoutly and humbly kneele vpon their knees?

Notorious offenders admitted to the Communion.

11. Item, Whether hath any of your Parish, which bee openely knowne to liue in notorious sinne without repentance, or excommunicate persons, or schismatikes, common and notorious depravers of the Religion and Gouernement of this Realme, without vnfaiyned sorrow showne for their impiety and wickednesse, beene admitted to be partaker of the said holy Communion?

Debarring others without cause.

12. Item, Whether hath any of your Parish beene debarred from the said holy Communion without iust cause, and without intimation first giuen to the Ordinary or Bishop of the Diocesse: and by whose fault?

Titul. 2. *Articles concerning the Church, the Ornaments thereof, and the Churches possessions.*

Bookes and ornaments in the Church.

First, Whether haue you in your Church or Chappell, the whole Bible of the largest volume, and of the last translation, the Booke of Common Prayer, the two Bookes of Homilies, and Bishop *Jewels* Apology, all well and fairely bound: a Font of stone, set vp in the vsual ancient place: a conuenient and decent Communion Table, with a Carpet of silke, or some other decent stuffe, continually laid vpon the Table at time of Diuine Seruice,

Abusing of the Communion Table.

and a faire linnen cloth at the time of administring the Communion: and whether is the same Table placed conueniently as it ought: and whether is it so vsed in or out of time of diuine Seruice or Sermon, as is not agreeable to the holy vse of it: Are the tenne Commandements set vpon the East end of your Church, with other sentences of Scripture about?

Things appertaining to Churches.

2. Item, Whether haue you in your said Church or Chappell, a conuenient Seate for your Minister to reade diuine Seruice in, together with a comely Pulpit, set vp in a conuenient place with a decent cloth or cushion for the same, a comely, large, and fine Surplice: a faire Communion cup a Flaggon of siluer, or pewter, with all other things and ornaments necessary for the celebration of diuine Seruice and administration of the Sacraments: and whether

Register books.

haue you a Chest for Almes, with three lockes and keyes, and another Chest for keeping the Bookes and Ornaments of the Church, and the Register Booke? Whether haue you a Register Booke in Parchment for Christnings, Weddings, and Burials: and is the same kept in all points according to the Canons? And haue you a Table set in your Church, of the degrees wherein by Law men are prohibited to marry?

Reparation of Churches and Parsonage houses.

3. Item, Whether is your Church or Chappell, with the Chancell thereof, and your Parsonage or Vicarage houses, your Parish Almes-house and Church, in good reparations, and are they imployed to godly and their right holy vses: if any be ruinated and wasted, in whom is the default? Is your Church, Chancell, and Chappell decently and comely kept, as well within as without: and be the seates well maintained, the Steeple and Bells preserued, the windowes well glazed, the floore kept paued, plaine, and cauen, and all things in orderly and decent sort?

Fencing and keeping the Churchyard.

4. Item, Whether be your Churchyards well fenced, and kept without abuse: if not, whose default is it? hath any person encroached vpon the ground of the Churchyard: haue any vsed a place consecrated

Prophaning and annoying the Churchyard.

to holy vse, prophanely or wickedly: haue any quarrelled, or stricken another in Church or Church-yard?

Churches vacant.

5. Item, Whether is your Church full or vacant of an Incumbent: if vacant, who receiueth the fruits thereof, and who serueth the Cure, and by what authority: and whether is it a Parsonage, Vicarage, or Donatiue, or Appropriation?

Concealing of Church goods.

6. Item, What Legacies haue beene giuen to the vse and benefit of your Church: how haue they beene bestowed: who receiued them, and detaineth them without due imployment? Doth any detaine or imbezell any of the Church goods, or any other gifts giuen to charitable vses?

Erecting vp of seats and Pows.

7. Item, Whether is there any erecting of Pewes, or innouating of seats in your Church by any priuate man of his owne authority: and what seats haue beene so built, and by whose procurement, and by what authority?

Defacing of seemly ornaments.

8. Item, Whether hath any in your Parish defaced, or caused to be defaced, any monuments, or ornaments in your Church?

Burying of Popish Recusants.

9. Item, Whether hath any Popish Recusant, being lawfully excommunicated, beene interred or buryed in your Church or Church-yard, before absolution of that censure and Excommunication: if yea, then by whom, and when?

Alienation of tithes and profits of the Church.

10. Item, Whether be not the profits, tythes, and other commodities Ecclesiasticall, impiously and wickedly, to the disbonor of Almighty God, and preiudice of the sacred Ministery, conuerted to the vse and benefit of couetous Patrons, and by them receiued and detained, and how long haue they beene so vsed to your knowledge?

11. Item, Whether haue there beene made any bargaine and sale, exchange, or other alienation of the Glebe lands, or tithes of your Parsonage or Vicarage, being presentatiue, without the consent of the Ordinary and Patron: and if yea, specifie the said lands and tithes so sold, exchanged, or alienated, where it lay and lyeth, and how it was and is abutted, together with the value of the same, and who made the same sale, exchange, or alienation, and to whom was it made?

A Terrier of Glebe Lands and other possessions of the Church.

12. Item, Whether haue you the Terrier of all the Glebe Lands, Meadowes, Gardens, Orchards, Houses, Stockes, Implements, Tenements, and portions of Tithes, (whether within your Parish or without) belonging vnto your Parsonage or Vicarage, taken by the view of honest men in your said Parish? And whether the said Terrier be laid vp in the Bishops Registry, and in whose hands are any of them now? And if you haue no Terrier already made in Parchment, you the Churchwardens and Sidemen, together with your Parson or Vicar, or in his absence, you are to make diligent inquiry and presentment of the premises, and make, subscribe, and signe, the said Terrier, as aforesaid?

Titul. 3. *Articles concerning Ministers and Preachers of Gods Holy Word.*

Obseruation of the forme and time of Common Prayer and Sacraments.

First, Whether doth your Minister distinctly, reuerently say diuine Seruice vpon Sundayes and Holidayes, and other dayes appointed to be obserued by the Booke of Common Prayer, at fit and vsuall times? And doth your Minister duly obserue the Orders, Rites, and Ceremonies prescribed in the said book of Common Prayer, as well in reading all publike prayers, and the Letany, as also in administring the Sacraments, Solemnization of Matrimony, visitation of the sicke, burying the dead, churching of women, and all other like Rites and Offices of the Church, in such manner and forme as the said Booke of Common Prayer is enioyned: and doth he reade the Booke of the last Canons yearely?

Continuall wearing of the Surplice.

2. Item, Whether doth your Minister, reading diuine Seruice, and administring the Sacraments and other Rites of the Church, weare the Surplice according to the Canons?

Obseruation of Rites.

3. Item, Whether doth your Minister bid Holydayes and Fasting-dayes, as is appointed? Doth hee administer the holy Communion euery moneth, or thrice in the yeare at least: whereof once at Easter to euery Parishioner? Doth he receiue the same himselfe on euery day that he'e administreth it to others, and vseth he the words of Institution according to the Booke without alteration, at euery time that the Bread and Wine is renewed? Doth he vse, and neuer omit the signe of the Crosse in Baptisme: or doth he euer baptize in any Bason or other thing but the vsuall Font? Doth hee marry without a Ring, or in times prohibited, or without the Banes thrice published, without a speciall licence from the Archbishop or Bishop of the Diocesse, or his Chancellor first had and obtained?

Preachers without licence.

4. Item, Whether is your Minister a Preacher licenced or no: if no, Whether doth hee take vpon him in his owne Cure or else-where, to expound any Scripture or matter of doctrine, and doth not keepe himselfe onely to the reading of Homilies published by authority: if so, then you are to present the same, the time and place where he did it. And if he be licensed. Doth hee preach vsually in his owne Cure,

according to the 45. Canon, or in some other neighbour Church, where no Preacher is: or whether doth he or his Curate vpon euery Sunday when there is no sermon, reade a Homily, or some part thereof, according as he ought to doe?

Preaching of false doctrine and new opinions.

5. Item, Whether doth your Minister publish in his Sermons any doctrine which is new and strange, and disagreeing from the Word of GOD, and from the Articles of Christian Faith and Religion, agreed on and published *Anno Dom.* 1562.

Names of strange Preachers to be taken.

6. Item, Whether are any strange Ministers admitted to preach in your Church, who do not before the Churchwardens subscribe their names in your Booke for that purpose, the day when he preached, and the name of the Bishop of whom hee had licence to preach: and is any one admitted to preach, before he sheweth his Licence?

Opposition of Preachers in their Sermons.

7. Item, Doth any Preacher in your Pulpit particularly impugne and confute any doctrine deliuered by others his fellow Preachers, before he hath acquainted the Bishop of the Diocese therewith, and receiued order from him what to doe in that case?

Praying for his Maiestie, &c.

8. Item, Doth your minister vse to pray for the Kings Maiesty, Clergy, Councell, &c giuing them their full titles, as in the Canon is required?

Non-residence of the Minister.

9. Item, Whether is your Minister resident vpon his Benefice, or absent: if absent; by whom is the Cure serued, the fruits receiued? Doth your Minister or Curate serue any mores cures than one: if yea, then what other Cure doth he serue, and how farre are they distant?

Catechizing.

10. Item, Whether doth hee Catechize the youth of his Parish vpon Sundayes and Holy-dayes, before euening Prayer for halfe an houre or more, in the Catechisme set forth in the Booke of Common Prayer; and whether doe all the Parishioners diligently attend his catechizing: and who refuse to send their children and seruants to bee catechized by him?

Ministers to call for reliefe of the poore and almes deeds.

11. Item, Doth your Minister carefully looke to the reliefe of the poore, and from time to time call vpon his parishioners to giue somewhat according to their ability, to godly and charitable vses, especially when they make their Wils?

Symony.

12. Item, Whether is your Minister suspected or knowne to haue obtained his Benefice or spiritual promotion by any Symoniacall compact, directly or indirectly?

Demising of Benefices.

13. Item, Whether doth your Minister demise the profits of his Benefice to any Lay-man aboue three yeare, and is not resident there, and keepeth no hospitality vpon his Benefice, being of sufficient value?

Conferring with Recusants.

14. Item, Whether hath hee, being learned and sufficient conferred with the popish Recusants of his parish, endeauouring to reclaime them from their errors, and presenting them being obstinate for their recusancy?

Observing of Rogation week.

15. Item, Doth your Minister in the Rogation dayes goe in perambulation of the circuit of the Parish, saying, and vsing the Prayers, Suffrages, and Thanksgiuing to God, appointed by Law, according to his duty, thanking God for his blessings, and praying for his grace and fauour?

Preaching in private houses, &c.

16. Item, Hath your Minister or any other Preacher, made any Sermon, administred the Sacraments or Churched women in any priuate houses, otherwise than is by Law allowed?

Curates not licenced, and Laymen doing offices of a Minister.

17. Item, What Curates or Preachers doe reade Prayers or administer the Sacraments in your Parish, without lawfull licence from the Bishop of the Diocese, vnder his hand and Seale, according to the Canon: or doth any Layman, not hauing holy Orders, presume to reade publike Prayers in the Church?

Lecturers and Preachers o reade Service.

18. Item, Whether haue you any Preacher or Lecturer in your Parish; and whether (if any such be) doth he twice at east, euery yeare reade himselfe diuine Seruice both morning and euening two seuerall Sundayes publikely in his Surplice, and also twice in the yeare administer both Sacraments, with such Rites and Ceremonies as are prescribed in the Booke of Common Prayer, according to the 56 Canon?

Ministers forsaking their calling.

19. Item, Whether is your Minister studious in the holy Scripture, and abstaineth from mechanicall trades, or labour not befitting his function, and from apparell vnseemely for his calling, and from gaming, swearing, and drunkennesse, or such notorious crimes: Or is there any in your parish, who hauing been admitted into holy Orders; either Deacon or Minister, doth relinquish or forsake his calling, and liueth in the course of his life as a Lay-man?

20. Item, Whether doth your Minister in his Sermons deliuer and debate those high points of Predestination, Reprobation, Uniuersitality of Grace, and other of like nature, forbidden to be handled in popular Sermons?

21. Item, Whether hath your Minister vsed any bitter inuectiues, or railing speeches in his Sermons against the persons either of Papists or Puritanes?

22. Item, Whether doth your Minister euery sixe moneths denounce in his parish all such of his parish as do perseuere in the sentence of excommunication, not seeking to bee absolued: and whether hath he receiued any excommunicate person into the church without certificate from the Ordinarie: who are incouragers and keepers of company with such as remaine excommunicate: and whether any dying excommunicate bee buried in Christian buriall?

Titul 4. *Articles concerning Marriage.*

Mariages within Leuiticall degrees.

First Whether be there any in your parish that haue married within the degrees of Affinity or consanguinity, by the Law of God forbidden: if any, what be they?

Priuate Mariage and without consent of Parents.

2. Item, Whether haue any beene married secretly in priuate houses, or without their parents or Gouernours consent signified, being vnder the age of 21 yeares?

Maried persons liuing apart.

3. Item, Whether doe any persons lawfully married, liue asunder vnlawfully: and in whom is the default?

Mariage without banes or licence

4. Item, Whether any persons (the Banes being not thrice published in the Church) haue beene maried without licence; who were present at such mariages, and what minister married them?

Persons maried out of their Parishes.

5. Item, Whether any persons by licence or without, haue beene married in your parish Church, neither of them at that time dwelling in your towne?

Recusants Mariage.

6. Item, What Popish Recusants or their children haue beene maried in your parish, in what sort was that matrimony solemnized, when and by whom?

Bigamy.

7. Item, Is there any in your parish that is voyced, noted, or credibly reported and accused to haue two wiues liuing, or two husbands?

Titul 5. *Articles concerning Churchwardens.*

Election of Churchwardens.

First, Whether bee the Churchwardens chosen by the Minister and Parishioners according to the 89 Canon; and whether hath any taken him to be Church-warden, being not so chosen: or hath any continued aboue one yeare in his office, without a new choice?

Church-wardens due accompt.

2. Item, whether haue any Churchwarden retained any of the Church goods, and not made a iust accompt of what they haue receiued and expended?

Church-wardens diligent in the Church.

3. Item, Haue they beene, and are they diligent in their office, to see decencie, kept in the church, and order in the time of common Prayer, and administration of the Sacraments; and that there bee no disturbance, but sobernesse and quietnesse in the Church? And doe the Church-wardens keepe a Booke in your parish, wherein the name of euery strange Preacher in your parish is set downe: and haue the Church-wardens suffered any to preach, not shewing, or hauing no Licence?

A Booke for strange Preachers.

Titul 6. *Articles concerning the Parishioners.*

Prophaning the Lords day.

First, Whether doe any in your parish prophane the Sunday, by vnlawfull games, drinking, or tipling in the time of Common prayer or Sermon, and by working and doing the ordinary workes of their vocation and trades?

Impugning the Rites and government of the Church.

2. Item, Is there any in your parish that doe impugne or speake against the Rites and Ceremonies of the Church of England, or the lawfull vse of them, and gouernment of this Church onder his Maiestie, by Archbishops and other Ecclesiasticall Officers?

Reuerent behauiour at diuine Seruice.

3. Item, Who in your parish, doe come to the Sermon onely, and not to diuine Seruice; and who doe not reuerently beahaue themselues during the time of diuine Seruice, deuoutly kneeling when the generall confession of sinnes,

the Letany, the ten Commandements, and all Prayers and Collects are read, or who doe couer their heads in the Church, during the whole time of diuine seruice, vnlesse it be in case of necessitie, or who doe giue themselues to babling, talking, or walking, and are not attentive to heare the Word read and preached?

Leaning their own Churches to go to others.

4. Item, Are there any of your parish, hauing a Preacher to their Minister, that doe absent themselues from his Sermons, and resort to other places to heare other Preachers: or doe any in your Parish communicate, or baptize their children in any other parish?

Exception against the Minister.

5. Item, Is there any in your parish that refuse to haue their children baptized, or themselues to receiue the Communion of your Minister, taking exception against him: or haue any wiues that refuse to come to Church, according to the Booke of Common Prayer, to giue thankes to God for their safe deliuerance, in a decent habit, as hath beene anciently accustomed?

Churching of women.

Disgracing of Ministers.

6. Item, hath any in your parish spoken slanderous and reproachfull words against your Minister, to the scandall of his vocation, or against their mariage or wiues or against his Neighbour, defaming them touching any crime of Ecclesiasticall cognizance?

Opening of shops vpon holydayes.

7. Item, Whether doe any in your parish exercise any trade or labour, buy or sell, or keepe open shops, or set out any wares to be sold vpon Sundayes and Holidayes, by themselues, their seruants, or apprentices, or haue otherwise prophaned the said dayes?

Keeping holy the 5 of Nouember.

8. Item, Whether is the fift of Nouember, kept holy, and thanksgiuing made to God, according to the order set forth in that behalfe.

Adultery, fornication, incest, &c.

9. Item, Are there any in your parish that be, or are commouly knowne or reputed to bee blasphemers of Gods holy name, drunkards, adulterers, fornicators, incestuous persons, concealors, or harborers of fornicators or adulterers: haue any beene detected of such notorious crimes: and what penance haue they done for the same?

Commutation of penance.

10. Item, What corporall punishment for any such offences, haue been commuted and exchanged into a pecuniarie mulct or summe of money by any Ecclesiasticall Judge, exercising iurisdiction within this Diocesse, by vertue of any grant or Commission; or what was the summe of money by them or any of them so receiued and taken, and to what vses was the same bestowed: or whether vpon such commutations was the unfained repentance of the delinquents published in the Church?

11. Item, Whether there haue beene within your seuerall parishes since the nineteenth* of February last, any Wils proued, or administrations granted by the Archdeacon or his Officiall, or any knowne incontinent persons, or any suspected of that vice, or any other offenders whatsoeuer (hauing not before the said last† day of February been duly presented by their Churchwardens) for the same being called or cited by the Archdeacon or his Official? If yea, then you must present their names and their offences now at this Visitation, for that since the said last‡ of February, the Archdeacons authority was restrained and suspended by inhibition, and all iurisdiction Ecclesiasticall euer since hath beene in the Lord Bishop.

12. Item, Whether haue any in your Parish administred the goods of any person deceased, without lawfull authority, and before he or they haue proued the Will and Testament of the party deceased, or haue obtained commission from the Ordinary, to dispose the said moueable goods? Or are there any Wills vnproued, or goods not ministred?

Excommunicate persons.

13. Item, What persons be excommunicate within your Parish, and for what cause to your knowledge: and whether doe any of them repaire to the Church in time of prayer, vnabsolued?

14. Item, What Recusant Papists are there in your Parish, and whether doe they or any of them keepe any Schoolemaster in their house, which commeth not to Church to heare diuine Seruice, and receive the holy Communion: what is his name and how long hath he taught?

Titul 7. *Articles concerning Schoole-masters, Physitians, and Chirurgions, and Parish Clarkes.*

Schoolemasters not licenced.

First, Is there any Schoole-master in your Parish that teacheth publikely or priuately, not licenced by the Ordinary, or Bishop of the Diocesse? Doth hee teach any Papist or Sectaries Children that come not to Church? And doth hee instruct all his Schollers to learn,

Duty of all schoolmasters.

the shorter Catechisme by Law established, contained in the Booke of Common Prayer? Is he a Graduate and sufficient to teach?

Physitians not licenced.

2. Item, What Physitian or Chirurgion is in your parish vnlicenced, and being not a Doctor of Physicke in eyther of the Vniuersities, doth practise physicke? And what ignorant persons haue left their trade and taken vpon them to professe Physicke or Chirurgery: and who be they that so abuse the people?

Parish-Clarks.

3. Item, Haue you a fit parish-clarke, aged twenty yeares at least, of honest life, able to reade and write? Are his and the Sextons wages paid without fraud: if not, then whose default is it? By whom is he chosen? Is hee diligent in his office, and seruiceable to the Minister: doth he meddle with anything aboue his office: doth he keepe the Church cleane, the doores locked: Is anything lost or spoyled by his default: and doth he execute his office duly?

Titul 8. *Articles concerning Ecclesiasticall Offices.*

Excessiue Fees.

First, whether bee there an Ecclesiasticall Officer that exercise Ecclesiasticall iurisdiction within this Diocesse, that take and receiue, or exact any extraordinary fees for any cause? Whether haue your Church-wardens and Questmen concealed any abuses or offences punishable in the Ecclesiasticall Court: and whether such offences being presented, are suppressed and vnpunished?

Table of Fees in Courts.

2. Item, whether is there not a table of fees in euery court of the Consistory, Archdeacons, and Commissaries, allowed and subscribed by the Judge and Register of the court of Consistory, *Anno Dom.* 1597, and the same euery Court day hung vp in some publike place of the Court and registry?

Speeding of Acts without a Notary.

3. Item, Doth any Ecclesiasticall Judge speed any act in any cause priuately of himselfe, and not in presence of some publike Notary or Actuary.

Abuses in Apparitors and Sumners.

4. Item Whether is there any excessiue number of Apparitors and Sumners in this Diocesse; or haue any of them vnder pretence of authority, cited or summoned any person vnlawfully, or hath taken any reward for the concealing of any offence of sinne, or the auoyding of punishment of the offenders: and who be they that haue done so? or doe they take any fees not accustomable? Haue they threatned any to prosecute them if they had no reward? and doe they summon any without a citation first had?

Abuses in Ecclesiasticall offices.

5. Item, Hath any Ecclesiasticall Judge, or Officer, Aduocate, Register, Proctor, Clarkes, or other such Ministers, any way abused themselues in their offices, contrary to the Law and Canons in that behalfe prouided.

Sincerity and impartiality in the inquisitors.

6. Item, Lastly, whether you, and euery of you haue sincerely, uprightly, and without any partiall affection, and concealing, presented and made knowne, all and euery the offenders in any of the matters mentioned in the precedent Articles exhibited vnto you, either as they are taken in truth to bee, or by common fame reported?

If you know of any other default or crime of Ecclesiasticall cognisance, you are to present the same.

The Minister of euery Parish may ioyne in presentment with the Church-wardens and Side-men; and if they will not present, then the Ministers themselues (being the persons that should haue the chiefe care for the suppressing of sin and impiety in their Parishes) may present the crimes aforesaid, and such things as shall be thought to require due reformation, Can. 113.

There must be seuerall presentments made to euery seuerall Article.

FINIS.

NEILE, BISHOP OF WINCHESTER, 1628.

ARTICLES to be enqvired of within the Diocesse of Winchester, in the Primarie Visitation of the Reuerend Father in God, Richard, by the Prouidence of God, Lord Bishop of Winton, in the yeare of our Lord GOD, 1628.

London, Printed by R. Young, *M.DC.XXVIII.*

The Aduertisement.

The Minister and Church-wardens are to call vnto them the Neighbours of the Parish, and out of them to make choise (according to the custome of the place) of two of the discreetest Parishioners to be Side-men,

* nineteenth] *Erased, and "23" substituted in MS.*
† last] *Erased.*
‡ last] *Erased, and "23" substituted.*

and they altogether are to reade ouer these Articles diuers times.

Then, after they haue duely considered of them, they are to write their answer or presentment vnto euery Article particularly, and truly according to their consciences.

Lastly, they are all of them to bring their presentments to the Visitation, and there the Church-wardens and Side-men vpon their oathes (but the Minister according to the Cannon in that behalfe) are to deliuer them vp vnder their hands.

The Oath ministered to the Church-wardens and Sworne-men.

Yov shall sweare, that all Affection, Fauour, Hatred, Hope of Reward and Gaine, or feare of displeasure or malice set aside: You shall vpon due consideration of the Articles giuen you in charge, present all and euery such person of, or within your Parish, as hath committed any offence or fault; or made any default mentioned in these, or any of these Articles, or which are vehemently suspected and defamed of any such offence, fault or default: wherein you shall deliuer vprightly, and according to truth; neither of malice presenting any contrary to truth, nor of corrupt affection sparing to present any, and so conceale the truth: Hauing in this action God before your eyes, with an earnest zeale to maintaine truth, and to suppresse vice: So helpe you God, and the contents of this Booke.

Touching the Church, Church-yard, Parsonage, and Vicarage-house.

First, whether your Church, Chappell, and Chancell be well and sufficiently repaired in the walls and roofe, the Seats conuenient, the floore paued, the windowes glazed, your bells in tune, and all these cleanly kept, and the mansion-house of your Parson or Vicar, with the building thereunto belonging, be likewise well and sufficiently repaired, and your Church-yard well fenced with walls, railes, or pales, and cleanly kept.

2. Whether hath your church or church-yard beene abused and prophaned by any fighting, chiding, brawling or quarrelling, any playes, lords of mis-rule, summer lords, morris-dancers, pedlers, bowlers, bearewards, butchers, feasts, schooles, temporall courts, or Leetes, Lay Juries, musters, or other prophane vsage in your church or church-yard, any bells superstitiously rung on holidayes, or their eeues, or at any other time without good cause allowed by the Minister and Church-wardens: haue any trees beene felled in your church-yard, and by whom.

3. Whether are your almes-houses and church-house sufficiently repaired, maintained, and to godly and their right vse imploy'd.

4. Whether haue you in your church, all things necessary for common prayer, as the Bible in the largest volume, the booke of common prayer lately authorized by his Majesty, the booke of Homilies allowed, two books of common prayer, a conuenient pulpet for the preaching, a decent seate for the Minister to reade Seruice in, conueniently placed, a strong chest, three lockes and keyes, one for the Minister, the other for the Church-wardens for the keeping of the Register booke of the christnings, marriages, and burials, and a poore mans boxe, with three locks, conueniently seated near the church doore.

5. Whether haue you in your Church, a font of stone for baptisme set in the ancient vsuall place: a decent table for the communion conueniently placed, couered with silke, or other decent stuffe in time of diuine Seruice, and with a faire linnen cloath ouer that, at the administration of the communion.

6. Whether haue you all such bells, ornaments, and other vtensels as haue anciently belonged to your church, a communion cup of siluer with a couer, a faire standing pot or two of pewter, or purer mettall for the wine, vpon the communion table, a comely Surplesse with sleeues, a Register booke of parchment, for christnings, marriages, and burialls, a book for the names of all strange preachers, subscribed with their names and the name of the Bishop, or other where they had licence.

7. Whether is the Almes for the poore duely distributed, and are the names and surnames of all persons married, christned and buried, and of their parents, with the day and yeere entred in your parchment Register booke.

8. Whether are the ten Commandements set vp in your Church or Chappell, and other chosen sentences of holy Scripture vpon the wals in conuenient places, and the table of the degrees prohibited in marriage, set forth 1563.

9. Whether haue you in your Church or Chappell the book of the Canons agreed vpon in the Conuocation holden at *London Anno Dom.* 1603. and confirmed by his Maiesties royall authority, and whether your Minister haue read the same in your church or chappell once euery yeare, according to his Maiesties Iniunctions in that behalfe.

Touching the Ministery, Service and Sacraments.

Whether is the common prayer said or sung by your Minister both morning and euening, distinctly and reuerently euery Sunday and Holiday, and on their eeues, and at conuenient and vsuall times of those dayes, and in most conuenient place of the Church for the edifying of the people.

2. Whether doth your Minister obserue the orders, rites, and ceremonies prescribed in the book of Common Prayer in reading the holy Scriptures, prayers and administration of the Sacraments, without diminishing (in regard of preaching or any other respect) or adding any thing in the manner or forme thereof.

3. Whether doth your Minister on wednesdayes and fridayes not being holidayes, at the accustomed houres of Seruice, resort to the Church, and say the ordinary prayers and Letany prescribed. And doth your Clarke or Sexton giue warning before by tolling of a Bell on those dayes.

4. Whether any Minister leauing the vse of the Font, doe in your Church or Chappell christen or baptize in any Basons, or other prophane vessells: or whether your Minister doe baptize or christen any out of the face of the Church and Congregation, and at any other time than vpon Sundayes and Holidayes, without speciall cause, or without Godfathers or Godmothers: And whether any person or persons be admitted to answer as Godfathers and Godmothers at the christning of any childe, except he or she haue before receiued the holy communion: And whether doth your Minister in the baptizing of children, obserue the orders, rites and ceremonies, appointed and prescribed in the booke of common prayer, without addition, omission, or other innouation.

5. Whether doe you know any Parents that keepe children unchristened, or that were not christned at their owne Parish church or chappell, and for what cause they remaine yet vnchristened, or haue not been christned at their Parish church or chappell, or doe you know, haue heard, or vehemently suspect any parents, whose children haue beene christened by any Popish Priest, or otherwise than by the lawes of the Church of England is allowed?

6. Whether doth your Minister as oft as hee administreth the communion, first receiue it himselfe: whether doth hee vse any bread or wine newly brought, before the words of institution bee rehearsed, and the bread and wine present on the Table: doth hee not deliuer the bread and wine to euery communicant seuerally, in such sort as is prescribed.

7. Whether doth your Minister giue warning publikely in the church at morning prayer the Sunday before hee administreth the communion for the better preparation of the parishioners? and whether doth hee administer the Sacraments so often as that euery parishioner may receiue thrice in the yeare at the least, whereof Easter to bee one.

8. Whether hath your Minister administred the Communion to any but such as kneele, or doe you know any that refuse to kneele: hath he administred to any that are vnder Ecclesiasticall censure for refusing to be present at publike Prayer, or who hath depraued the Booke of Common Prayer, administration of the Sacraments, or the Rites and Ceremonies prescribed, or the Articles of Religion agreed vpon, or the Book of ordering Priests and Bishops, or against his Maiesties Supremacy: and what be their names?

9. Whether hath your Minister more Benefices than one: if hee haue, how farre distant are they, how often is he absent in the yeere? when is hee absent? hath hee an allowed Preacher for his Curate?

10. Whether do you know that your Parsons or Vicars haue come to his or their Benefices by any Simony, fraud or deceipt, or by any vnlawfull composition or agreement, or by any colourable pact, or vnlawfull meane whatsoeuer, or bee vehemently suspected or defamed thereof? And whether in performance of any such pact, couenant, or promise, there hath beene any bond or lease, made betweene the Patron, and Incumbent, directly or indirectly?

11. Whether your Churches or Chappels bee or haue beene destitute of a Curate? And how long? And by whose default? And whether any Curate haue serued, or doe serue without licence of the Ordinary?

12. Whether doe you know any Popish Priests, Seminary, Jesuite, or runnagate persons, that doe

preach, say Masse, or minister any Popish Sacraments or Ceremonies, or else doe resort secretly or openly into your Parish: And whose house do they resort vnto, and of whom are they harboured, and what bee the names of such Popish Priests, Seminaries, Jesuites, or Runnagates, and such as so harbour and releeue them?

13. Whether your Parson, Vicar, or Curate, or any other person in your parish be a fauourer of the Romish Church or Religion, or any other Sect or Schismaticall opinion, or hath or doth maintaine or teach any doctrine, contrary or repugnant to any of the Articles agreed vpon by the Clergy, in the Conuocation holden at London *An. Dom.* 1562. And whether they haue taught publiquely or secretly any doctrine, tending to the discredit and dispraise eyther of the Booke of common Prayer, or of the Preachers, and Ministers of the Word and Sacraments, or of the receiued order for gouernment by Archbishops, Bishops, Deanes, Archdeacons, and other officers in the Church of England, or make any other innouation? And whether haue they permitted any man so teaching, or making such innouation, and not made the same knowne.

14. Whether is your Minister an allowed Preacher? if he be, doth he euery Sunday in your Church or some other next adioyning, where no Preacher is, preach.

15. Whether doth your Minister being no Preacher allowed, presume to expound the Scripture in his own Cure, or elsewhere: doth hee procure euery moneth a Sermon to bee preached in his Cure by Preachers lawfully licenced, and on euery Sunday when there is no Sermon, doth hee or his Curate reade some one of the Homilies prescribed.

16. Whether your Minister do openly euery Sunday after he haue read the second Lesson at Morning and Euening praier, admonish and warne the Churchwardens, and Sworn-men to look to their charge, and to obserue who offend in absenting themselues negligently or wilfully from their Parish-church or chappell, or vnreuerently vse themselues in time of diuine Service.

17. Whether is your Curate allowed by the Ordinary vnder his hand and seale to serue for your Cure, and whether doth hee serue two churches or chappels in one day? whether is he Deacon at the least, and what stipend hath he for seruing the Cure.

18. Whether doth your Minister alwaies in saying the publike prayers and administring the Sacraments, weare a decent surplosse with sleeues, and being a graduate, doth he alwayes weare therewith a Hood by the order of the Vniversity, agreeable to his degree.

19. Whether hath your Minister or any other Preacher in your Church, preached any thing to confute or impugne any Doctrine deliuered by any other Preacher, and hath he and they prayed for Christ's Catholike Church, the Kings Maiesty, the Lord Archbishops and Bishops, &c. as is prescribed, Canon 55.

20. Whether hath or doth any Preach in your Church which refuseth to conforme himselfe to the Lawes, Rites, and Ordinances established, or which hath not first shewed a sufficient licence.

21. Whether doth your Minister in his sermons foure times in the yeare at the least, teach and declare the Kings Maiesties power within his Realmes to bee the highest power vnder God, to whom all within the same owe most loyalty and obedience, and that all forraine power is iustly taken away.

22. Whether doth your Minister euery Sunday and Holiday halfe an houre before Euening prayer or more, or at some other conuenient time at Euening prayer, examine and instruct the youth in the ten Commandements, the Beleefe, the Lords Prayer, and the Catechisme, set forth in the Booke of Common prayer, and whether doe the Church-wardens assist the Minister herein.

23. Whether hath your Minister married any which haue not been three seuerall Sundayes or Holidayes, asked in your church in the time of diuine seruice, without licence or without a ring: or hath he with licence or without married any whereof neither dwelt in your Parish.

24. Whether hath your Minister with licence or without, married any, at any other times than betweene the houres of eight and twelue in the Forenoone, or in any priuate house, or when there is no licence, before the Parents and Gouernors (the parties being vnder the age of 22 yeares) haue testified their consents.

25. Whether hath your Minister declared to the people euery Sunday at the time appointed, what Holidayes and Fasting-dayes be the weeke following, doth he being a Preacher conferre with all Recusants, and persons excommunicate or suspended? being no Preacher, doth he procure a sufficient Preacher to reclaim them thereby?

26. Whether doth your Minister keepe a Note of all persons excommunicate, and once euery sixe moneths doth he denounce them which haue not obtained their absolution, on some Sunday in seruice time, that others may bee admonished to refraine their company.

27. Whether your Parson, Vicar, or Curate, be diligent in visiting the sicke and comforting them, and whether they bury their dead in such Christian and comely manner as is prescribed in the Booke of Common Prayer, and whether any Lay man other than a lawfull Minister, hath taken vpon him to bury the dead contrary to order.

28. Whether hath your Minister refused to baptize any childe brought to the Church, or to bury any corps brought into the church or church-yard, or to church any woman hauing had conuenient warning thereof.

29. Whether hath your Minister being trvely informed of the danger of death of any infant vnbaptized, and being desired to go to the place where the childe is, to baptize it, neglected to goe, by meanes whereof the childe hath dyed vnbaptized:

30. Whether doth your minister at any time preach or administer the communion in any priuate house, except when they are so impotent that they cannot go to church, or very dangerously sick.

31. Whether doe any Chaplens in your parish, preach or administer the Sacrament in any Chappell not consecrated, or in any house hauing no Chappell allowed by Law, and do the Lords and Masters where such chappels are, resort often to the Parish-church, and there receiue the Communion once at the least euery yeere.

32. Whether hath your Minister held or appointed any publique fast not appointed by Authority, or beene present at such: doth hee or any other in your Parish hold any lecture or exercise, or attempt by fasting or prayer, or otherwise, to cast out any Deuils, without the priuity and allowance of the Bishop under his hand and seale.

33. Whether hath there been any secret Conuenticles or meetings in your Parish by any priests, ministers, or others, tending to the deprauing of the forme of prayer, doctrine, or gouernment of the Church.

34. Whether doth your Minister weare decent apparrell, doth he in publique goe in his Doublet and Hose, without a Coate, or Cassocke, or Cloake, and doth he weare any vnseemly and light coloured stockings.

35. Whether doth your Minister make accustomed resort to any Tauerns, or Ale-houses, except for his honest necessities, or doth hee boord or lodge in any such place, doth hee vse any base or seruile labour, or frequent drinking, riot, dice, cards, tables, or any other vnlawful games: is hee contentious with his neighbours, or a hunter, hawker, swearer, dancer, vsurer, suspected of incontinency, or doth giue euill example of life.

35. (*sic*) Whether is there in your Parish any Minister or Deacon who hath forsaken his calling, vsing himselfe in his course of life as a meere Lay man.

Touching the Ecclesiasticall Courts.

First, whether the Chancellor, Commissaries, or any other vsing Ecclesiasticall Jurisdiction, in this Diocesse, their Registers, or Actuaries, Apparitors or Sumners, haue at any time beene corrupt in their places, or taken any excessive fees, or winked at and suffered any Adulteries, Fornications, Incests, or other faults, or offences to passe, and remaine vnpunished and vncorrected, or haue commuted any penance without speciall licence of the Bishop.

2. Whether doe you know that there hath heen any commutation of pennance, allowed of by the Ordinary in your Parish: and whether hath your Minister publikely signified it to his Congregation, what summes of money haue therefore been paid, and whether haue the said summes of money, or part thereof been distributed by your Minister and Church-wardens to the poore, or otherwise imployed to some such godly and charitable vse, as was prescribed by the Ordinary.

3. Whether doe you know any housholder, or other person whatsoeuer, within your parish or Chappelry that is deceased, that haue made their last Wils and Testament, and the same not hitherto been proued, nor administration taken from the Ordinary or other Judge Competent.

4. Whether hath your Chancellor, Commissary, or other exercising Ecclesiasticall Jurisdiction, heard any matter of office priuately in their chamber, without their sworne Registers, or their Deputies presence, or in their absence, of such other person as the Law doth allow for an actuary in such a case.

Touching Schoole-masters.

First, whether haue you in your Parish any Schoolemaster, who teacheth either in publike Schoole, or priuate house, whether is he reputed to be of sound Faith and Religion, doth hee resort duely to Church, and receiue the Communion, or doth he giue any euill example of life, is he allowed by the Ordinary under his hand and seale: or doth your Minister or Curate teach, and is hee allowed in like manner.

2. Whether doth your minister or schoole-master, who teacheth, teach the Catechisme by Authority set forth, doth he when there is any Sermon or diuine Seruice, bring his schollers to church, and see them quietly and reuerently ordered, doth hee examine them after their returne, what they haue learned of the Sermon.

3. Whether doth he at other times teach them such sentences of holy Scripture, as may induce them to all godlinesse, doth he teach the Grammar set forth by King *Henry* the eight, continued by King *Edward* the sixt, and Queene *Elizabeth*.

4. Whether hath your School-master an Vsher vnder him, are they both diligent, is your Vsher allowed by the Ordinary, doth your Schoole-master direct his Vsher the forme and manner of teaching, and doth he weekely take accompt of him, and the Schollers vnder his charge, how they haue profited, and what they haue learned, and out of what Authors.

5. Whether hath either of them spoken, writ, or taught against any thing whereunto he formerly subscribed, as the Kings Supremacy, the Articles of Religion, Booke of common prayer, or anything therein contained.

Touching the Parish Clarke and Sexton.

First, whether haue you a parish Clark appointed by the Minister, sufficient for his place, of the age of twenty yeares at the least, is he of honest conuersation, can he reade, write, and sing, is he diligent in his office, and seruiceable to his Minister in the time of diuine seruice and otherwise.

2. Whether doth your Clarke meddle with any thing aboue his office, as churching of women, burying the dead, reading of praiers, or such like.

3. Whether doth your Clarke or Sexton keepe your Church cleane, the doores safe locked, is any thing (by his default) lost or spoyled in the Church, doth hee suffer any vntimely ringing, or any prophane exercise to be committed in your Church.

4. Whether doth your Clarke or Sexton, when any is passing out of this life, neglect to toll a bell hauing notice thereof: Or the party being dead, doth he suffer any more ringing than one short peale, and before his buriall one, and after the same another.

5. Whether doth any of your Parish refuse to pay vnto the Parish Clarke or Sexton such wages as are vnto them due, and haue been accustomably paid.

Touching Parishioners.

First, whether hath any in your Parish spoken against, or any way impugned the Kings Maiesties Supremacy in causes Ecclesiasticall, the Truth and Doctrine of the Church of England, the forme of Gods worship contained in the book of common praier and administration of the Sacraments.

2. Whether there bee any person or persons knowne or vehemently suspected to haue written, printed, or by any meanes published, and dispersed, or otherwise to haue had in his or their vse, or keeping any Popish bookes or libels, or any of those slanderous or schismaticall, and seditious libels, or other bookes, that impeach the booke of common prayer, or the Religion, and Ecclesiasticall gouernment, or any part thereof, established by Law in this Realme, or doth impeach the credit or estate of any Ecclesiasticall person or gouernour within the same.

3. Whether hath any in your Parish spoken against or impugned the Articles of Religion, agreed upon in *Anno Domini* 1562. The rites and ceremonies established in the Church the gouernment by Arch-bishops, Bishops, Deans, Arch-deacons, and others, that beare office in the same.

4. Whether hath any in your Parish spoken against or impugned the forme of making and consecrating Bishops, Priests, or Deacons, or haue any separated themselues from the society of the congregation, and combined in a new Brotherhood, or depraued the Synod lately held by the Kings Authority.

5. Whether hath any in your Parish maintained or defended any such Ministers or Schoolemasters as refuse to subscribe to the order of the Church, haue they affirmed, that such Ministers and adherents may make Rules and Orders in causes Ecclesiasticall, without the Kings Authority.

6. Whether doth any in your Parish prophane, violate or mis-spend the Lord's day, commonly called Sunday, or holidayes or any part of them, vsing any offensiue conuersation, or worldly labour in those dayes, or any of them: or is there any that wilfully refuseth, or negligently hath absented himselfe from diuine prayers on Sundayes or Holidayes.

7. Whether hath any in your Parish, in the time of diuine Seruice, couered his head, albeit he hath infirmity, in which case a cap or night-coife is allowed: or is there any who hath not reuerently kneeled when the generall Confession, Letany, and other prayers are read, and which haue not stood vp at the saying of the Beleefe?

8. Whether hath any in your Parish disturbed the Seruice or Sermon, by walking, talking, or any other way, or departed out of the Church during the Seruice or Sermon, without some vrgent cause, or loytered about the Church or Church-porch.

9. Whether there be any in your Parish, man or woman, being aboue fifteene years of age, that hath not receiued the holy Communion, thrice at the least euery yeere, and namely at Easter last, or thereabouts for once: and whether any haue receiued the holy Communion in any other Parish, Church, or Chappell, or priuate place.

10. Whether hath any parent been vrged to be present, or admitted to answer as Godfather for his owne childe, or hath any Godfather or Godmother made any other answer or speech, than is prescribed by the Booke, or haue been any admitted for such at Baptisme, who haue not first receiued the Communion.

11. Whether doe all Fathers, Mothers, Maisters, Mistresses, come and cause their children, seruants, and apprentises to come duly to the Church, and according to the Ministers direction to be instructed and catechised, or who bee they that haue not obeyed the Minister herein.

12. Whether haue any persons married together within the Degrees of Consanguinity or Affinity prohibited, set forth in a Table, appointed to be placed in euery Church: or haue any married or contracted themselues vnder the age of one and twenty yeares, without the consent of their Parents, or Gouernours, if their parents be dead.

13. Whether haue any persons, once lawfully married, forsaken each other, or doe liue asunder otherwise than by law is permitted: or doe any, being diuorced or separated, Marry againe, the former wife or husband yet liuing.

14. Whether haue any been married in the times wherein marriage is by law restrained, without lawfull licence, *viz.* from the Saturday next before Aduent Sunday, vntill the fourteenth of January: and from the Saturday next before Septuagesima Sunday, vntill the Munday next after low Sunday: and from the Sunday before the Rogation weeke, vntil Trinity Sunday.

15. Whether hath any of your Parish vnreuerently vsed your Minister, or haue any laid violent hands vpon him, or disgraced his office and calling, by word or deede.

16. Whether haue you in your Parish any popish recusant, or maintainer of popish doctrine, or suspected to keep or disperse schismaticall bookes, or to fauour any heresie or errour.

17. Whether haue you any common resorts to your Church, which are not of your Parish, or doe any such receiue the communion amongst you: what be their names and of what Parishes are they.

18. Whether haue any in the time of Seruice vpon any Sunday or Holiday opened their shops, exercised their trade, vsed any gaming, bin in any Tauerne or Alehouse, or otherwise ill-imploy'd.

19. Whether are there in your Parish any adulterers, fornicators, incestuous persons, bawds, receiuers, close fauourers, conueyers away, or which suffer to depart any incontinent person vnpunished, any blasphemers, common swearers, drunkards, ribawds, vsurers, malicious slanderers, scolds or sowers of discord, or any defamed of the same crimes.

20. Whether do any in your Parish administer the goods of the dead, without authority, or suppresse their will or testament: haue any Executors neglected to performe their wils, especially in paying of Legacies giuen to the Church, to the poore, or to any other charitable or godly vses.

21. Whether doe any refuse to pay to the reparations, ornaments, and other things required in your Church,

as they are seassed by a lawfull Vestry, or any dwelling out of your Parish, which hold land in your Parish.

22. Whether haue any in your Parish been christned, churched, buried, or receiued the Communion, or been married out of your Church, both parties dwelling in your Parish.

23. Whether haue all women in your Parish deliuered of child, come at conuenient time after to church, to giue thanks, and haue they beene churched according to the forme of the Booke of common Prayer.

24. Whether hath the Perambulation of the circuit of your Parish bin obserued once euery yeer, if not, by whose default is it.

25. Whether haue any in your Parish giuen the Church-wardens or Side-men, or any of them euill words for doing their duety according to their oath and conscience, in making presentment for any fault.

26. Whether there be any man or woman in your Parish, that vseth witch-craft, sorcery, charmes, or vnlawfull prayer, or inuocations in Latine or English, or otherwise vpon any christian body or beast, or any that resorteth to the same for counsell, or helpe, and what be their names.

27. Whether there bee any, that pretending themselues to bee Physitians or Chirurgeons, doe take vpon them to practice Physicke, or Chirurgery, not being lawfully licenced thereunto, or which refuse to show their said licence to the Minister, or Curate, and Church-wardens of your Church or Chappell, when they shall be hereunto required.

Touching Church-wardens and Sworne-men.

First, whether doe any in your Parish take vpon them to be Church-warden or Side-man, which is not lawfully chosen by the Minister and Parishioners, according to the Cannon, or do any continue that office longer than one yeare, except they be chosen againe, or that it be a custome of your Parish for a Church-warden to continue two years, and are all such officers chosen yeerly in Easter weeke.

2. Whether doe your Church-wardens within one moneth at the most after their yeere ended, before the Minister and Parishioners giue vp a iust accompt of all such money, and other things, as they haue receiued and bestowed, haue they deliuered all remaining in their hands belonging to their Church or Parish, by Bill indented, to be deliuered to the next Church-wardens.

3. Whether haue the Church-wardens, with the aduice of the Minister, from time to time prouided a sufficient quantity of fine white bread and wholesome wine for the number of communicants.

4. Whether doe the Church-wardens and Sworn-men before euery visitation, and at other times when there is iust occasion, meete and conferre about their presentmeuts, and the answering of their Articles, and who hath (after notice giuen him of the time and place) carelesly absented himselfe.

5. Whether the forfeiture of twelue pence, for absence from Church, appointed by Statute to the vse of the poore, be taken and leuied by the Church-wardens, and imployed according to the said Statute: and whether is the said forfeiture taken of all persons which stand wilfully suspended or excommunicated.

6. Whether haue any Church-wardens lost, sold, or detained any Goods, Ornaments, Bels, Rents, or Implements of the Church.

17. Whether doe you the Church-wardens and Side-men about the middest of diuine Service vsually walk out of the church, and see who are abroad in any Ale-house, or elsewhere absent, or euilly imployed, and haue you presented all such to the Ordinary.

8. Whether doe you know, or haue heard a fame of any offence committed, or duety omitted by any of your Parish before your time, and heretofore not presented by the former Church-wardens to the Ordinary, or as yet not reformed, and haue you presented the same.

9. Finally, doe you know of any matter or cause which is a breach of the lawes Ecclesiasticall here not expressed, and haue you presented the same.

FINIS.

POTTER, BISHOP OF CARLISLE, 1629.

ARTICLES to be enqvired of in the Diocesan Visitation of the Right Reuerend Father in God, Barnabie (by the Prouidence of God) Lord Bishop of Carlisle.

In the yeere of our Lord God 1629.

Imprinted at London 1629.

The Tenour of the Oath to be Ministred to the Church-Wardens and Sworne-men.

You, and euery of you, shall sweare by Almighty God, that (all affection and respect set aside) vpon due and deliberate consideration of these Articles giuen in charge; you shall make a true, full, and particular answere in writing to the same Articles, and euery of them, presenting all, and singular offences, and offenders therein mentioned: wherein you shall deale faithfully, and vprightly, as befors God, So helpe you God in Jesus Christ.

ARTICLES to bee inquired of, by the Church-wardens and Sworne-men in the Visitation of the Lord Bishop of Carlisle, 1629.

For the Clergie.

In primis, Whether your Parson, Vicar, Curate, or Minister be a Preacher of Gods Word, and a maintainer and furtherer of Religion now established by publike Authority within this Realme of England, or no.

2. *Item*, Whether he doe in his Sermons, Lectures, and other exercises, mooue the people to ioyne with him in prayer for the Kings Maiestie, our gracious Queene *Mary*, &c., with addition of such stile and title as of right appertaines to his Maiestie? And whether any since the 25 of September 1605 haue refused, or willingly omitted, or neglected so to doe?

3. *Item*, Whether he be a Preacher lawfully admitted, and by what authority. And whether your Minister or Churchwardens haue since the time aforesaid, suffered any man to preach in your Church, but such as haue first shewed their Licences to preach, either from the Lord Archbishop of Yorke, or Bishop of the Diocesse where he dwelleth, or one of the Vniuersities, vnder their Seale.

4. *Item*, Whether he be painefull and diligent in Preaching as also in Catechizing the Youth of your Parish, on Sundaies and Holy-daies: and how many Sermons hath your Parson, Vicar, or Minister, preached in his owne Church, within this yeare last past: and if he be not a preacher, how many Sermons by his procurement, or otherwise, hath there beene preached this last yeere, and by whom?

5. *Item*, Whether any Lectures be read, or Exercises vsed, within your Parish, either publikly in the Church, or priuatly in any house, by any not licensed thereunto by the Archbishop or Bishop, or the one of the Vniuersities, or being licensed, do refuse to conform themselues to the Laws, Ordinances, and Rites Ecclesiastical, established in the Church of *England*: and whether any such, so reading, or exercising, do teach or professe any doctrine of Innouation, not agreeing to the Ordinances of the Church of *England*, as Papistry, Brownisme, Puritanisme, or any other Heresie or Schismaticall Error, whereby themselues or others may be drawne from their due obedience in causes Ecclesiasticall.

6. *Item*, Whether your Minister not being a Preacher doe euery Sunday, when there is no Sermon, reade some part of the Homilies set forth and appointed by publike authority.

7. *Item*, Whether your Common prayer be read by your Minister in your church or chappel, distinctly and reuerenly (*sic*) vpon all sundaies, holy-dayes, and other daies, as is prescribed in or by the booke of Common prayer, without any innouation or omission, and at due and conuenient houres: and whether in like sort the Sacrament be reuerently ministred, as in and by the same Booke is appointed.

8. *Item*, Whether doth your Minister vsually weare the Surplesse whilest he is saying the publike Prayers, and ministring the Sacraments: And if he be a Graduat, whether doth he also vpon his Surplesse weare such a hood, as is agreeable to his degree, and such decent apparell as by the late Constitutions are appointed.

9. *Item*, Whether doth your Minister in the administration of the Sacrament of Baptisme, vse the signe of the *Crosse*, according to the Booke of Common Prayer: And whether he hath deferred or refused to Baptize any Infant, being in danger of death, hauing notice of the weakenesse thereof: and whether by his default hath any dyed without Baptisme.

10. *Item*, Whether hath your parson, vicar, or curate, admitted any to the holy Communion, or to be Godfather or godmother at baptisme, being a person excommunicate, any known or notorious offenders, any not instructed in the principles of religion, or any to the communion which then were not of your parish. And whether hath he so often and at such times administred the same as euery parishioner may receiue the same at the least euery yeere

thrice, whereof once at Easter, as by the common prayer booke is apointed.

11. Whether hath he churched any woman after the birth of her childe begotten in Incest, adultery, fornication, or married any woman so begotten with child without publik confession of their falts at their churching or mariages in the presence of the congregation, vpon some sabath or festiual day at morning prayer time, leauing their further punishment to the ordinary, or other competent Judge.

12. *Item*, Whether hath your parson, Vicar, curate, or minister since the 25 of September 1605. celebrated matrimony without licence granted by such as haue Episcopal Authority, except the banes of matrimony were formerly published three seueral Sundaies or holy-daies in the time of diuine Service in the parish Church or Chappel where the said parties then dwelt, and at any other time then betweene the houres of 8 and 12 of the clocke in the fore-noone, or in any other place, then in the Church or Chappell, where one of the parties dwelt. And whether without consent of Parents, or other Gouernours.

13. *Item*, Whether hath your Parson, vicar, or curat more benefices or Ecclesiasticall promotions then one, and what be their names, and where is he most resiant. And if he haue more then one, how is he qualified and dispensed withall to hold and enioy the same. And how doth he supply his absence, whether by a Curate or Minister licenced to Preach, or not. And if he be, then by whom is] he licensed. And what distribution doth he make thereby to the poore, where he is not resident.

14. *Item*, Whether doth your minister or curat serue any more Cures then one; and if so then what other Cure doth he serue.

15. *Item*, Whether doth your parson, vicar, or curate, according to an act of Parliament in that behalfe made, call vpon and require the people of his parish to solemnize & keep holy the 5 day of Nouemb: & that day do come to the Church & ioyne in prayers and thanksgiving for the happy deliuerance of His Maiest, [*sic*] Prince, & States of Parliament from the most traiterous and bloody-intended massacre by Gunpowder, and whether doe the people of your Parish accordingly repaire to the Church, or doe any refuse or neglect so to doe, present their names and sirnames.

16. *Item*, Whether doth he carefully visite the sicke of his parish by exhorting and ministring vnto them, as by the Booke of Common prayer is appointed. And whether doth he attend the buriall of the dead by meeting the Corpes at the Churchstile and so accompany the same to the Church or Graue, saying or singing such places of Scriptures as are appointed by the said Booke.

17. *Item*, Whether is your Minister suspected or defamed to haue obtained his Benefice by Symonie, or reputed to be an incontinent person, or keepeth any Woman in his house suspected of incontinency, or to be a common Drunkard, or a common gamester, or player at Dice, or common Vsurer, or doth keep any Alehouse in his Parsonage, or Vicarage house, or faulty in any other crime punishable by Ecclesiasticall censures, whereby he is offensiue to his Ministery and calling?

18. *Item*, Whether your Minister, Church-wardens and others, for the retaining of the circuit of your Parish by perambulation, as hath been prescribed, doe use the same without superstition, or Popish Ceremonie.

19. *Item*, Whether doth your Parson or Vicar maintayne and keep in due reparations the Mansion-houses and other Edifices belonging to their Ecclesiasticall Liuings without suffering them to fall into ruine and decay?

20. *Item*, Whether doth your Minister euery Sunday, according to the Booke of Common Prayer, make knowne to the people what Holy-dayes and Fasting-dayes are in the weeke following.

21. *Item*, Whether your Minister, being a Preacher, offer quiet and temperate conference to Popish Recusants: and endeuour diligently to reclaime them from their errors: and whether they or any of them refuse such conference offered vnto them by your said Minister, or other Preacher, and what bee their names and surnames?

22. *Item*, Whether the Chancellor, for any composition, agreement, or payment of any summe of money, haue suppressed and concealed the Excommunication, or other Ecclesiasticall censure, of or against any Popish Recusant or offendor: and what summe of money, or other consideration hath beene promised or receiued in that behalfe (to your knowledge) or as you haue heard reported.

23. *Item*, Whether doth your Minister euery halfe yeare once, denounce in your Parish, all such Parishioners as doe remaine excommunicate and seek not to be absolued: and how long haue any excommunicate person continued vnder the censure thereof, and admitted into the Church without a certificate of his absolution from the Ordinary, or his Chancellour.

24. *Item*, Whether hath your Minister publikely in your Parish Church or Chappel, once euery yeare, reade ouer the Constitutions and Canons Ecclesiasticall agreed vpon by the Cleargie of both Prouinces, *Anno* 1603, according to his Maiesties commandement.

For the Laitie.

25. *Item*, Whether you haue in your parish Church, or Chappel all things necessary and requisite for common Prayer and administration of the Sacraments, as the Booke of common Prayer with the new Kalender, The English Bible of the new Translation in the largest Volume, two Psalters, two Bookes of Homilies, a decent Baptistery or Font, a Table of the Ten Commandements, a conuenient seate for the Minister to sit in, a comely and decent Pulpit with cloth and cushion for the same, a comely Communion Table, with a faire linnen Cloth to lay vpon the same, and some Couering of Silke, Buckeram, or other such like, for the cleane keeping thereof, a faire and comely Communion Cup of Siluer, with a Siluer couer, such as may serue for Ministration of the Holy Communion, a decent large Surplesse with sleeues, a chest or boxe for the poore: and the said Booke of Constitutions and Canons Ecclesiasticall.

26. *Item*, Whether the body of your Church or Chappell, with the Chancell, be well and sufficiently repayred, and kept without profanation or abuse any way: and if decayed or profaned, throngh whose default: and whether your Bells and Stals in the same be well maintained, your Churchyard well walled or fenced, and decently kept, and if the same in any part be decayed, through whose default.

28. (*sic.*) *Item*, Whether the Baptistery or Font be remoued from the vsuall place: or whether any persons leauing the vse thereof doe baptize Children in basons or other vessells not vsed within the Church: or whether any Children be baptized or christned in priuate houses, otherwise then in cases of necessitie, and by a lawfull Minister: and if yea, then whose Children were they, and by whom were they baptized. And whether such so baptised, were afterwards brought to the Church for further manifestation and approbation hereof, according to the Booke of Common Prayer.

29. *Item*, Whether are there any person or persons inhabiting or soiourning within your parish or Chappelrie that be notorious Recusants, or which negligently or seldome come to your Church or Chappell, vpon Sabboths or Festiuall daies both at morning and euening prayer and who be they, and what be their names and surnames, and how long they haue so continued, and of what estate, age, condition or degree they are of, and whether there be any within your said parish or Chappelrie aboue the age of sixteene yeares, which doe not yearely communicate thrise at the least, whereof once at Easter, and who be they.

30. *Item*, Whether are there any resiant within your parish, who haue been conuicted of Recusancie, which haue conformed themselues, and not receiued the Sacrament of the Lords Supper within one whole yeare after the conformitie, and for how many yeares haue they not receiued the same, and what be their names and surnames.

31. *Item*, Whether are there within your parish any Popish Recusants, of bold, insolent, and offensiue behauiour, which presume to seduce and withdrawe others, either in their owne families or else where, from the true Religion now established, or from due obedience from his Maiestie, or which make speciall choise of Recusants to be their seruants.

32. *Item*, Whether doe your Minister, Church-wardens, Questmen and Assistants yearely within fortie daies after Easter, exhibite to the Bishop or his Chauncellor according to the 112 Canon, the names and surnames of all the Parishoners, as well men as women, which being of the age of sixteen yeares receiued not the Communion at Easter before.

33. *Item*, Whether the Youth of your parish doe diligently repaire to your Church or Chappell vpon Sabboths, and Holy-daies to be Catechised. And if not, in whose default, Canon 59.

34. *Item*, Whether any doe goe out of the Church or Chappell, or doe vse talking, walking, or sleeping, or any other unseemely offences, or other unreuerent behauiour in the time of publike prayer, preaching, celebration of the Sacraments, or catechising, and who are they.

35. *Item*, Whether there be any which priuately or publikely, by speech or otherwise depraue any part of the true Religion established within this Realme, or the Ministers or professours thereof: or whether any Lectures, Conuenticles or priuate exercises be read or vsed within your parish, either in the Church, or in any house. And whether any such Reader doe teach any doctrine of Innouation, to withdraw the people from their due obedience to the ordinances of the Church, set foorth by publike authoritie, or cause them to forbeare to participate in prayer, or Sacrament with our Church.

36. *Item*, Whether haue you any Schoolemaster, who teacheth eitheir publikely or priuately, within your saide

parish or Chappelrie, not being lawfully licenced thereunto by the Bishop by writing vnder seale, and how long hath he there taught.

37. *Item*, Whether any within your parish or Chappelrie doe suffer any to eate, drinke, play, iangle or talke in their house or yeard: or any Butcher or Trades-man their shop windowes to be kept open to sell meate, drinke or ware on Sundaies in time of morning and euening prayers, Sermons, Lectures, or catechising: or any that labour or worke on the Sabboths, or other commanded Festiuall daies to the hinderance of prayers, Sermons, or other godly exercises.

38. *Item*, Whether any within your Parish, doe chide, brawle, quarrell or fight within your Church or Church-yard, what are their names and surnames, and who be the same. And whether any of them hath drawne any weapon there, with purpose to strike with the same.

39. *Item*, Whether are there within your saide Parish or Chappelrie, any rush-bearing, bull-baitings, beare-baitings, may-games, morice-dances, marriage offerings, ales, or any such like prophane pastimes or assemblies on the Sabboth.

40. *Item*, Whether bee there any within your Parish or Chappelrie, that vse to ring the Bells superstitiously vpon any abrogated Holy-dayes or the Euens thereof: And whether is the Passing Bell tolled when any Christian body is sicke and like to dye, as it ought be: And after the death of any, whether there be any superstitious ringing, superstitious burning of candles ouer the Corse in the day-time, after it bee light: Or praying for the dead at Crosses or places where Crosses haue beene in the way to the Church, or any other superstitious vse of Crosses, with Towels, Palmes, Metwindes, or other memories of Idolatry at Burialls, or superstitiously do goe on Pilgrimages, or any place dedicated to our Lady, or any Saints or otherwise.

41. *Item*, Whether are you prouided of a Parchment booke, in which haue beene and are written the names of all children, men, and women Baptized, Married, or Buried within your Parish, contained in your former Register Booke, and since the beginning of the late Queene *Elizabeth*, And whether the day and yeare of euery christning, wedding, and buriall which haue beene in your Parish hath beene duely written in that booke: and whether you haue a sure Coffer with three locks and keyes for the safe custody thereof.

42. *Item*, Whether is there placed by your Register, two Tables containing the seuerall rates and summes of all fees due to the Judge and other Officers of your Court, one in the vsuall place or Consistory where the Court is kept, and the other in his Registry, in such sort as euery man may come to view the same without difficultie: and whether your Chancellor, or Register, doe exact or extort any greater Fees or summes of money, then in the said Tables are contained, and if so, let the same be expressed.

43. *Item*, Whether are there, or haue beene, since his Maiesties most happy reigne ouer this Kingdome, within your Parish or Chappelry, any incestuous persons, adulterers, or fornicators: or since the 25 of September 1605, any vsurers, drunkards, swearers, or any other, who are vehemently suspected or defamed of any such crime, and who be they?

44. *Item*, Whether within your Parish or Chappelrie are there, or haue beene since his Maiesties so happy Reigne, any person hauiug two Wiues, or any woman two Husbands, or any married within the Degrees forbidden, or without Banes three seuerall Sundayes or Holy-dayes first published, or in the time by Law prohibited, without lawfull Licence thereunto by such as haue Episcopal Authorite, or any who had carnall knowledge together before their Marriage, or that are vehemenly (*sic*) suspected thereof, and who they be?

45. *Item*, Whether haue any beene priuately married together within your parish, by any vnknowne Priest or Minister, or any who haue not procured their Children to be publikely baptized in your said Church or Chappell, according to the Booke of Common Prayer, and who they be?

46. *Item*, Whether any within your Parish or Chappelry haue harbored any women begotten with childe forth of lawfull Matrimony, and haue suffered them to depart away vnpunished: Or any who doe harbour or releeue any obstinate Recusants or excommunicated persons, and what and how many Recusants or persons excommunicated be there within your said Parish or chappelrie, and how long haue they so remained, and for what causes they were so excommunicated?

47. *Item*, Whether any of you (*sic*) Parish doe refuse to contribute towards the reparations of your Church or Chappel or towards the prouision of any necessary ornaments therein, or that refuse to pay your Curate or Parish Clearke his wages, or other vsuall duties, and who they be?

48. *Item*, Whether the Church-wardens and Sidemen bee chosen according to the 80 and 90 Canon: and during their time haue faithfully and dutifully discharged their office, and at or before their going out of the same, made a iust account of their receipts and proceedings to the vse of the Church: and whether any part of your Church Stocke, or any other thing giuen to any godly publike vse, be deliuered to any or otherwise imployed then appertaineth?

49. *Item*, Whether your Parish-clearke be dutifull and diligent in attending the Minister, and of sufficiency to discharge his place, or not?

50. *Item*, Whether any within your Parish or Chappelrie doe occupie or intermedle with the goods or cattels of any deceased person whatsoeuer, whose Will, if any such be, is not lawfully approoued, or dying Intestate, the administration thereof not lawfully granted, and who they be.

51. *Item*, Whether the Chancellor aforesaid hath granted any admission for Curates, licences for Schoolemasters, or parish Clearks, Sequestrations of vacant Benefices by his supposed authoritie, and how many, and to whom, and what be their names.

52. *Item*, Whether hath the said Chancellor commuted any corporall punishment for any summe of money, and what be their names whose punishment haue bene commuted, for what offence by whom, and for what summe of money, and how hath the said money beene imployed?

53. *Item*, Whether the Register, or his Deputie or Deputies, or any of them hath taken any reward for the conceling of any offence or sin, or for the auoiding of punishment of the Offendors: And what offendors within your Parish haue escaped vnpnished (*sic*), that were lawfully presented to the Ecclesiastical Court, and by whose meanes: And what summes of money haue they or any of them taken or receiued, for sparing such Offendors: Or doth he or any of them take any fees not accustomable.

54. *Item*, Whether hath there been any licences for Marriage granted to any within your Parish, without the priuity of the Ordinary, his Chancellor or the Chancellors Deputy, or otherwise contrary to the Canons and Constitutions in that behalfe prouided, and what Licences haue been so made, and by whom. And whether is the Register and his Deputy carefull in keeping and preseruing the Records committed to his charge?

55. And lastly Whether is there within your said Parish or Chappelry, any offendor or offendors in any other crime against the said Canons, and Constitutions, and other Lawes Ecclesiasticall not expressely contained in any of these Articles, whose reformation may bee had by Ecclesiasticall authoritie, and who, and what the same are?

FINIS.

These Articles shall be sent to euery Church and Chappelry, thirteene dayes at the least before the Bishops Visitation, to the ende the same bee publikely reade by the Minister, or Curate, to the whole Parish or Chappelrie, and that the Church-Wardens may haue sufficient time to make their answere to euery Article, and the same in Writing, at time of the Visitation.

ELAND, ARCHDEACON OF BEDFORD, 1629.

ARTICLES to be enqvired of in the Visitation of the Archdeacon of Bedford. 1629.

Imprinted at, *London*, *Anno* 1629.*

[The Churchwardens' Oath is the same as in Bishop Goodman's Articles in 1634.]

Touching the Church, Churchyard, Parsonage, and Vicarage house.

First, whether your Church, Chappell, and Chancell be well and sufficiently repaired in the Wals, and Roofe, the seats conuenient, the floore paued, the windowes glazed,† and all these cleanly kept, and the Mansion house of your Parson or Vicar, with the buildings thereunto belonging, be likewise well and sufficiently repayred, and your Church-yard-wals, Rayles, or pales‡ cleanely kept?

2. Whether hath your Church or Churchyard beene abused and prophaned by any fighting, chiding, brawling or quarrelling, anie plaies, Lords of misrule, Summer Lords, Moris dancers, Pedlers, Bowlers, Bearewardes, Butchers, Feasts, Schooles, temporal Courts or Leets, Lay Juries, Musters, or other prophane vsage in your Church, or Church-yard, any Bels superstitiously rung on Holy-daies or their Eeues, or at any other times, without good cause allowed by the Minister and Churchwardens, and

* Altered in MS. to 1639. These Articles were also issued by Neile, Archbishop of York, in 1633, with whose edition they are here collated. Compare also Bishop Andrewes' Articles in 1619.

† your Bells in tune. *Added in York*, 1633.

‡ Churchyard—pales] Church-yard well fenced with walls, rayles, or payles, and] 1633

haue anie trees beene felled in the Churchyard, and by whom?

3. Whether are your Almeshouses, and Church house, and Schoole-houses or other houses or buildings set vpon the soile of the Church or Church-yard,* sufficiently repaired, maintained, and to godly and right vse imployed?

Whether haue you in your Church, all things necessary for common Praier, and other Rites of the Church,† as the Bible in the largest volume, the Booke of Common Praier lately authorized by his Maiestie, the Bookes‡ of Homilies allowed,§ a conuenient Pulpit for preaching, a decent seat for the Minister to reade seruice in, conueniently placed, a strong Chest with three ockes, and three Keyes, one for the Minister, the other for the Churchwardens for the keeping of the Register Booke of the Christnings, Marriages, and burials, and a poore mans boxe‖ conueniently seated in¶ the Church doore. And whether doth your Minister at the making of his Parishioners Wils, exhort them to giue to the poore mans boxe, according to their abilities.**

5. Whether haue you in your Church a font of stone for Baptisme set in the ancient vsuall place, a decent table for the Communion conueniently placed, couered with silke, or other decent stuffe, in time of diuine seruice, and with a faire linnen cloath ouer that, at the administration of the Communion?

6. Whether haue you all such Bells, Ornaments, and other Utinsels as haue anciently belonged to your Church, a Communion cup of siluer, with a couer, a faire standing pot†† of Pewter or purer mettall for the wine vpon the Communion Table, a comely surplesse with sleeues,‡‡ and a booke of the names of all strange Preachers, subscribed with their names, and the name of the Bishop or others where they had licence?§§

Touching the Ministrie, Seruice, and Sacraments.

1. Whether is the Morning‖‖ praier said or sung by your Minister, both Morning and Euening, distinctly and reuerently euery Sunday and Holiday, and on their Eeues, and at conuenient and vsuall times of those daies, and in most conuenient place,¶¶ for the edifying of the people?

2. Whether doth your Minister obserue the orders, Rites and ceremonies prescribed in the booke of Common prayer, in reading the holy Scriptures, Prayers and administration of the Sacraments, without diminishing (in regard of preaching or any other respect) or adding any thing in the matter*** or forme thereof?

3. Whether doth your Minister on Wednesdaies and Fridayes not being Holydaies, at the accustomed houres of seruice resort to the Church, and say the Letany and other††† prayers prescribed. And doth your Clerke or Sexton giue warning before by towling of a Bell on those dayes, and doth one person of euery house repaire to the Church at those times vsually, and there stay according to the Canon.‡‡‡

4. Whether your§§§ Minister leauing the vse of the Font, doe‖‖‖ christen or baptize in any Basons, or other prophane vessels, or whether your Minister doe baptize or christen any out of the face of the Church and congregation, and at any other time then vpon Sundaies and Holydayes¶¶¶ without speciall cause or without Godfathers or Godmothers. And whether any person or persons be admitted to answer as Godfathers and Godmothers, at the christning of any childe, except he or she haue before receiued the holy Communion. And whether doth your Minister in the baptizing of children, obserue the Orders, Rites and ceremonies appointed**** in the booke of Common Prayer, without addition, omission, or innouation?

5. Whether doe you know any Parents, hauing children that are yet vnchristened,* or that were not christened, at their owne Parish Church or Chappell or for what cause they remaine yet vnchristened, or haue not been christened at their Parish Church or Chappell, or doe you know, haue heard, or vehemently suspect any such Parents whose children haue beene christned by any Popish Priest, or otherwise, then by the Lawes of the Church of England is allowed?

6. Whether doth your Minister, as oft as he administreth the Communion, first receiue it himselfe, whether doth he vse any bread or wine newly brought, before the words† of institution be rehearsed, and the bread and wine present on the table, doth he not deliuer the bread and wine to euerie communicant seuerally?‡

7. Whether doth your Minister giue warning publikely in the Church at Morning Prayer, the Sunday before he administreth the Communion, for the better preparation of the Parishioners.§

8. ‖Whether hath your Minister admitted to the Communion any that be openly knowne to liue in some notorious offence or crime without repentance, or satisfaction of the congregation, or who hath openly and maliciously contended with his or her Neighbors, before he or she haue openly & charitably reconciled themselues againe, and remitted all rancor & malice, whatsoeuer controuersie hath bin betweene them?

9. Whether hath your Minister administred the Communion to any but such as kneele, or doe any¶ refuse to kneele, hath he administred to any who refuseth** to be present at publike prayer, or who hath depraued the booke of common prayer, administration of the Sacraments, or the Rites and ceremonies prescribed, or the Articles of Religion agreed vpon, or the booke of ordering†† Priests and Bishops, or against his Maiesties supremacy, or haue any been for those causes repelled, & haue they repented in writing or otherwise,‡‡ and what be their names?

10. Whether hath your Minister more benefices then one, if he haue, how far distant are they, and whether serues he two cures or not, when he is absent, hath he an allowed preacher for his Curate?§§

11. Whether your Church or Chappell be or haue been destitute of a Curate, and how long, and by whose default, and whether any Curate haue serued, or do serue without licence of the Ordinary?

12. Whether doe you know any Popish Priests, Seminaries, Jesuits, or runagate persons that do preach, say Masse, or Minister any Popish Sacraments or ceremonies, or else do resort secretly or openly vnto your parish, and what be their names,‖‖ and vnto whose houses doe they resort, and of whom are they harboured and relieued, set down their names and surnames.¶¶

13. Whether your Parson, Vicar, or Curate, or any other person in your Parish, be a fauorer of the Romish Church or Religion, or of any other sect or schismaticall opinion, or hath, or doth maintaine, or teach any doctrine, contrary or repugnant to*** any of the Articles agreed vpon by the Clergie in the Conuocation holden at *London, An. Dom.* 1562. And whether they haue taught publikely or secretly any doctrine, tending to the discredit and dispraise either of the booke of common praier, or of the Preachers and Ministers of the word & sacraments, or of the receiued order for gouernment by Archbishops, Bishops, Deanes, Archdeacons, & other officers in the Church of *England*, or make any other innouation. And whether haue they permitted any man so teaching, or making innouation in such manner?†††

14. Whether is your Minister an allowed Preacher, if hee bee not, whether doth he procure euery month a Sermon, to be preached in his Cure by Preachers lawfully licenced,

---

* and Schoole—Church-yard] *omitted* 1633.
† and other—Church] *omitted*, 1633.
‡ Bookes] booke, 1633.
§ two books of common prayer. *Added*, 1633.
‖ with three locks. *Added*, 1633.
¶ in] neere, 1633.
** And whether—abilities] *omitted*, 1633.
†† or two. *Added*, 1633.
‡‡ A Register booke of parchment, for Christnings, marriages and burials. *Added*, 1633.
§§ *The following Articles are added by Archbp. Neile in* 1633.
7. Whether is the Almes for the poore duely distributed, and are the names and surnames of all persons married, christned and buried, and of their parents, with the day and yeere entred in your parchment Register booke?
8. Whether are the ten Commandments set vp in your Church or Chappell, and other chosen sentences of holy Scripture vpon the walls in conuenient places, and the table of the degrees prohibited in marriage, set forth 1563?
9. Whether haue you in your Church or Chappell the booke of the Canons agreed vpon in the Conuocation holden at *London, Anno Dom.* 1603, and confirmed by his Maiestics royall authority, and whether your Minister haue read the same in your Church or Chappell once euery yeere, according to his Maiesties Iniunctions in that behalfe.
‖‖ Morning] common, 1633.
¶¶ of the Church. *Added*, 1633.
*** matter] manner. 1633.
††† other] ordinary. 1633.
‡‡‡ and doth one—Canon] *omitted*, 1633.
§§§ your] any. 1633.
‖‖‖ in your Church or Chappell. *Added*, 1633.
¶¶¶ and at any—Holydayes] *omitted*, 1633.
**** and prescribed. *Added*, 1633.

* hauing—vnchristened] that keepe children vnchristened. 1633.
† words] word. 1633.
‡ in such sort as is prescribed. *Added*, 1633.
§ and whether doth hee administer the Sacraments so often as that euery parishioner may receiue thrice in the yeere at the least, whereof Easter to be one? *Added*, 1633.
‖ *Article* 8 *omitted*, 1633.
¶ any] you knowe any that. 1633.
** any who refuseth] any that are vnder Ecclesiasticall censure, as for refusing. 1633.
†† Deacons. *Added*, 1633.
‡‡ or haue any—otherwise] or hath committed other the like enormities. 1633.
§§ and whether serues he—Curate] how often is he absent in the yeere? when hee is absent from your parsonage or vicaridge, hath he a licensed preacher for his Curate? 1633.
‖‖ and what—names] *omitted* 1633.
¶¶ set down—surnames] and what bee the names of such Popish Priests, Seminaries, Jesuites, or Runnagates, and such as so harbour and releeue them? 1633.
*** Gods Word or to. *Added*, 1633.
††† in such manner] and not made the same knowne. 1633.

and on euery Sunday when there is no Sermon, doth he, or his Curate reade some one of the Homilies prescribed ?*

15. Whether doth your Minister alwaies in saying the publike prayers, and administring the Sacraments, weare a decent Surplesse with sleeues, & being a Graduate, doth he alwaies weare therewith a Hood, by order of the Uniuersities, agreeable to his degree.

16. Whether hath your Minister, or any other Preacher in your Church, preached anything to confute or impugne any doctrine deliuered by any other preacher, and hath he and they prayed for Christs Catholike Church, the Kings Maiestie, the Lords, Archbishops, and Bishops, &c., as is prescribed Canon 55.

17. Whether hath or doth any preach in your Church which refuseth to conforme himselfe to the lawes, rites, and ordinances established, or which hath not first shewed a sufficient license.

18. Whether doth your Minister in his Sermon foure times in the yeare at the least, teach and declare the Kings Maiesties power within his Realmes, to be the highest power vnder God, to whom all within the same owe most loyaltie and obedience, and that all forraine power is justly taken away.

19. Whether doth your Minister euery Sunday halfe an houre before Euening prayer, or more,† examine and instruct the youth in‡ the Catechisme set forth in the booke of Common Prayer, and whether doe the Churchwardens assist the Minister herein.§

20. Whether hath your Minister with licence, or without, maried any at any other times then betweene the houres of 8 and 12. in the forenoone, or in any priuate house, or when there is no licence, before the Parents and Gouernors (the parties being vnder the age of 21.‖ yeares) haue testified their consents ?

21. Whether hath your Minister declared to the people euery Sunday, at the time appointed, what Holidaies and Fasting dayes be the weeke following ? Doth he being a Preacher, conferre with all Recusants, and persons Excommunicate or suspended ?¶

22. Whether doth your Minister keepe a note of all persons Excommunicate and once euery sixe Moneths doth he denounce them, which have not obtained their absolution on some Sunday in Seruice time, that others may be admonished to refraine their company.

23. Whether your Parson, Vicar, or Curate be diligent in visiting the sicke, & comforting them, and whether they bury their dead in such Christian & comely manner, as is prescribed in the booke of Common prayer : and whether any Lay-man, other than a lawfull Minister, hath taken vpon him to bury the dead, contrary to order.

24. Whether hath your Minister refused to Baptize any Childe brought to the Church, or to bury any corps brought into the Church or Churchyard, or to Church any woman, hauing had conuenient warning thereof.

25. Whether hath your Minister being truely informed of the danger of death of any Infant vnbaptized, and being desired to goe to the place where the Childe is, to Baptize it, neglected to goe, by means whereof the childe dyed vnbaptized.

26. Whether doth your Minister at any time preach or administer the Communion in any priuate house, except when any are so impotent that they cannot goe to Church, or very dangerously sicke.

27. Whether do any Chaplens in your Parish preach, or administer the Sacrament in any Chappell not consecrated, or in any house hauing no Chappell allowed by law, and do the Lords & Masters where such Chappels be, resort often to the Parish Church, and there receiue the Communion once at the least euery yeare.

28.* Whether doth your Minister reside vpon his Parsonage, or Vicarage house.

29.* Whether is there any building of any Chancell, Parsonage, or Vicaragehouse in the memorie of man decayed, or taken away, or changed in the couering of any of them, within that time.

30. Whether hath your Minister held or appointed any publike fast, or beene present at such. Doth he, or any other in your Parish hold any Lecture or exercise, or attempt by fasting or prayer, or otherwise, to cast out deuils, without the license† of the Bishop, vnder his hand and seale.

31. Whether hath there bin any secret conuenticles or meetings in your parish by any Priests, ministers, or others, tending to the deprauing of the form of praier, doctrine, or government of the Church ?‡

Touching Ecclesiasticall Courts.§

First, whether the officiall or any other vsing Ecclesiasticall Jurisdiction in this Dioces, their Registers or Actuaries, Apparitors, or Sumners, haue at any time winked at and suffered any Adulteries, Fornications, Incests, or other faults or offences to passe, and remaine vnpunished and vncorrected, or haue commuted any pennance of such offenders ?

2. Whether doe you know any housholder or other person whatsoeuer within your parish or chappelry that is deceased, that haue made their last Wills & Testament, the same not hitherto beene proued, nor Administration taken from the Ordinary, or other Judge competent.

Touching Schoole-masters.

First, whether haue you in your Parish any Schoolemaster who teacheth either in publike Schoole, or in priuate house, whether is he reputed to be of sound faith and Religion,‖ doth he giue any euill example of life, is he allowed by the Ordinary, vnder his hand and seale : or doth your Minister or Curate teach, and is he allowed in like manner, or where and by whom are your Children taught ?¶

2. Whether doth your Minister or Schoolemaster who teacheth, teach the Catechisme by Authority set forth. Doth hee when there is any Sermon or divine Seruice, bring his Schollers to Church, and see them quietly and soberly ordered ; doth he examine them after their returne what they haue learned of the Sermon.**

---

* *Article* 14 *is as follows in* 1633. 13. Whether is your Minister an allowed Preacher ; if he be, doth he euery Sunday in your Church, or some other next adioyning, where no preacher is, preach ?

14. Whether doth your Minister being no Preacher allowed, presume to expound the Scripture in his own Cure, or elsewhere : doth he procure euery month a Sermon (&c. *as in the text.*)

The two following Articles are then added :—

15. Whether your Minister doe openly euery Sunday after he haue read the second Lesson at Morning & Euening Praier, admonish and warne the Church-wardens, & Sworne-men to look to their charge, & to obserue who offend in absenting themselues negligently or wilfully from their Parish-Church or Chappell, or vnreuerently vse themselves in time of diuine Service ?

16. Whether is your Curate allowed by the Ordinary vnder his hand and seale to serue for your Cure, and whether doth hee serue two Churches or chappels in one day ? Whether is he Deacon at the least, and what stipend hath he for seruing the Cure ?

† or at some other conuenient time at Evening prayer. *Added,* 1633.

‡ the ten Commandements, the Beleefe, the Lords Prayer and. *Added* 1633.

§ *The following Article is here added in* 1633 :—

22. Whether hath your Minister married any which haue not beene three seuerall Sundaies or Holydaies asked in your Church in the time of diuine Seruice without licence or without a ring : or hath hee, with licence or without, married any, whereof neither dwelt in your Parish ?

‖ 21] 22. 1633.

¶ being no Preacher, doth he procure a sufficient Preacher to reclaime them thereby ? *Added,* 1633.

* *Articles* 28, 29, *omitted* 1633.

† licens[priuity and allowance. 1633.

‡ *The following Articles are added in* 1633.

34. Whether doth your Minister weare decent Apparell, doth he in publike goe in his Doublet and Hose, without a Coate, or Cassocke, or Cloake, and doth he weare any vnseemely & light-coloured apparell or stockings ?

34. Whether doth your Minister make accustomed resort to any Tauerns or Ale-houses, except for his honest necessities : or doth hee boord or lodge in any such place, doth he vse any base or seruile labour, or frequent drinking, riot, dice, cards, tables, or any other vnlawfull games : is he contentious with his neighbours, or a hunter, hawker, swearer, dancer, vsurer, suspected of incontinency, or doth giue euill example of life ?

35. Whether is there in your Parish any Minister or Deacon who hath forsaken his calling, vsing himselfe in his course of life as a meere Lay-man ?

36. Whether is his Maiesties declaration lately published for quieting and silencing the controuersies lately stirred vp to the disturbance of our Church with new questions, strictly obserued by your Parson, Vicar, or Curate, or whomsoeuer else preacheth in your Church ?

37. Whether doth your Parson, Vicar, Curate, or Lecturer, catechize the youth of the Parish in your Church, euery Sunday after dinner by question and answere ; and apply his afternoone preaching and exhortation, to the instructing and edifying of the congregation in that kind of catechizing ?

38. Whether haue you in your parish any weekeday Lecture, or not ? And if you haue, by whom is the same performed ; whether by one particular man thereto licensed, or by sundry neighbour Ministers, and whether are the publike prayers alwaies read, before such lectures and sermons, in his surplesse and hood, according to his Maiesties instructions lately set forth ?

39. Whether are there any within your parish (vnder the degree of Noblemen and men qualified by law) who doe keepe any priuate Chaplaines in their houses ?

§ *The Articles under this title in* 1633 *are as follows :—*

First, whether the Chancellor, Commissaries, or any other vsing Ecclesiasticall Jurisdiction in this Diocesse, their Registers or Actuaries, Apparitors or Sumners, haue at any time been corrupt in their places, or taken any excessiue fees, or winked at & suffred any Adulteries, Fornications, Incests, or other faults or offences to passe, & remaine vnpunished & vncorrected, or haue commuted any penance without speciall licence of the Bishop ?

2. Whether do you know that there hath beene any commutation of penance, allowed of by the Ordinary in your parish : and whether hath your Minister publikely signified it to his Congregation, what summes of money haue therefore beene payd, and whether haue the sayd summes of money, or part thereof beene distributed by your Minister and Church-wardens to the poore, or otherwise imployed to some such godly & charitable vse, as was prescribed by the Ordinary ?

3. Whether do you know any housholder (*&c. as in Art.* 2. *of the text*).

4. Whether hath your Chancellor, Commissary (* * * *torn*) exercising Ecclesiasticall Jurisdiction, heard any matter (* * * *torn*) office priuately in their chamber, without their sworne (*torn*) * * sters, or their Deputies presence, or in their absence, of * * other person as the Law doth allow for an actuary in such a case ?

‖ Doth he resort duely to Church and receiue the Communion, or. *Added,* 1633.

¶ or where—taught. *Omitted,* 1633.

** *The following Articles are added in* 1633.

3. Whether doth he at other times teach them such sentences of holy Scripture, as may induce them to all Godlinesse, doth he teach the Grammar set forth by King *Henry* the eight, continued by King *Edward* the Sixt, and Queene *Elizabeth ?*

Touching the Parish Clerke and Sexton.

First, whether haue you a parish Clerke appointed by the Minister sufficient for his place, of the age of twenty yeares at the least, is he of honest conuersation, can he reade, write, and sing, is he diligent in his office, and seruiceable to his Minister, in the time of diuine Seruice, and otherwise.

2. Whether doth your Clerke meddle with any thing aboue his office, as Churching of women, burying the dead, reading of prayers or such like.

3. Whether doth your Clerke or Sexton keepe your Church cleane, the doores safe locked, is any thing (by his default) lost or spoyled in the Church, doth he suffer any vnreasonable* ringing, or any prophane exercise in your Church.†

4. Whether doth any of your Parish refuse to pay vnto the Parish Clerke or Sexton such wages as are vnto them due, and haue beene accustomably paid.

Touching Parishioners.

First, whether hath any in your Parish spoken against, or any way impugned the Kings Maiesties Supremacie in causes Ecclesiasticall, the Truth and Doctrine of the Church of England, the forme of Gods worship contained in the booke of Common Prayer, and Administration of the Sacraments.‡

2. Whether hath any in your Parish spoken against or impugned the Articles of Religion agreed vpon in *An. Dom.* 1562. the rites and ceremonies established in the Church, the gouernment by Archbishops, Bishops, Deanes Archdeacons, and others that beare office in the same.

3. Whether hath any in your parish spoken against, or impugned the forme of making and consecrating Bishops, Priests, or Deacons, or haue any separated themselues from the societie of the congregation, and combined in a new Brother-hood, or depraued the Sinode§ lately held by the Kings Authoritie.

4. Whether hath any in your Parish maintained or defended any such Ministers or Schoolemaisters as refuse to subscribe to the order of the Church.‖

5. Whether doth any in your Parish prophane, violate, or mispend the Sabbath, or Holidayes, or any part of them,¶ vsing any offensiue conuersation, or worldly labour in those dayes, or any of them.**

6. Whether hath any in your Parish in the time of Diuine Seruice, couered his head, albeit he hath infirmitie, in which case, a Cap is allowed,†† or is there any who hath not reuerently kneeled when the generall Confession, Letany, and other Prayers are read, and which haue not stood vp at the saying of the Beliefe.

7. Whether hath any in your Parish disturbed the Seruice or Sermon by walking, talking, or any other way, or departed out of the Church during the Seruice or Sermon, without some vrgent cause, or loytered about the Church, or Church porch.

8. Whether there be any in your Parish, Man, or Woman, being aboue sixteene‡‡ yeares of age, that hath not receiued the holie Communion thrice at least euery yeare, and namely at Easter last, or thereabouts for once. And whether any haue receiued the Communion in any other Parish Church, or Chappell, or priuate place.

9. Whether hath any Parent beene vrged to be present, or admitted to answere as Godfather for his owne Child, or hath any Godfather or Godmother made any other answere or speech, then is prescribed by the Booke.*

10. Whether doe all Fathers, Mothers, Maisters, Mistresses, come and cause their Children, Seruants, and Apprentices to come duely to the Church, and according to the Ministers direction to be instructed and Catechized, or who be they that haue not obeyed the Minister herein.

11. Whether haue any persons Married together within the degrees Consanguinity (*sic*) or affinitie prohibited, set forth in a Table appointed to be placed in euery Church.†

12. Whether haue any persons once lawfully Married together, forsaken each other, or do liue asunder, without the authoritie of the Ordinarie,‡ or do any being diuorced or separated, Marrie againe, the former Wife or Husband yet liuing.

13. Whether hath any of your Parish vnreuerently vsed your Minister, or haue any laid violent hands vpon him, or disgraced his office and calling by word or deede.

14. Whether haue you in your Parish any dweller or soiourner, a§ maintainer of popish doctrine, or suspected to keepe or disperse schisma[ticall] bookes, or to fauour any heresie or error.

‖15. Whether haue any in the time of seruice¶ opened their Shops, exercised their Trade; vsed any gaming, beene in any Tauerne or Alehouse, or otherwise ill imployed.

16. Whether are there in your Parish any adulterers, fornicators, incestuous persons, bawdes, receiuers, close fauourers, conueyors away, or which suffer to depart any incontinent person vnpunished, or any which haue their often meetings in priuate places, and in the night time, or other vndecent times, and by reason thereof are commonly defamed or vehemently suspected of any of the said crimes.**

17.** Whether the fifth of November be kept holie, and thankesgiuing made to God for his Maiesties and the States happie deliuerance, according to the Ordinance in that behalfe.

18.** Whether are there in your Parish any blasphemers, common swearers, ribaudes, and such as commonly vse Baudrie, vnciuill, immodest, and filthie speeches, malitious slaunderers, scolds, common drunkards, or any defamed of any of the said crimes.

19. Whether do any in your Parish administer the goods of the dead without authoritie, or suppresse their Will or Testament. Haue any Executors neglected to performe their Wills, especially in paying of Legacies giuen to the Church, to the poore, or to any other charitable or godly vses.

20. Whether do any refuse to pay to the reparations, ornaments, and other things required†† in your Church, as they are cessed by a lawfull Vestrie,‡‡ or any dwelling out of your Parish which hold Land in your Parish.§§

21. Whether haue any in‖‖ your parish beene Christened, Churched, Buried, or receiued the Communion, or been Maried out of your Parish¶¶ both parties dwelling in your Parish.

22. Whether haue all Women in your Parish deliuered of Childe come at conuenient time after to Church, to giue thankes, and haue they beene Churched, according to the forme of the booke of Common prayer.

23. Whether hath the perambulation of the circuit of your Parish beene obserued once euery yeare, if not, in whose default.

24. Whether haue any in your Parish giuen to the Church-wardens or Sidemen, or any of them, euill words, for doing their dutie, according to their oath, and conscience, in making presentment for any fault.

25. Whether there bee any man or woman in your Parish that vseth Witch-craft, Sorcerie, Charmes, or vnlawfull prayer, Inu[oc]ations, in Latine, or English, or otherwise, vpon any Christian body, or Beast, or any that resorteth to

---

4. Whether hath your Schoole-master an Vsher vnder him, are they both diligent, is your Vsher allowed by the Ordinary, doth your Schoolemaster direct his Vsher the forme & manner of teaching, and doth hee weekely take account of him, and the Schollers vnder his charge, how they haue profited, and what they haue learned, and out of what Authors?

5. Whether hath eyther of them spoken, writ, or taught against any thing whereunto hee formerly subscribed, as the Kings Supremacy, the Articles of Religion, Booke of Common prayer, or anything therein contained?

* vnreasonable] vntimely. 1633.

† *The following Article is added in* 1633:—

4. Whether doth your Clarke or Sexton, when any is passing out of this life, neglect to toll a bell, hauing notice thereof: or the party being dead, doth he suffer any more ringing than one short peal, & before his buriall one, and after the same, another.

‡ *The following Article is added in* 1633.

2. Whether there bee any person or persons knowne or vehemently suspected to haue written, printed, or by any meanes published, & dispersed, or otherwise to haue, or to haue had in his or their vse or keeping, any Popish bookes or libels, or any of those slanderous or schismaticall & seditious libels, or other books, that impeach the booke of common prayer, or the Religion & Ecclesiasticall gouernment, or any other part thereof, established by Law in this Realme, or doth impeach the credit or estate of any Ecclesiasticall person or gouernor within the same?

§ Sinode] Sinods of the Church of England. 1633.

‖ haue they affirmed that such Ministers and adherents may make Rules & Orders in causes Ecclesiasticall, without the Kings Authority? *Added*, 1633.

¶ or any part of them] appoynted in the Church of England. *Added*, 1633.

** or is there any that wilfully refuse, or negligently hath absented himselfe from diuine prayers on Sundayes or Holidayes? *Added*, 1633.

†† couered—allowed] vse to sit with his hat on his head. 1633.

‡‡ aboue sixteene] about fifteene. 1633.

* or haue any bin admitted for Godfathers and Godmothers at Baptisme, who haue not first receiued the Communion. *Added*, 1633.

† or haue any married or contracted themselues vnder the age of one & twenty yeeres without the consent of their Parents, or Gouernours, if their parents be dead? *Added in* 1633.

‡ without—Ordinarie] otherwise than by Law is permitted. 1633.

§ any—a] any popish recusant, or. 1633.

‖ *The following Article is added in* 1633.

Whether haue you any common resorters to your Church which are not of your parish, abandoning their owne parish Church, or do any such receiue the communion amongst you: what be their names, and of what parishes are they?

¶ seruice] diuine seruice vpon any Sunday or Holiday. 1633.

** or any which haue—said crimes] or are there in your parish any blasphemers, common swearers, drunkards, ribawds, vsurers, malicious slanderers, scolds or sowers of discord, or any defamed of the same crime. 1633, *where Articles* 17, 18, *are omitted.*

†† required] by Law required to bee. 1633.

‡‡ by a lawfull Vestrie] by Law. 1633.

§§ that refuse the like payment or seasement. *Added* 1633.

‖‖ in] not being of. 1633.

¶¶ Parish] Church. 1633.

the same person for counsell, or helpe, and what be their names.*

Touching Church-wardens and Swornemen.

First, whether doe any in your Parish take vpon them to be Church-warden or Sidesman, which is not lawfully chosen by the Minister and Parishioners, according to the Canon, or doe any continue that office longer than one yeare, except they be chosen againe,† and are all such officers chosen yearly in Easter weeke.

2. Whether doe your Church-wardens within one moneth at the most after their yeare ended, before the Minister and Parishioners, giue vp a iust account of all such money and other things as they haue receiued and bestowed. Haue they deliuered all remaining in their hands, belonging to their Church or parish,‡ to the next Church-wardens.

3. Whether haue the Church-wardens with the aduise of the Minister from time to time prouided a sufficient quantity of fine white bred, and wholesome wine for the number of Communicants. And haue they and you, at euery Communion collected the deuotion of the Communicants, and put it into the poore mans boxe.§

4. Whether doe the Church-wardens and Sworne-men before euery visitation, and at other times, when there is iust occasion, meete and conferre about their presentments, and the answering of their Articles. And who hath (after notice given him of the time and place) carelesly absented himselfe.

5. Whether the forfeiture of twelue pence for absence from Church appointed by Statute for the vse of the poore, bee taken and leuied by the Church-wardens and imployed according to the said statute. And whether is the same forfeiture taken of all persons which stand wilfully suspended, or Excommunicate.

6. Whether haue any Church-wardens lost, sold, changed, or retained‖ any goods, ornaments, bells, rents, or implements of the Church, without speciall licence of the Ordinary.¶

7. Whether doe you the Churchwardens and Sidesmen about the middest of Diuine Service vsually walke out of the Church, and see who are abroad in any Ale-house, or else where absent, or euil** imployed, and haue you presented all such†† to the Ordinary.

8. Whether doe you know or haue heard of any fame or offence‡‡ committed, or duety omitted by any of your Parish, before your time, and heretofore not presented by the former Church-wardens to the Ordinary, or as yet not reformed, and haue you presented the same.

9. Whether any person doe often resort to your Parish, and staying there vpon the Sabbath dayes or Holy dayes during the time of Diuine Seruice, doth not come to the Church to heare Seruice and Sermons, according to Law.¶¶

FINIS.

CURLE, BISHOP OF BATH AND WELLS, 1630.

ARTICLES to be enqvired of, in the first Trienniall Visitation of the Right Reuerend Father in GOD, Walter, Lord Bishop of Bath and Wells, holden in the yeare of our Lord God, 1630.

London, Printed by *William Stansby*, 1630.

The Oath to bee Ministered to the Churchwardens and Swornemen.

You shall sweare, that you and euery of you, without all affection, fauour, hatred, hope of reward and gaine, or feare of displeasure or malice of any person, shall present all and euery such person or persons, of or within your Parish who hath committed any offence, fault or crime, mentioned in any of these Articles, or which are vehemently suspected, or otherwise defamed of any such offence, fault, or crime: wherein you shall deal vprightlie and according to truth, neither of malice presenting any contrarie to truth, nor of corrupt affection sparing to present any, and so conceale the Truth: hauing in this action God before your eies, with an earnest zeale to maintaine truth, and suppresse vice. So helpe you God and the Contents of this Booke.

Articles to be enquired of within the Diocesse of Bath and Wells, in the Visitation to be holden in the Yeare of our Lord, 1630.

Articles concerning the Clergie.

Inprimis, whether hath your Minister read the Constitutions, set forth by his Maiestie, once euery yeare, vpon some Sundayes or Holydayes, in the afternoone, before Diuine Seruice, as he is bound.

2. Whether doth your Minister or Preacher in Prayer before his Sermon, vse to pray for the Kings Maiestie, King *Charles*, Queene *Marie* and all the Royall Progenie with his whole Title, as King of great *Brittaine*, *France* and *Ireland*, Defender of the Faith, &c. and in all causes, and ouer all Persons as well Ecclesiasticall as Temporall within his Highnesse Dominions, next and immediately vnder God supreme Gouernour? And doth hee in like manner then pray for the Archbishops and Bishops, as by Law is also apointed, and doth he exhort the people to obedience to his Maiestie, and all Magistrates in Authoritie vnder him?

3. Whether doth your Minister vse the prescript forme of Diuine Seruice vpon Sundayes, Holidayes, Wednesdayes and Fridayes, according to the Booke of Common prayer, without any omission or addition, and doth he say Diuine Seruice vpon the Eues of euery Sunday and Holiday, at fit and vsuall times? And whether doth your Minister duely obserue all the Orders, Rites and Ceremonies, prescribed in the Booke of Common Prayer, as well in reading publike Prayers and the Letanie, as also in administring the Sacraments in such manner and forme, as by the Booke of Common Prayer by Law now established, is enioyned?

4. Whether doth your Minister adminster (*sic*) the holy Communion so often, and at such times, as that euery Parishioner may receiue the same at least thrice in euery yeere wherof once at Easter, as by the Booke of Common Prayer is appointed?

5. Whether doth your Minister receiue the same himselfe, one euery day that he Administreth it to others, Kneeling at the same, and Administreth to none but such as doe Kneele at the receiuing thereof, and vse the words of the Institution according to the Book, at euery time that the Bread & wine is receiued, in such manner and forme, as by the Prouiso of the twelfth Canon is directed? or wherein is he faultie touching the premises? and whether is warning giuen by him before hand for the Communion, as the two and twentieth canon requireth.

6. Whether doth your Minister vse the administration of the Lords Supper, Baptisme, Instruction of Children, Solemnization of Matrimoni, Visitation of the Sicke, Buriall of the Dead, the Commination and Churching of Women, vnder such words, Rites and Ceremonies as are set forth and prescribed in the said Booke of Common Prayer, and no other?

7. Whether hath your Minister admitted to the Communion, any notorious Offenders or Schismatikes, contrarie to the 26 and 27 Constitutions?

8. Whether your Minister together with the Church-wardens and Questmen, doe take diligent heede and care, not onely that all and euery one of your owne parishioners doe Receiue thrice in euery yeere, as aforsaid, but also that no strangers of any other Parish doe come often and commonly to your Church from their owne Parish Church, contrarie to the twenty-eight Canon? And you are now to present the Names of all those, who being of the age of sixteene yeere or vpwards, haue not in their owne Parish at or since Easter last, receiued the Communion, according to the hundred and twelue Canon?

9. Whether doth your Minister vse to signe the children with the signe of the Crosse, when they are Baptized, according to the Booke of common Prayer, or Baptize in any Bason or vessell, and not in the vsuall Font, or hath he Baptized any children that were not borne in the Parish; and whether hath he deferred, or wilfully refuse to Baptize any Infant in his Parish being in danger, hauing beene duely informed of the weaknesse thereof, and whether the childe hath dyed in his default without Baptisme, or whether hath he at any time refused or neglected to Bury the Dead, or to minister the Sacrament of the Lords Supper to any, being in extremity of Sicknesse, hauing beene required thereunto, or hath hee buried any in Christian Buriall, which by the Constitutions of the Church of England, ought not to be so Interred?

10. Whether is your Minister continually Resident with you vpon his Benefice, or for how long time hath hee beene absent and where is he Resident for the most part, and what

---

* *The following article is added in* 1633:
Whether there be any that pretending themselues to bee Physicians or Chirurgeons, do take vpon them to practise Physicke or chirurgery not being lawfully licenced thereunto, or which refuse to shew their sayd licence to the Minister, or Curate, and Churchwardens of your Church or Chappell, when they shall be hereunto required.

† or that it be a custome of your Parish for a Church-warden to continue two years. *Added*, 1633.

‡ by bill indented, to be deliuered. *Added*, 1633.

§ And haue—boxe.] *Omitted*, 1633.

‖ changed or retained] or detained. 1633.

¶ without—Ordinary] *omitted*, 1633.

** euil] euilly 1633.

†† offenders. *Added*, 1633.

‡‡ any fame or offence] a fame of any offence. 1633.

§§ *The following is substituted for art.* 9. *in* 1633:
9. Finally doe you know of any matter or cause which is a breach of the lawes Ecclesiasticall here not expressed, or haue you presented the same.

other Benefice hath he, and doth he in his absence make allowance for the Poore, and what allowance doth he make?

11. Whether doth your Minister preach vsually according to the Constitutions, eyther in his own cure with you once euery Sunday, or else in some other Church or Chappell neere adioyning, where no Preacher is, or how often hath he beene negligent in that behalfe?

12. Whether is your Minister a Preacher allowed, if yea, then by whom? if no, then doth hee procure Sermons to bee Preached among you once in euery moneth at least, by such as are lawfully licensed?

13. Whether hath your Minister any other Benefice and whether doth hee supply his absence by a Curate that is Licensed to Preach in that his Cure, whereon hee himselfe is not Resident, or otherwise, in case hee doth not find a Preaching Minister there, by reason of the smalnes thereof, whether doth hee Preach at both his Benefices vsually himselfe, according to the fortie seuen Canon? And doth he or his Curate vpon euery Sunday when there is no Sermon reade an Homily or some part therof according as he ought to doe?

14. Whether is your Curate Licensed to serue by the L. Bishop of the Diocesse or his Chancellor? and whether doth he serue any more Cures then one? if yea, what other Cure doth he serue? and how farre are they distant one from the other? and whether hath your Curate any Benefice or Cure of Soules besides your Cure?

15. If your Minister bee not licensed to preach, whether doth he take vpon him to expound the Scriptures, either in his owne Cure or else-where, contrary to the 49 Canon.

16. Whether hath any person beene admitted to preach within your Church or Chappell, but such as you haue well knowne to bee sufficiently licensed? you shall present their names whom you haue so admitted, and how often they haue preached, and by whose procurement.

17. Whether haue you caused euery strange Preacher, licensed or not licensed, to subscribe his Name, according to the 50 and 52 Canons? and whether haue they, or any other, preached in your church, not being soberly and decently apparelled, according to the 74 Canon.

18. Whether doth your Parson or Vicar, or Lecturer, reade diuine Seruice, and administer the Sacraments, in his owne person twice euery yeare, obseruing all the Ceremonies in the Booke of Common Prayer established, according to the 56 Canon.

19. Whether doth your Minister weare the Surplice, while hee is saying the publike Prayers, and administring the Sacraments? and if he be a Graduate, whether doth he also weare vpon his Surplice during the times aforesaid, such a Hood as by the Orders of the Vniuersitie is agreeable to his Degree?

20. Whether doth your Minister euery Sunday and Holiday before Euening Prayer, for halfe an houre or more, Catechise and instruct the youth and ignorant persons of your Parish, in the ten Commandements, the Articles of Beliefe, and the Lord's prayer? and whether doth hee vse the Catechisme set forth in the Booke of Common Prayer, and instruct and teach them in the said Catechisme, or what Catechisme else doth he vse, and whether bee the children and ignorant persons sent at that time to the Church, to bee catechised and instructed by the Minister? and if not, you are to present the names of those that make default in not sending them?

21. Whether hath your Minister without licence from the Court of Faculties or from the Archbishop, or the Bishop of this Diocesse, or his Chancellor, solemnized Mariage betwixt any parties, the Banes not beeing three seuerall Sundayes and Holidayes first published in time of Diuine Seruice in the seuerall Churches and Chappells of their seuerall abodes, according to the booke of Common prayer? or without licence in time prohibited, albeit the Banes were so published, or at any time, except betwixt the houres of eight and twelue in the forenoone? or hath your Minister maried any of another Diocesse? or hath any of your Parish bin maried in another Diocesse, if any hath beene so maried, or licensed to marry by any authority other then aforesaid, you shall present the Minister of marying, the parties so maried and the Authority whereby this was done?

22. Whether hath your Minister since the last Canons published solemnized any Mariage betwixt any persons, being vnder the age of twentie and one yeeres, although the Banes haue beene thrice asked, before such time as the Parents haue made knowne to him their consents thereunto, contrary to the 100 Canon?

23. Whether doth your Minister vpon Sundayes at Morning Prayer, declare vnto the Parishioners, what Holydayes and fasting dayes are appointed to be kept the week following, according to the Booke of Common prayer?

24. Whether doth your Minister in the Rogation dayes, vse the Perambulation of the circuit of the Parish appointed by Law? And in the same perambulation moue the people to giue thankes to God for his benefits, vsing such Psalmes and Prayers as are to that end set forth?

25. Whether hath any (being no Minister or Deacon) presumed to reade common Prayer openly in the Church or Chappell, or to serue the Cure of the Parish? And whether hath any Deacon, not hauing receiued the full Orders of Priesthood, administred the Sacraments in your Church or Chappell? and you are to present the name of any that hath offended herein?

26. Whether doth your Minister euery sixe month denounce in his Parish all such as doe perseuere in the sentence of Excommunication, not seeking to bee absolued? and whether hath he said diuine Seruice, while any Excommunicate persons hath beene present in the Church, or hath admitted any person Excommunicate into the Church without a certificate of his absolution from the Ordinarie or other competent Judge?

27. Whether doth your Minister, being a Preacher, endeuour and labour diligently with mildnes and temperance to reclaime Popish Recusants in his Parish from their errors, if there be any such abiding there? and whether any of them being so offered conference by your Minister, doe refuse it?

28. Whether is your Person, Vicar, or Curate to much frequent, or ouer conuersant with, or a fauorer of Recusonts, whereby he may be suspected not to be sincere in Religion?

29. Whether hath your Minister, or any other, taking vpon him the calling of a Minister, preached, baptised children (except in case of necessity) solemnized Mariage, Churched any Women, or ministred the holy Communion in any priuate house or houses, otherwise then by Law is allowed? if yea, then where? whom? when? and how often hath he offended in any of the premises?

30. Whether doth your Minister resort to such as be sicke, to instruct and comfort them in their distresse, according to the Booke of common Prayer?

31. Whether doth your Minister carefully looke to the reliefe of the Poore? and whether doth hee from time to time call vpon his Parishioners to conferre and giue somewhat as they may spare, to godly and charitable vses, especially when they make their Testaments?

32. Whether doth your Minister vse such decencie and comelinesse in his apparell, as by the 74 Constitution is enioyned him? and is he of sober behauior, and one that doth not vse such bodily labour as is vnseemely for his calling?

33. Whether doe you know any in your Parish, that hauing heretofore taken vpon him the order of a Priesthood or Deacon, hath since relinquished the same, and betaken himselfe in the course of his life as a Laymen, (*sic*) or neglecting his vocation liueth idlely, serueth no cure, or preacheth no wher?

34. Whether is your Minister noted or reputed to be an incontinent person, a frequenter of Tauernes or Alehouses, a common Gamester or player at Dice, a common Swearer or Drunkard, or faultie in any other crime published (*sic*) by Ecclesiasticall censures, whereby hee is offended or scandalous to his function or Ministerie?

35. Whether doth your Minister vse the forme of thanksgiuing to Women after their child-birth? and whether hath he admitted any thereunto, that was begotten with childe in adulterie or fornication, without license of his Ordinarie?

36. Whether hath your Minister receiued any excommunication, suspension, or aggrauation, from the Bishop of this Diocesse, or his Chancellor or other Ordinarie against any of his Parishoners, which he hath presumed to make stay of, and not published such Excommunication, suspension, or aggrauation, the next Sunday or Holiday after the Receipt of the same, in time of Diuine Seruice in your Church or Chappell?

Articles concerning the Church.

Whether haue you in your seuerall Churches or Chappels, the Booke of Constitutions or Canons Ecclesiasticall, readie to be read by the Minister according to his Maiesties pleasure, published by his Highnesse authority vnder the Great Seale of England?

2. Whether is there in your Church or Chappell, one parchment Register Booke prouided for Christenings, Mariages, and Burials? and whether is the same duly and exactly kept atcording (*sic*) to the Constitutions in that behalfe prouided? and haue the Churchwardens exhibited a transcript thereof vnto the Lord Bishops Registrie euery yeere, since the last Trienniall Visitation, as by the 70 Canon is required?

3. Whether haue you prouided the Booke of Common Prayer lately set forthe by his Maiesties authority, and the

Booke of Homilies, and a large Bible of the last Edition? And whether haue you in your Church or Chappell a Font of stone, set vp in the ancient vsuall place, a conuenient and decent communion Table, with a Carpet of Silke or some other decent Stuffe, and a faire linnen cloth to lay thereon at the Communion time? And whether is the same Table placed in such conuenient sort within the said Chancell or Church, as that the Minister may be best heard in his prayer and administration, and that the greater number may communicate? And whether are the ten Commandementes set vpon the East end of your Church or Chappell, where the people may see and reade them, and other sentences of holy Scriptures written on the walles likewise for the same purpose?

4. Whether haue you a conuenient Seat for your Minister to reade Seruice in, together with a comely Pulpit set vp in a conuenient place, with a decent cloth or cushion for the same, a comely large Surplice, a faire Communion cup of Siluer, and a couer agreeable for the same, with all other things and Ornaments necessary for the celebration of diuine Seruice, and administration of the Sacraments, and a strong Chest for the Almes of the poore, with three lockes and keyes, whereof the Minister is to keepe one key: and another Chest for the keeping of the Ornaments of the Church and Register Booke?

5. Haue you a faire Paper Booke, wherein euery Preacher which is a Stranger shall write his name, the day hee dreacheth, and by whose authority he is licensed.

6. Whether are your Church or Chappels, with the Chancels thereof, and your Parsonage or Vicarage house, and all other housing thereto belonging in good Reparations, & decently and comely kept, as well withing (*sic*) as without, and are the Seates of your Church well maintained? If not, then through whose default, and what the defects are?

7. Whether is your Churchyard well and sufficiently repaired, fenced and maintained with wals, railes, or pales, according to the 85 Canon; if not, then through whose default any part is left vn-repaired, and at whose charge the same is to be repaired?

8. Whether hath any person encroched on the ground of the Churchyard, and if any hath, what quantity of ground hath he encroched? and whether is any part of your Churchyard encroached on, or encombred by Tombes, or Monuments erected without the allowance of the Lord Bishop of this Diocesse, or his Chancellor, or other lawfull authority; when, and for whom, and by whom such Tombes & Monuments haue been so erected?

9. Whether haue your (*sic*) in your Church any ancient or true Note, or Terrier of all the Glebes, Lands, Meadowes, Gardens, Orchards, Houses, Stocks, Implements, Tenements and portions of Tithes, lying within or without the Parish, which belongs to your Parsonage or Vicarage; if there bee any, whether is it well kept and preserued for the good of the succeeding Incumbents, & in what particular place is it kept?

Articles concerning Ecclesiasticall Officers.

Whether doe you know or haue heard of any payment, composition or agrement, to or with the Chancellour, Register, or other inferiour Officers Ecclestasticall (*sic*) for suppressing or concealing of any presentment, Excommunication, or other Ecclesiasticall (*sic*) censure of or against Recusants, or any other offenders, or for not certifying of Recusants to the Ordinary, or for not seruing of Processe without a summe of mony, or other consideration, receiued or promised to any of them in that respect, and by whom?

2. Whether the Chancellor, Archdeacon, Officiall, or any other, vsing Ecclesiastical Jurisdiction within this Diocesse, their Registers or Apparitors, haue at any time winked at and suffered any Adulteries, Fornications, Incests, or any other faults or offences presented vnto them to passe, and remaine vnpunished, and vncorrected for Money, Rewards, Bribes, Pleasure, Friendship or any other partiall respect?

3. Whether the Chancellor, Archdeacon, or Officiall haue called for, or caused the Churchwardens to make, bring, or to pay for any more Bils of presentment, then is to the 116 Canon appointed?

4. Whether hath any Chancellor, or Archdeacon, or Officiall, or any other, exercising Ecclesiasticall Jurisdiction within this Diocese, or any Register, Apparitor, or Minister, belonging to the same Ecclesiasticall Courts exacted extraordinarie or greater Fees then heretofore of late haue beene accustomed: and whether is there a Table of the rates of all Fees set vp in their seuerall Courts and Offices: and whether doe they or any of them exact or receiue greater or more Fees then are therin expressed: or whether they or any of them haue taken vpon them the Office of Informers or Promoters to the Court, or any other way abused themselues in their Offices, contrarie to the Law and Canon in that case prouided?

5. Whether hath the Chancellor, Archdeacon or Officiall increased the number of his Apparitors, or appointed any Apparitor aboue the vsuall number, and wherein & in what manner is the Countrie ouer-burdened and grieued by the said Apparitors. And whether doth any of the said Apparitors cause any parties to appeare in the said Courts, without first a presentment or citation obtained from the Judge of the Court?

Articles concerning Schoolemasters.

What Recusants Papists are there in your Parish, and whether doe any of them or any other, keepe any Schoolemaster in their House, who commeth not to Church to heare Diuine Seruice, and receiue the Communion? what is his Name, and how long hath he taught?

2. Whether the Schoolemaster or Schoolemasters within your Parish openly or priuately in any house, or in any other place, bee of good and sincere Religion (that is, of the Religion established in this Realme) life and conuersation, and bee diligent in teaching and bringing vp of youth, and whether they haue beene examined, allowed and licenced for Schoolemasters by the Lord Bishop of this Diocesse, or his Chancellor?

3. Whether your Schoolemaster or Schoolemasters doe themselues receiue the holy Communion as often as they ought to doe? And whether doe all their Schollers which be of age sufficient, and of capacitie by instruction to receiue the Lords Supper, come to the Communion, either in your Church, or where their Parents dwell, once euery yeere, be diligent to heare common Prayer?

4. Whether your Schoolmaister or Schoolmasters either priuate or publike, do teach their Schollers the Catechisme authorized by publike authoritie, at least once euery weeke, and doe instruct & examine them in the same? And whether do they reade vnto their Schollers priuately any vnlawfull Bookes, or priuatly instruct them in their young yeeres in Popery, Superstition, Schisme, or disobedience, or contempt of his Maiestie, and his Lawes Ecclesiasticall, by publike authoritie allowed?

5. Whether your Schoolemaster or Schoolemasters within your Parish doe teach his or their Schollers any other Grammer, then that which is commonly called the Kings Grammer, set forth by the authoritie of King *Henrie* the eight? And whether they be negligent in instructing their Schollers in the Catechisme & grounds of Religion, and in bringing them to Church to heare diuine Seruice, and Sermons? whether doe they instruct their Schollers in any other Catechisme then is allowed by publike authority? and whether are they common Officers, Farmers, Artifices, (*sic*) or otherwise entangled in other affaires, that they cannot benefit their Schollers in learning?

Articles concerning Parishioners and others of the Laitie.

Whether any in your Parish, or elsewhere neere abut the same, to your knowledge, or as you haue heard, hath affirmed that the King hath not the same power in all causes Eccleasistical, (*sic*) which the Kings of *Israel* had, and which the Christian Kings and Emperours had in the Primitive Church? or that hath impeached or gainsaid his Royall Supremicie?

2. Whether doe you know, or haue credibly heard of any within your Parish, that depraue the Christian Religion, and namely, as it is established by publike authority, and professed within the Church of England? And whether hath any person, as you haue heard affirmed, that the Church of England is not a true Catholike and Apostolike Church, and doth not teach and maintaine the Catholike faith and doctrine of the Apostles?

3. Whether hath any said and affirmed, that any thing in the Booke of Common Prayer, or in the Booke of Articles of Religion, set forth by the Conuocation, *Anno* 1562, or any of the Rites and Ceremonies established in the Church of England, are corrupt, wicked, Antichristian, superstitious, vnlawfull, or repugnant to the Scriptures?

4. Whether hath any affirmed, preached, or taught, the forme of making and consecrating Bishops, Priests & Deacons, or any thing therein contained, is not agreeable to the Word of God? or that the gouerment of the Church vnder the Kings most excellent Maiestie by Archbishops, Bishops, or others that beare any office therein, is Antichristian, or not agreeable to the Word of God, or that hath spoken any reproachfull or disgracefull speeches of the Kings Maiesties Courts Ecclesiasticall, or the proceedings thereof?

5. Whether any in your Parish hath or doth prophane the Lords day, called Sunday, or other Holiday contrary to the Orders of the Church of England prescribed in that

behalfe? or whether any persons haue lurked or tippled in Tauerne or Ale houses on Sundayes or other Holidayes, or vsed his or their manuall craft or trade, or any bodily labour, or kept their shops open vpon the same dayes, or any of them, especially in the time of Diuine Seruice?

6. Whether hath any in your Parish brawled, quarrelled or stricken, or vsed any violence vnto or with your Minister, or any other person in the Church or Churchyard, or vsed himselfe disorderly in the Church or Churchyard by filthy & prophane talke, or any other rude and immodest behauiour?

7. Whether is that due reuerence and humble submission vsed within your Church or Chappell in the time of Diuine Seruice, as by the 18. Canon is prescribed, and whether each one in the Church or Chappell doe apply and order himself there in time of Diuine Seruice as by the latter part of the same Canon is most commendably enioyned?

8. Whether doe the Churchwardens & Questmen euery Sunday and Holiday diligently search who absenteth himselfe or her selfe from the Church? or whether doe they suffer any to abide in the Churchporch or Churchyard in the time of common Prayer or Sermon?

9. Whether the Churchwardens and Questmen or any of them, haue forborne (for money, reward, fauour, or affection) to present any that were or be negligent in comming to Church, or whom they haue found as idle persons abroad, either in the Churchyard or streets in the time of Common Prayer, or Sermons on the Sunday or Holidayes? or any that haue not receiued the Communion yeerly at the Feast of Easter, or within a moneth after, according to the Canons?

10. Whether the Churchwardens doe prouide against euery Communion, with the aduice of the Minister, a sufficient quantitie of fine white Bread, and of good and wholesome Wine, for the number of Communicants that shall receiue, and that to be brought in a cleane and sweet standing Pot or (*sic*) Pewter or of other pure Metall?

11. Whether haue any in your Parish beene Godfathers or Godmothers to their owne children? or whether your Minister or any Godfathers or Godmothers haue vsed or doe vse any other forme, answere or speech in Baptisme, then is by the Booke of Common Prayer appointed? or doe giue the children baptized any name absurd or inconuenient for so holy an action? Or whether any which haue not communicated, haue bin admitted to be Godfathers or Godmothers contrarie to the 29 Canon?

12. Whether doe all Fathers, Mothers, Masters, and Mistresses, cause their Children, Seruants and Apprentices, to come to the Catechisme on the Sundayes and Holidayes before Euening Prayer, to heare, and to be instructed and taught therein? and those that doe not their duties herein, you shall present their names?

13. Whether haue you or your Predecessors Churchwardens there, suffered any Playes, Feasts, Banquets, Church-Ales, Drinkings, or any other prophane Playes to bee kept in your Church, Chappell, or Churchyard, or Bels to bee rung superstitiously on holidayes or Eues, abrogated by the Booke of Common Prayer.

14. How many Inhabitants within your Parish, men or women aboue the age of sixteene yeeres, do refuse to frequent Diuine Service, established by the publike authoritie of this Realme, or to receiue the holy Communion, or are negligent therein? or comming to Church doe depart before the end of diuine Seruice or Sermon? what bee their names, and of what degree, state, or trade of life are they? you are to persent (*sic*) them all of each sort.

15. Whether doe any of the said Inhabitants within the said Parish entertaine within their Houses, any Soiorners, Lodgers, or any common resorts and guests, who refuse to frequent diuine Seruice, or receiue the holy Communion, as aforesaid? what be their names, and of what qualitie or condition are they?

16. Whether any of the said Popish Recusants be of insolent behauiour, not without publike offence, or doe boldy busie themselues in seducing or withdrawing others, eyther abroad or in their owne Families by, instructing their children in Popish Religion, or by refusing to entertaine any especially in place of greatest seruice or trust, but such as concurre with them in opinion of Religion? and what be their name that so doe?

17. How long the said Popish Recusants haue obstinately abstained either from Diuine Seruice, or from the Communion as is aforesaid, whether of any long time, or only since his Maiesties Raigne, and how many moneths?

18. Whether there bee any Popish Recusants maried, or the childe of any Recusant Christned, or any Recusant buried within your Parish, by any other than the Minister of the Parish, or whether the childe of any Recusant remaine vnbaptized aboue one moneth or be not baptized in the Parish Church?

19. You shall present how the children of such as refuse to come to Church, are brought vp vnder what Schoolemaster or Tutor when and in what Schoole or place?

20. What persons aforesaid within your Parish, either for the offence aforesaid, or for any other contumacie or crime doe remayne Excommunicated? what be their names? and for what cause, and how long haue they so stood Excommunicated? and whether doe any familiarly vse the company of such as doe obstinately stand Excommunicate knowing the same, and what be their names?

21. Whether were your Churchwardens and Questmen chosen by the consent of the Minister and Parishioners and whether haue the Churchwardens before you giuen vp a iust account for their time, of their Receipts and Disbursments, and deliuered you whatsoeuer mony or other things, or goods, or stocks of the Church, which was in their hands? and whether doe you diligently see that al the Parishioners doe duely resort to their Church euery Sunday and Holiday, and there continue the whole time of Diuine Seruice, and suffer none to stand idle, or walke or talke in the Church, Churchporch, or Churchyard, during that time?

22. Whether doe all persons aboue the age of sixteene yeeres, vsually resort to heare Diuine Seruice vpon Sundayes and Holidayes approued? and whether hath each one of your Parishioners (being aboue the Age of sixteene yeeres, as aforesaid) receiued the holy Communion thrice this last yeere, and chiefely once at Easter last in your Parish Church kneeling? If no, then you shall present their names, which haue not so done.

23. Whether haue you a fit Parish Clarke aged twentie yeeres at least, of honest conuersation, and sufficient for reading and writing, and whether he be paid his wages without fraud, according to the ancient custome of your Parish? if not, then by whom is hee so defrauded and denied? and whether is he chosen by the Parson or Vicar, or by whom? And whether is your said Clarke approued and admitted by the Lord Bishop of this Diocesse or his Chancellor.

24. Whether haue any in your Parish bin maried within the prohibited degrees forbidden by the Law, and expressed in a certaine Table published by Authority in *Anno* 1563, if yea, then you shall present their names; and whether is the said Table publikely set vp in your Church, and fastned to some conuenient place there?

25. Whether doe any heretofore diuorced, or maried and not diuorced, keepe company at bed & boord as man and wife with any other man or woman, then with the person that he or shee was maried vnto? what be their names? when and where they were maried? and how long haue they so continued together? and whether any Husband and Wife in your Parish are apart each from other?

26. Whether haue you in your Parish to your knowledge, or you haue heard by common fame and report, any which haue committed Adulterie, Fornication or Incest, which haue not beene publikely punished to your knowledge? if yea, then with whom? Or any man that hath attempted the chastitie of any Woman, or any, who haue committed Incontinencie together before they were maried? Or any in your Parish suspected to be Bawdes, harbourers or receiuers of such persons, or suspected of any of the crime aforesaid? if yea, then with whom?

27. Whether haue you any in your Parish, which are by common fame and report, or vehement suspition reputed & taken to be common Drunkards, Blasphemers of Gods holy Name, common and vsuall swearers, filthy speakers, railers, sowers of discord amongst their neighbors, or speakers against Ministers Mariages, Vsurers contrarie to the Statute made in the 37. of King *Henrie* the Eight Simoniacall persons, Fighters, Brawlers, or Quarrellers in Church or Churchyard? you shall not faile to present their names.

28. Whether haue any in your Parish receiued or harboured any Woman with Childe, that was not before a Housholder in your Parish, or gotten with Childe out of Wedlocke, and suffered her to depart againe without punishment first inflicted by the Ordinary? You shall present aswell the party harbouring as harboured, and who is suspected to be the Father of the Childe? and who hath helped to conuey her away?

29. Whether any person or persons suspected or detected heretofore of Incontinencie, and therefore departing out of your Parish for a season, is now returned againe, or in what place else is he or shee now abiding to your knowledge, or as you haue heard? And whether he or shee hath done any Panance (*sic*); or else escaped without penance,

and by what and whose meanes? You shall not faile to present the whole truth in that behalfe.

30. Whether haue you any in your Parish which liue together as Man and Wife and yet are not knowne by whom, where, or when they were married? And herein you are especially to enquire of those who are Recusants, or whereof the on of them is a Recusant or Sectary, present your knowledge herein, and what the common fame or report is among your Neighbours?

31. Whether any within your Parish, or else-where within this Diocesse, haue retained or kept in their custodie, or reade, sell, vtter, disperse or to (*sic*) deliuer to any others any English or Latine Bookes or Libels, set forth or Printed either on this side or beyond the seas, by Papists or Sectaries against the Kings Supremacy in causes Ecclesiastical, or tending to Popery, Puritanisme, or any other Sect, error or heresie, against the true and Catholike Religion and Doctrine now publikely professed in this Church, or the Gouernment or Discipline of the Church of England established by Authority, that you know or haue heard of, what their names and sirnames are?

32. Whether haue you in your Parish any which heretofore being Popish Recusants or Sectaries, haue since conformed themselues and come to Church to heare Diuine Seruice, and receiue the Sacrament? if yea, then who they are? and how long since haue they so conformed themselues? and whether doe they still abide in that conformity?

33. Whether are their (*sic*) in your Parish any Wills not yet proued or goods of the dead dying Intestate, left vnadministred by Authoritie of the Ordinary in that behalfe? And whether any possesse the goods of any person deceased without authority from the Ordinary? you shall not faile to present the Executors and all other culpable therein, and how many persons possessed of any Goods or Cattels haue died within your Parish since the second of Aprill now last past? And present their names.

34. Is there any Legacie giuen to the Church or to other good and godly vses, as reliefe of the Poore, Orphants, poore Schollers, poore Maidens Mariages, Schooles, High-wayes, and such like which is not yet performed? if their (*sic*) be any such you shall present what you know or can learne thereof, and by whose default the same is not performed?

35. Whether any of your Parishioners hauing a Preacher to their Parson, Vicar or Curate, do absent themselues from his Sermons and resort to any other place to heare other Preachers, or refuse to receiue the holy Commuion (*sic*) at their Ministers hands? and whether any other Minister hath receiued to the Communion any of your Parish? & specifie the names both of the Minister and of the Parishoners?

36. Whether there be in your Parish any Inholders, Ale-house-keepers, Victuallers or Tiplers that suffer or doe admit any person or persons into their houses to eate, drinke, play at dice, cards, Tables, bowles, or such like games in the time of common Prayer or Sermon on Sundayes or Holidayes? or any Butchers, Victuallers, Mercers, or any of any other Trade or Occupation, vse to keepe their Shop windowes open, or sell their meates, victuales, ware or marchandices, or otherwise vse their Trade or Ocupation on Sundayes or Holidayes, especially in the time of Common prayer or Sermon? & whether any Markets or selling of wares be vsed or suffered in any Churchyard on the Sunday, by common packmen or Pedlers going about, or any Butcher?

37. Whether any maried woman within your Parish, after Childbirth, refuse or neglect to come to Church to giue God thankes for her safe deliuerie, & to haue the Prayers publikely appointed on that behalfe by the Booke of Common Prayer?

38. Is there any in your Parish who refuse to haue their children baptised, or themselues to receiue the Communion, at the hand of your Minister, because he is no Preacher? or whether any keepe their children longer vnbaptised then is conuenient, vnlesse it be for the sicknesse of the childe, or other vrgent occasion? or whether any doe carrie their childe or children from their owne Parish to any other Parish to be baptized, and to what other Parish? who baptised such a childe, and whose childe it was? and whether haue you in your Parish any child or children which are not yet knowne to you or to your Minister to be baptised, and herein you are especially to enquire of the children, whose Parents or one of them are Recusants?

39. Whether doe you know or haue heard of any Patron in your Parish, that hath made gaine by any colour, deceit, or Simoniacall compact in bestowing his Benefice for gaine or receiuing money, or promise of the Lease of the whole or part, or by reseruing his own Tithes, or any pension to himselfe or any other?

40. Whether the Almes houses or Hospitals in your Parish, are well and godly vsed and ordered according to the foundations and Ordinances of the same, and whether there be any other placed in them, then poore, impotent, and needie persons that haue not wherewith or whereby to liue? and by whose default are they not so ordered and kept?

41. What Midwiues haue you in your Parish, of what skill are they accounted of for that Office, and whether are they licensed by their Ordinarie to execute the same?

42. Whether haue you any in your Parish that practise Physicke or Surgerie, of what skill are they accounted for their profession, and whether doe they practise without a particular license from the Lord Bishop of this Diocesse or his Chancellor?

43. Whether haue any of your Parish dying Excommunicate, or wilfully destroying himselfe, beene Buried in the Church or Churchyard, by whom and by whose procurement?

44. Whether any in your Parish hath or doe refuse to contribute towards the reparation of the Church, and to the prouision of such things as belong thereunto?

45. Whether the fift of Nouember be kept in your Parish with Prayer and Thanksgiuing to Almighty God, in such forme as is by publike Authoritie appointed for those dayes?

46. Lastly if you know any other matter of Ecclesiasticall cognizance, worthy the presentment in your iudgement, heretofore in these Articles not expressed, and which is fit to be reformed by Ecclesiasticall Censure, you shal likewise Present the same by vertue of your Oathes.

FINIS.

[WRITHINGTON WHITE,] ARCHDEACON OF NORFOLK, 1630 [and 1632.]

ARTICLES to be enquired of by the Church-wardens and Sworn-men within the Archdeaconry of NORFOLK.

Anno Dom. 1630. *
W. L. *Officiall.*

The form of the oath.

You shall sweare that you will truely and faithfully execute the offices of church-wardens and quest-men within your parish. That you will make diligent enquiry and true presentment from time to time of all offenders and offences punishable by the laws and censures of the church, so farre as you shall know or heare by any common fame according to your articles here given you in charge. So help you God.

Touching the church.

Whether is your church or chappel with the chancel thereof, and vestry, and every part of either of them, well and sufficiently repaired, the windows well glazed, the floores paved plain and even, and without anything noisome or unseemly?

2. Whether is your churchyard well fenced with walls, rails, pales, as hath been accustomed? if not, whose default is it?

3. Whether hath there been any fighting, chiding, brawling, quarrelling; any unseemly meetings, or other prophane usage in your church, or churchyard?

4. Whether is the mansion-house of your parson, vicar, or curate, with all the buildings thereunto belonging, your parish almes-house and church-house sufficiently repaired, maintained, and to godly and their right uses employed.

5. Whether haue you in your church the bible in the largest volume, the book of common-prayer lately authorized by his Majesty, the books of homilies allowed, the psalters, a convenient pulpit for the preaching, a decent seat for the minister to say service, conveniently placed, a strong chest with an hole in the lid, and three locks and keyes; one for the minister, the other for the church-wardens, for the almes of the poore, and the keeping of the register book of the christenings, marriages, and burials?

6. Whether have you in your church a font of stone for baptisme, set in the ancient usuall place: a decent table for the communion conveniently placed, covered with silk or other decent stuff in time of divine service, and with a faire linen cloth over that at the administration of the communion?

7. Whether have you all such bells, ornaments, and other utensils as have anciently belonged to your church, a communion cup of silver, with a cover: a faire standing pot or stoop of pewter or purer mettall, for the wine upon the communion table: a comely surplice with sleeves: a register book of parchment for christenings, marriages, and burials?

8. Whether are weekly the names and surnames of all persons married, christened, and buried, and of their parents with the day and yeare, entred in your said parchment-book

* No title-page. These Articles were re-issued *verbatim* in 1632, in both cases without any name.

for christenings, marriages, and burials? and is every leaf being full, subscribed by you the minister and church-wardens?

9. Whether are the ten commandements set up in the East end of the church, and other chosen sentences of holy scripture upon the walls in convenient places? is there a table set up of the degrees of marriage allowed? are all your seats in your church in good repaire, cleanly kept, conveniently placed, and the parishioners in them, or elsewhere orderly set? and is there no contention or striving for any seat or place among them?

Touching the ministrie, service, and sacraments.

1. Whether is the common prayer said or sung by your minister both morning and evening distinctly and reverently, every sunday and holyday, and at convenient and usuall times of those dayes, and in most convenient place of the church for the edifying of the people?

2. Whether doth your minister observe the orders, rites, and ceremonies prescribed in the book of common prayer, in reading the holy scriptures, prayers, and administration of the sacraments, without diminishing, in regard of preaching or any other respect, or adding anything in the matter or form thereof?

3. Whether doth your minister on wednesdayes and fridayes, not being holydayes, at the accustomed houres of service resort to the church, and say the Letany prescribed? And doth your clerk or sexton give warning before by tolling of a bell on those dayes?

4. Whether is your curate allowed by the Ordinary under his hand and seal, to serve for your cure? and whether doth he serve two churches or chappels in one day?

5. Whether doth your minister in saying the publike prayers, and administring the sacraments, weare a decent surplice with sleeves? being a graduate, doth he weare therewith a hood, by the order of the Universities agreeable to his degree?

6. Whether doth your minister, having notice given him, diligently visit the sick, the disease not being infectious? doth he instruct and comfort them? doth he then move them to make their testament, remember the poore, and other works of charity? and the passing bell tolling, doth he then neglect his last duty?

7. Whether hath your minister refused to baptize any childe brought to the church upon any sunday or holyday, or to bury any corps brought into the church or church-yard, or to church any women, having had convenient warning thereof?

8. Whether hath your minister, being truely enformed of the danger of death of any infant unbaptized, and being desired to go to the place where the childe is, to baptize it, neglected to go; by means whereof the childe died unbaptized?

Touching parishioners.

1. Whether be there any abiding or resorting to your parish, that be known to defend or maintain any hereticall or schismaticall opinions, contrary to the holy scriptures of God: or do openly or secretly impugne or dislike the publike worship of God, or the rites and ceremonies now established in the church of England: or do affirm the same to be such as godly men may not with good conscience approve?

2. Whether doth any in your parish prophane, violate, or mispend the sabbath, or holyday, or any part of them, using any offensive conversation, or worldly labour in those dayes, or any of them?

3. Whether hath any in your parish disturbed the service or sermon any way, or departed out of the church during the service or sermon? or have any slept, or sat with their hats on in time of divine service?

4. Whether do all parishioners receive the holy communion thrice every yeare at the least, whereof the feast of Easter to be one? and have all being of the age of 16 yeares duely received, or not?

5. Whether have any persons, once lawfully married, forsaken each other, or do live asunder without the authority of the Ordinary? or do any being divorced or separated marry again, the former wife or husband yet living?

6. Whether have any been married in the times wherein marriage is by law restrained, without lawfull license, *viz* from the saturday next before Advent unday, untill the fourteenth of January; and from the saturday next before Septuagesima-sunday, untill the munday next after Low-sunday; and from the sunday before the Rogation-week, untill Trinity-sunday?

7. Whether hath any of your parish unreverently used your minister? or have any laid violent hands upon him, or disgraced his office and calling, by word or deed?

8. Whether have you any common resorters to your church, which are not of your parish? or do any such receive the communion amongst you? what be their names, and of what parishes are they?

9. Whether have any in the time of divine service opened their shops, exercised their trade, used any gaming, been in any tavern or alehouse, or otherwise ill employed?

10. Whether are there in your parish any adulterers, fornicators, incestuous persons, bawds, receivers, close favourers, conveyers away, or which suffer to depart any incontinent persons unpunished, any blasphemers, common swearers, drunkards, ribauds, usurers, malicious slanderers, scolds, or sowers of discord, or any defamed of the said crimes?

11. Whether do any refuse to pay to the reparations, ornaments, and other things required in your church, as they are cessed by a lawfull vestry; or any dwelling out of your parish, which hold land in your parish?

12. Whether have all women in your parish delivered of childe, come at convenient time after to church to give thanks? and have they been churched according to the form of the book of common-prayer?

13. Whether hath the perambulation of the circuit of your parish been observed once every yeare? If, not whose default is it.

14. Whether have there been any secret conventicles or meetings in your parish by any priests, ministers, or others, tending to the depraving of the form of prayer, doctrine, or government of the church?

15. Whether have any in your parish given the church-wardens, or side-men, or any of them evil words, for doing their duty according to their oath and conscience, in making presentment for any fault?

Touching church-wardens and sworn-men.

1. Whether do any in your parish take upon them to be church-warden or side-man, which is not lawfully chosen by the minister and parishioners, according to the canon? or do any continue in that office longer then one yeare, except they be chosen again? and are all such officers chosen yearely in Easter week?

2. Whether do your church-wardens within one moneth at the most after their yeare ended, before the ministers and parishioners give up a just account of all such money, and other things, as they have received and bestowed? Have they delivered all remaining in their hands belonging to their church or parish, by bill indented, to be delivered to the next church-wardens?

3. Whether have the church-wardens with the advice of the minister, from time to time provided a sufficient quantity of fine white bread, and wholesome wine, for the number of communicants?

4. Whether have any church-wardens, lost, sold, or detained any goods, ornaments, bells, rents, or implements of the church, or made any alteration without leave from the Ordinary.

5. Whether do you the church-wardens and side-men, about the midst of divine service, usually walk of the church, and see who are abroad in any alehouse, or elsewhere absent, or evil employed? and have you presented all such to the Ordinary.

6. Whether do you know, or have heard a fame of any offence committed by any of your parish before your time, and heretofore not presented? and have you presented the same.

You must also present any matter or cause which is a breach of the Ecclesiasticall law, although it be not here expressed: for better knowledge whereof you are diligently to peruse the book of Canons, and Statutes, enabling Ordinaries or their Officialls to punish offences there specified.

FINIS.

ARTICLES, *Temp. CAR. I.*, OF BISHOP WILLIAMS, OF LINCOLN, after 1630. [*Title wanting.*]

ARTICLES TO BE ENQUIRED OF WITHIN THE DIOCESSE OF LINCOLN.

1. Concerning Churches repaires, utensills, emoluments, *and abuse of Church and Churchyard.*

Church. Chancell. Churchyard.

Whether is your Church or Chappell, and the Chancell sufficiently repaired in the walls, roof, seats, pavement and windows; and also the parsonage or vicaridge houses? And whether is the churchyard decently fenced with rales, pales, or walls, and by whose default are any of these in decay; either of the Minister, lay-person, appropriator, farmer, or parishioner? Set down the names of those in whose time, or by whose means the said decayes were made, or suffered to be made.

Church books.

2. Whether have you in your Church or Chappell, a large Bible, a book of Common prayer by his Majestie confirmed, two Psalters, the book of Homilies allowed by authority, *Erasmus* his

paraphrases, Bishop *Jewels* works, a conuenient pulpit and a pulpit cloth, a decent seat for the Minister & Clerk, a chest for the Register book to be kept in with three locks and keies, whereof the Minister is to have one, and also a poore mans box after the same manner?

Pulpit. Ministers seat. Chest with three locks. Poore mans box.

3. Whether haue you a decent Font with a cover for Baptisme, and a decent Communion table with two covers, one of silke, or some fine stuffe, another of linen, a faire surplesse with sleeves, a Communion silver cup, and a stoop for the wine, sufficient bells and bell ropes for ringing? And whether have you had any necessaries or ornaments of your Church now fallen into decay as bells, organes, or chimes, or a clock, or lofts to sit in, maintenance for singing, or any such like? and by whom are any of these withheld or taken away, or who have defaced, broken down, or taken away, any decent ornaments in your Church?

A Font. Communion table. Surplesse. Communion cup. Bells and bell ropes.

4. Whether have you the ten commandments faire written, and set up in the East end of your Church, and the table of the degrees of matrimonie set up also in your Church?

The ten Commandments & table of degrees of matrimonie set up.

5. Whether be the walls of your Church whited, and faire and discreetly written with chosen sentences of holy Scripture?

Church walls whited. Scripture sentences written.

6. Whether have you a book of Canons of 1603? and doth your Minister read them publickly once every yeare?

The book of canons to be read.

7. Whether have you a Register book in parchment of them that be christened, married, and buried, from the first yeare of the late Queen Elizabeth, untill this time? And whether every Sabbath day next after such christning, marriage, or buriall, doth the Minister in the presence of the Churchwardens therein write the names of the parties, and also the day and yeare of such christening, marriage, and buriall, had the week before? And whether haue the Minister and Churchwardens subscribed their names to the end of every page being full?

Regist book.

8. Whether is the said Register book laid up again, and kept in a sure chist under three locks and three keies? and who do keep the said keyes? and who hath kept the said Register book this last yeare? And you are to bring or send your certificates of christnings, marriages, and burialls to the visitation, and to deliver them to him who shall execute the office of Register to the lord Bishops visitors there, and to subscribe them as the Canon requireth.

Register book how it is kept.

9. Whether have any ministers, or lay-persons, changed, usurped, or inclosed any of the glebe, or taken away any part of the building belonging to the Church, parsonage, or vicarage, or do detain from the Parson or Vicar any tithes, glebe-land, duties, or profits, which you know, or have heard have belonged, within the memorie of man, unto the parsonage or vicarage? And whether is there any land or medow anciently employed or set apart for the Churches use converted now, or taken away to temporall use?

Glebe land changed.

Tithes or profits detained.

10. Whether have any built or encroached upon any part of the Churchyard, without sufficient authority from the Ordinarie?

The Churchyard encroached, or built upon.

11. Whether have there been in your Church, Chappell or Churchyard, any plaies, gaming at bowls, tennis, football, or any other playing. Either any feasts, Church-ales, temporall courts, leets, or any other profane usage there, and by whom?

Gaming and playing, and feasts in Churchyards.

12. Whether hath any person or persons made or set any tumbrells, or other things in your churchyard to fodder cattell in?

Tumbrells made in the Churchyards to fodder cattell in.

13. Whether is the grasse in your churchyard, or any part thereof eaten by swine, or other noysome cattell? and to what use doth your Minister, or other person to whom the Churchyard belongeth, employ the same? And whether have you seen any swine or other cattell in your Churchyard since you were Churchwardens? and whose swine or cattell, and what kinde of cattell were they?

Swine and other noysome cattell in Churchyards.

14. Whether is your Churchyard annoyed or profaned by hanging of clothes, or bleaching of cloth, or laying of rubbish, dung, or durt therein, or the like? And whether is there any other use or uses made thereof then the buriall of the dead? and what use and uses?

Churchyards annoyed and profaned.

15. Whether have any trees been cut down in the Churchyard, and by whom, and how employed?

Trees cut down in Churchyards.

2. *Concerning the office and duty of the Minister alone.*

1. Whether is your Parson or Vicar resident upon his benefice, and whether doth he use a Curate, and whether is the Curate lawfully admitted to holy orders, and licensed by the Ordinarie under his hand and seal, to serve the cure in that place, and have you seen such license? And hath the Curate a competent stipend for his maintenance?

The Ministers residence. The Curates admission.

2. Whether hath your Minister more benefices then one, and how farre distant? doth he serve one cure himself, and there diligently preach? and hath he a sufficient preacher for his Curate in his absence at the other, and doth allow him competent wages?

The cure served by the Minister or by a Curate.

3. If your Minister be not a preacher, whether doth he procure monethly sermons to be made by some able licensed preacher? And whether doth he when there is no sermon read an homilie?

Monethly sermons. Homilies.

4. Whether is there any publick fame in your parish of any simonie which your Minister hath used directly or indirectly, or any money or other reward which he gave to his patron, or any other for his living?

Simonie.

5. Whether doth your Minister every Sunday and Holy day, and on their eves, sing or say distinctly in due time and place, the prayers and seruice, according to the book of Common prayer, without addition or omitting anything, or altering any thing?

Prayers duely to be said.

6. Whether doth your Minister say or sing the Letanie in your parish Church upon wednesdaies and fridaies, causing a bell to be tolled thereunto: and whether doth he give warning of the Holy dayes, fasting dayes, and the Ember weeks? And whether doth he warn the perambulations? And whether hath he and the parishioners kept the same perambulations, and who hath neglected the same?

Letanie to be read upon wednesdaies and fridaies, and a bell to be tolled. Holydayes and fasting dayes to be warned. Perambulations to be warned and kept.

7. Whether doth your Parson, Vicar, or Curate expound any Scripture, or preach, not being thereunto licenced? And whether is your Minister licensed to preach or no, and by whom?

The Ministers license to preach.

8. Whether doth your Minister before his sermon, lecture, or homilie, pray for the King's Majestie, giving him his lawfull title, and just stile; and commend our gracious Queen Marie, and Royall Prince Charles in his prayers to Almighty God, following that form of prayer prescribed in the 55. Canon? And whether doth he alwaies end his prayer with the Lords prayer saying, *Our Father which art*, &c.

The Ministers prayer before his sermon.

9. Whether doth your Minister misbehave himself in preaching or praying, so that the congregation are offended thereat: and whether doth he teach publickly opposite doctrine against any other Minister, or any other Minister against him? Declare the points as neare as you can, And whether doth the Minister observe the late orders and articles appointed by the King's Majestie?

Ill demeanour or opposition in preaching.

10. Whether have you any single lecture or preaching by any but your own Minister? Whether have those Preachers or Preacher lawfull authoritie from the Lord Bishop? what stipend have they, and from whom? Whether doth the said Lecturer read prayers according to his Majesties late instructions, and conform himself to the orders of the Church of England according to the Canons? And whether doth he preach in his surplesse and hood, according to his degree?

Preaching by Lecturers.

11. Whether doth the Minister every Sunday and holy day, catechize the younger sort in the parish? what other catechisme doth he use then that in the book of Common prayer? And whether doth he admit any to the Communion that cannot say the catechisme appointed by the book of Common prayer?

Catechizing.

Private meetings and fasts.

12. Whether doth your Minister keep any private meetings for prayers, or teaching (other then with his own families) or any private fasts or exercises, or exorcising to cast out divels without lawfull authoritie.

Oppugners of the government of the Church of England and of the rites used therein.

13. Whether hath your Minister or any other in your parish in their sermons preached any seditious doctrine, or oppugned, or spoken against the doctrine, orders, or ceremonies of the Church of England, as against the Kings supremacie, the government of the Church the book of Canons, the communion book, kneeling at the communion, crosse in baptisme, surplesse, ring in marriage, the bowing at the name of JESUS, or any other of the rites authorized?

Wearing the surplesse and hood.

14. Whether doth your Minister use the rites and ceremonies, and other orders appointed by the laws and canons of the Church & realm, in the administring of the sacraments and service; as a comely surplesse with sleeves, and upon it an hood (if he be a graduate) sutable to his degree, the crosse in baptisme, and the ring in mariage, and the rest?

Three communions at the least to be warned yearly.

15. Whether doth the Minister warn, and celebrate so many communions, that every parishioner may receive thrice at the least in the yeare, and especially once at Easter?

Communion administered to them that kneel not.

16. Whether doth your Minister administer the Communion, *viz.* either the bread or wine, to any but those that do receive it kneeling, and to whom, and after what manner.

Excommunicated persons admitted to the communion. Not excommunicated persons rejected from the communion.

17. Whether hath your Minister, admitted any excommunicated or suspended person to the communion? and whether hath he rejected any from the communion that were not notorious offenders, or excommunicated? and for what cause did he reject them?

Marriages in the time prohibited.

18. Whether do you know or have heard of any married in your Church at the times prohibited, or not being thrice asked in the Church, or without a lawfull license, or in an unlawfull place, or house, that is, not between eight and twelve of the clock in the forenoon; or where the parties or one of them under one and twenty yeares of age, had not the consent of their parents? And who were those parties? The time prohibited is from the saturday next before Advent sunday, untill the 14. of January, and from the satudray (*sic*) next before Septuagesima sunday, untill the munday next after Low sunday, and from the Sunday before Rogation week, untill Trinitie Sunday.

Marriage within the degrees forbidden.

19. Whether have any been married within the degrees forbidden? and whether have any been married in your Church, neither partie dwelling in your parish? and what is the name and names of the same parties? and what Minister married them? and who were present at the same marriage? Declare the truth upon your oaths.

A woman unlawfully with childe married.

20. Whether hath your Minister wittingly married any couple, the woman being then publickly noted, suspected, or famed to be with child unlawfully? and when, and whom, the same parties not having first done penance, nor procured license from the Ordinary?

Minister neglecting to visit the sick.

21. Whether doth your Minister visit the sick, or neglect to go and comfort them, or to minister the Communion to them; or to baptize a childe that is in danger, having no lawfull impediment?

His resorting to alehouses, &c. Doing servile labour.

22. Whether doth your Minister too frequently resort to taverns, or alehouses, or use any unlawfull games? or doth he use any servile labour, as carting, plowing, &c., or the like?

The Ministers apparell.

23. Whether doth your Minister use canonical, modest, and decent apparell, according to his ability, and that without curiositie, or new-fanglednesse? and doth he weare in his journeys a cloak with sleeves, commonly called a Priests cloak, without gards, long buttons, or cuts, according to the Canon?

His cloak in his journeys.

Ministers wearing wrought night-caps.

24. Whether doth your Minister use any quoif or wrought night-cap contrary to the Canon?

A book of excommunicated and suspended persons to be kept.

25. Whether doth your Minister keep a book, wherein he noteth and writeth down the names of all persons excommunicated, and suspended in your Church? And whether doth he every sixe moneths openly denounce in his parish-church, every such person of his parish, as doth persevere in that censure of excommunication, not seeking to be absolved? And what are the names of all those that stand either excommunicated or suspended in your parish? And whether is any such person admitted into the Church, without a sufficient certificate of his absolution?

The commination to be read.

26. Whether hath the form of commination against impenitent sinners, been read in your Church to the people, according to the book of Common Prayer?

The fifth of November to be celebrated.

27. Whether doth the Minister warn & celebrate the fifth day of *November?* and whom do you know in your parish that refuseth to celebrate the same.

Godfathers admitted before they have received the Communion.

28. Whether hath your Minister admitted any to be Godfather or Godmother to any childe at christening, before such person so undertaking have received the holy Communion?

3. *Duties concerning the Minister and parishioners.*

Standing up at the belief, &c.

1. Whether do the Minister and parishioners stand up at the reading or saying of *Glory be to the Father,* &c. at the saying of the Belief and reading of the Gospel? and whether do they bow and make low reverence at the name of JESUS, as is enjoyned by the Ecclesiasticall laws of this Realm? And you are to present the names of those that have neglected to do so.

Bowing at the name of JESUS.

Sufficient bread and wine for the Communion.

2. Whether do the Churchwardens, with the advice of the Minister, provide a sufficient quantitie of fine white bread, and also of wholsome wine for the number of Communicants? and whether is the same wine brought in a fair pot or stoop of pewter, or purer mettall?

Baptisme deferred.

3. Whether have any deferred the baptizing of their childe any longer then till the next Sabbath or Holiday after the birth thereof?

Children dying unbaptized.

4. Whether hath any childe died unbaptized in your parish, and how long did it live after it was born? and by whose default was that sacrament not administred.

Popish and schismaticall conventicles.

5. Whether have you heard of any in your parish that keep Popish or other schismaticall conventicles, private fasts or exercises? And you are to present the names both of the speakers and hearers.

Papists, Anabaptists, Brownists, Recusants.

6. Whether are there in your parish any Popish, Anabaptisticall Brownist, or other Recusant, or Noncommunicant; or who labour to pervert others to their opinions?

Private or publick marriages without banes or license.

7. Whether have any persons been married either secretly in any private house, or openly in the Church, without sufficient license or banes thrice published in the time of divine Service, three severall Sundayes or Holidayes before the congregation? who were present at such marriage? and what Minister did marry them?

Man and wife living asunder.

8. Whether doth any man or woman married together, live from their husbands or wives? and which of them is in default as you have heard?

Fasting dayes not observed.

9. Whether do you know or have heard of any that observe not the abstinence or fasts (by the Laws and Canons commanded and warned in the Church) of the time of Lent, Ember-weeks, Fridayes and Saturdayes, and holy Eves?

4. *Concerning parishioners alone.*

Diligently resorting to Church.

1. Whether do all and singular dwellers and sojourners within your parish diligently resort to your parish Church (with their servants and children) to morning and evening Prayer upon every Sunday and Holiday? and whether do they with due attention orderly there

abide during the whole time of Common prayer, Service, and Sermon, reverently behaving themselves, as well inwardly, as also by outward gesture of their bodies, in keeping their heads uncovered, in kneeling, standing, and other decent behaviour as is appointed?

Observing of the Sabbath. Profaners of the Sabbath.

2. Whether have your people observed the Sabbath day duly in all sobernes and godly conversation? or be there any which have profaned the same, by playing at cards, tables, foot-ball, dauncing, bowling, excessive ringing, immoderate drinking, or other foolish delight, or vain pleasure.

Rude behaviour in the Church.

3. Whether have any rudely behaved themselves in the Church, by walking, talking, laughing, sleeping, or keeping their hats on their heads in time of divine Service?

Departing out of the Church in prayer time.

4. Whether have any (without just cause) departed out of the Church in time of divine Service, Sermon, or celebration of Baptisme?

Not kneeling at the receiving of the Communion.

5. Whether have any parishioners neglected to kneel at the receiving of the Communion? and whether have they received it any other way then kneeling? and how?

Churching of women.

6. Whether have you any women which have not decently and orderly come to the Church with a vail or other grave attire, thereby discerned from the rest of the company, (to give God thanks after child-birth) giving the Minister notice thereof before?

Forrainers resorting to your Church.

7. Whether have you any common resorters to your Church being not of your parish? or do any such receive the Communion with you?

Excommunicates.

8. Whether do any in your parish wittingly converse with excommunicate persons? what excommunicate persons have been buried in your Church or churchyard?

Parishioners going to other churches.

9. Whether do any of your parishioners accustome to go to other Churches, and to leave their own?

Non-communicants. Refusing to be catechized.

10. Whether have any above seventeen yeares of age not received thrice in the yeare the Communion; or any under that age refused to be catechized by their Minister?

Ministers abused. Beating or quarrelling in the Church or Churchyard.

11. Whether have any abused your Minister by blows or unreverent speeches? or beaten, quarrelled, or chided with any man in the Church or churchyard?

Parishioners decently seated.

12. Whether be your parishioners conveniently placed and seated in your Church? and whether do any contend touching their places? and do any servants or youth prevent the housholders of their seats?

Negligent comers to Church. Neglect of catechizing.

13. What persons do you know, that come not diligently to Church on Sundayes and Holidayes to heare prayers; or which usually come late after prayers be begun? or which refuse or neglect to send their children and servants to be catechized?

Inhabitants in chappelries.

14. If you have any Chappels of ease in your parish, whether do the inhabitants resort once a yeare at the least to the parish church, to receive the Communion?

Delaying to be married after matrimonie contracted.

15. Whether have any contracted matrimonie (upon your knowledge, or by fame) and do not proceed to the solemnization thereof?

Possessors of dead mens goods without authoritie.

16. Whether are there any in your parish who occupie or enjoy any goods of any man deceased, not having proved his Will, nor taken administration of his goods where there was no Will made?

5. *Concerning Free schools, Hospitals, Parish-clerks, Physitians, Chirurgions, and Midwives.*

Employment of the revenews of free-schools & hospitals, &c.

1. Whether is there in your parish any free-school, or any moneys, rents, stocks, lands, or houses, given or anciently employed, or set apart for the maintenance of a school, or of an hospitall, or the repairs thereof? Whether are the said moneys, or lands, &c. so employed as they were bequeathed? or whether are they detained or usurped to any other use? and by whom?

Schoolmaster licensed or not.

2. Whether have you any Schoolmaster, or Usher in your parish? What is his name? and whether is he licensed by the Ordinarie? and whether is he of sound religion, and honest conversation?

Schoolmasters office to their scholars.

3. Whether doth your Schoolmaster catechize his scholars in the grounds of religion according to the catechisme in the book of Common prayer, and cause them discreetly to behave themselves in the church on Sundayes and Holidaies in time of divine Service, and catechizing?

4. Whether is your Church or anything thereto belonging annoyed, by teaching scholars there? and doth your School-master teach there without the consent of the Minister and Parishioners?

The parish clerks sufficiency.

5. Whether is your Parish-clerk above twentie yeares of age, and sufficient for his place? and whether is he able to read distinctly, and to sing and write? and whether is he diligent in his office? and whether is he admitted, approved of, or licensed by the Ordinary to execute the same office, or no? and what are the profits of his clerkship yearely worth?

Medling above his office.

6. Whether doth the Clerk or any person not authorized meddle above his place, as to read prayers, bury the dead, church women, and such like?

His dutie.

7. Whether doth the Clerk or Sexton keep clean the Church, ring the bels, attend the buriall of the dead, and all other things belonging to his place?

Proclamations of lay-businesses made in the Church.

8. Whether hath your Parish-Clerk, or any other in Prayers time, or before Prayers or Sermon ended, before the people departed, made proclamation in your Church touching any goods strayed away or wanting; or of any Leet-court to be held, or of common-dayes-works to be made, or touching any other thing, which is not meerly ecclesiasticall, or a Church-businesse?

The Clerks wages unpaid.

9. Whether do all the parishioners pay their accustomable wages and duties to the Clerk and Sexton? And what be their names that refuse?

Physicians and chirurgions not licensed.

10. Whether are there in your parish any not known Doctors of that profession, that practise physick? or Chyrurgions, and who are they? and whether are they authorized or licensed or no? and how, and by whom?

Midwifes not licensed.

11. Seeing it is much imputed to Ecclesiasticall officers, that the ancient cognizance of the Church in examining the sufficiencie and honest demeanour of Midwives, and approbation of them in their office is almost altogether neglected, no other Court taking notice thereof, and so no difference being made betwixt them that are able and sufficient, and others who by inexperience and want of skill, are causes, that either woman or childe, or both do perish; and besides this inconvenience, many of the unworthier sort of that profession [are] instruments to cover adulteries and incontinencies, and other misdemeanours, either in doing their offices too secretly, or not using due examination appertaining to them, at time of deliverie of women justly suspected of the crimes abovesaid. You shall therefore enquire and present what women in your parish do practise the art or skill of midwifery, not being approved and licensed thereunto: and set down their names and descriptions. And if there be diverse in your parish, signifie them that are most worthy in your opinion to be approved and allowed.

6. *Notorious crimes committed by any within the Ecclesiasticall cognizance.*

Adulterours fornicators, &c.

1. Whether have you any which to your knowledge, or by common fame, have committed incest, adultery, or fornication, either any malicious or uncharitable persons, bauds, common drunkards, usurers, brawlers, slanderers, swearers, cursers, blasphemers, common scolds, ribaulds, perjured persons, or such like?

Harbourers of fornicators.

2. Whether have any received, conveyed, or harboured any light or lewd women, or any unlawfully begotten with childe, or vehemently suspected thereof, and have suffered them to depart before they have performed penance enjoyned by the Ordinarie.

Fornication before marriage.

3. Whether is there in your parish any woman unlawfully gotten with childe before her marriage, or which is thereof vehemently suspected? And whether is there not a publick fame that some mean person hath been procured to marry such woman, and cover the fault of the true offender? And declare by whom, as the fame goeth.

Penance unperformed.

4. Whether have any of your parish which have heretofore committed fornication, gone or departed out of your parish before they performed and did penance for the same? and with whom did they last dwell before such their going and departing out of your parish? and where are they now?

Children christened out of their own parish.

5. Whether have any childe or children been born in your parish, which have not been christened in your parish church? and where were the same childe or children christened and by whom? And whether have any children been christened in your Church upon any other day then Sunday, or an Holy day, or at other time of the day then in prayer time on those dayes, unless it were upon necessary occasion?

Sorcerie, &c.

6. Whether have you any which by common fame use witchcraft, sorcerie, charms, unlawfull prayer or invocation in Latine or English, or any that resort to such for counsel or help?

Drinking in prayer time.

7. Whether have any Inkeepers, Alewives, Victuallers, or Tiplers, received harboured, or suffered any person to eat, drink, stay, or play in their houses in time of Common prayer, Sermon, or Homily, on Sundayes or Holidayes? And what persons were so received, harboured, or suffered? and have they sold forth any drink or victualls at the like time? And have any of your parish loytered, or been gaming abroad at the same time?

Shopkeepers profaning the sabbath, &c.

8. Whether have any laboured, wrought or gone to cart on the Sunday or Holiday? and have any artificers, Shoomakers, Chandlers, Mercers, Butchers and the like, set open their shop windows, or doores, or used their trade, or any manuall occupation upon any of those dayes, or have sold any wares or goods belonging to their trade, in the time of Prayer, Sermon, or Homilie upon any Sunday or Holiday? and who were the same that did so?

Mills grinding in prayer time.

9. Whether have you in your parish any water mills, winde-mills, fulling-mills, or other mills which have been suffered to grinde or go upon the Sabbath day, in prayer time, or any other time or part of the day? and by whose sufferance do they so grinde or go? and whether have you any cloth hung upon tenters, or laid out to be bleached upon the Sabbath day unnecessarily, or to the offence of the congregation?

Sesments unpaid.

10. Whether do any refuse to pay their sesments lawfully made to the repairs and ordinary charges of the Church, whether they dwell within your parish, or without, having or occupying goods or lands within it?

Churchwardens abused.

11. Whether have any miscalled, or railed upon any of the Churchwardens or Questmen, for doing of their duties according to their oaths?

7. *The Churchwardens duties.*

Churchwardens accompts.

1. Whether are your Churchwardens according to order and lawfully chosen? whether have the old Churchwardens accompted for what they received to the Minister and parish? And whether do they and the Sidemen meet to confer of these present or any former articles given them in charge, to make true presentments? or have they wilfully omitted to present known or famed offenders?

Former Churchwardens omitting to present.

2. Whether did the Churchwardens your predecessors faithfully present to their Ordinary from time to time all defaults and offences mentioned in these articles, which chanced in the time of their office? And what offences did they omit to present.

Church goods or ornaments lost.

3. Whether hath any Churchwarden or any other lost, sold, or detained any ornaments, bels, or implements of the Church, or any legacies bequeathed thereunto? or have they not given to the parishioners a true and perfect accompt of all things in their office?

Strangers preaching. A book to write strange preachers names in.

4. What strangers have preached in your Church this last yeare, and by whom were they authorized as Preachers? And whether have you a book on purpose to write their names in? And whether have they written their names in that book, and also therein expressed who gave them authority so to preach, that thereby it may be known who presumeth to preach that is not licensed? And whether did you see such Preachers license or no?

Churchwardens to search ale houses, &c.

5. Whether do the Churchwardens about the midst of divine Service, usually walk forth, and make search for such as are then abroad in the streets, or in taverns, or alehouses, suspected to harbour idle company?

Finis.

DAVENANT, ARCHDEACON OF BERKSHIRE, 1631.

ARTICLES ministred in the first Visitation of the Right Worshipfull Mr. Doctor Davenant, Archdeacon of Barkeshire in the yeare of our Lord God 1631.

Oxford, printed by *John Lichfield, Anno D.* 1631.

[Collated with the Articles as re-issued by Archdeacon Rives in 1635.]

The Oath of the Church-wardens.

You shall faithfully administer all such Church goods, as are or shall come to your hands, to the vse of your Church; and thereof make true and faithfull accompt at the end of your office, deliuering all that remaineth therevpon to your next successors. Also you shall diligently enquire of, and faithfully present, all such persons as you shall either vpon your owne knowledge, or by publique fame vnderstand, to be guilty of any offence or fault mentioned in any of the Articles aforesaid; or any other fault which is to be punished by the lawes Ecclesiasticall of the Realme. Wherein you shall not present any person for malice, hatred, or euill will, nor spare any for fauour, feare, or any corrupt affection: but you shall faithfully discharge your conscience, as men hauing the feare of God before your eyes and seeking the reformation of his Church, so God helpe you in Christ our Sauiour.

The Charge of the Church-wardens, for the performance of their duties, with directions for making their Bills of presentments, which if they observe not, the bill is to bee reiected.

Can. 129.

For the avoiding of such inconveniences as heretofore haue hapned by the hasty making of bills of presentments vpon the daies of the Visitation. The Church-Wardens are straightly charged that togeather with their Minister (if he will ioyne with them) they doe read ouer all these Articles distinctly and leasurely to the end they may before hand consider of euery particular Article and of the offences therein contained, as also of such persons as are or haue beene noted to offend in any of them and to frame their Bills of presentment accordingly before the Visitation, for the making whereof wee giue these further directions.

1. That euerie bill be made in a faire large peece of paper of that quantity that there may be and so shall be made a particular answere to every Article.

2. That in the Front or beginning of every bill the name of the parish, the names of the Churchwardens and Sidemen, and the day of the moneth, and yeare of the Lord when the bill is exhibited, be inserted and writ downe.

3. That to euery such bil, euery person that is to subscribe therevnto, subscribe his owne name or marke and not by a deputie.

4. *That whereas the most necessary Statutes Canons and Iniunctions are set downe in the margent for their perfecter and fuller instructions. They shall diligently compare those Statutes and Canons with the seuerall Articles. A straight accompt thereof wil be required at the Visitation.

Articles concerning the Church.

Inprimis whether your Church or Chaphells, (*sic*) with the Chancells thereof, bee sufficiently repaired, as well in Stone, Timber, Lead, Tyle, Glasse, as all other necessary things, and if they be not, through whose default is the same omitted?

Can. 82.

2. Whether the walls of the Church and Chancell, bee within whited and beautified with fruitfull sentences of the holy Scripture, are they kept cleane and decently at all times, and especially against the time of divine Service, and paued plaine and even in the body of the Church and Chancell, with convenient seats placed for the necessary vse of the Parishioners in time of divine service.†

* *Art.* 4 *omitted*, 1635. *The marginal references are omitted throughout.*

† and are your towers, steeples, belfries, and bell frames, sufficiently repaired. *Added*, 1635.

3. Whether you haue in your Parish Church, or Chappell, all things necessary for the setting forth of Common prayer, and the administration of the Blessed Sacrament?* Namely the booke of Common Prayer, lately set forth by his Maiesties authority, the English Bible in the largest volume, and of the last translation, the two Tomes of Homylies? Haue you a table shewing what degrees of consanguinity and affininity (*sic*) are forbidden in Marriage, set forth by authority in the yeare of our Lord God 1563. Are the tenne Commaundements set vpon the east end of your Church or Chappell, where the people may best see, and read them? A convenient seat and Pulpet for the Minister well placed; a decent Table standing on a frame for the holy Communion, is it so vsed in or out of the time of Divine Service, or Sermon,† as is agreeable to the holy vse of it? Haue you a faire linen Cloath, to lay vpon the same, and some couering of silke Buckerome, or other such like, for the cleane keeping thereof? A comely communion Cup of Siluer, with a couer of siluer, for the same, a flagon of siluer or pewter; a decent Surplesse‡ with large sleeues? A Register booke of Parchment of Christenings,§ Weddings, and Burialls? A Font of Stone in some convenient place of the Church sweet and decently kept?‖ A sure coffer with three locks and keyes for the keeping of the said Register booke, and a strong chest or Box with three locks and keyes, to put in the Almes? And other things belonging to the premises?

Stat. 43 *Eliz. c.* 4. 4. ¶What legacies and other gifts haue beene giuen to the vse and benefit of your Church, who receiued them and in whose hands are they, are they employed according to their right vses as the donors intended, doth any detaine, or imbezill any of the Church goods, or any other gifts giuen to charitable vses, is there a note kept of them, and set downe in the Church booke.

Can. 4, 6, 7. 5. Is there any among you that impugneth the Publique worship of God, the rites, and ceremonies, or the Government Ecclesiasticall established in the Church of England? Hath any in your Parish defaced, or caused to be defaced, any ornaments or monuments of the Church?

Can. 6. 6. Whether is due reverence, attention, & humble submission vsed within your Church or Chappell, in time of divine service doth each one in your Church or Chappell so apply, and order himselfe there in time of diuine service, and administration of the blessed Sacraments, as the **constitution of our Church and the booke of Common praiers, doth wholsomely enioyne, examine the Cannon throughout, and consider duely how it hath beene obserued and put†† the defaults.

Can. 88. *Stat.* 5 *Ed.* 6. c. 4. 7. Whether hath your Church, Church porch, or Church-yeard beene prophaned by any plaies, feasts, banquets, Churchales, Maygames Morricedancings, drinkings, temporall Courts, or Leets, Layiuries, Musters, Fayres, Markets, selling of wares, or any vnlawful Games, as Bowling, Tennis, or the like? Are there any in your parish that haue fought, brawled, quarrelled, chiding, or vsed any violence in the Church, Church Porch, or church-yeard, what are their names?‡‡

Can 75. 8. Are your Church yeards well and sufficiently repaired, fenced and maintained with Walls, Railes and Pales, if not through whose fault is it omitted? Hath any person incroached vpon the ground of the church yeard, hath your church yeard beene decently kept, and vsed as a place consecrated to a holy vse, haue any cattell beene suffered to offend or annoy the same by foddering or soyling there or otherwise, are any hills of soile or compast cast vp there, if so, by whose fault is it so defiled, haue any treees growing in the Church yeard beene cut downe, if so, by whom and to what vse?

Stat. 31 *H.* 8. *c.* 3. [*altered in MS. to* 2 H. 5. c. 1.] 9. Whether there be any hospitalls or Almes howses in your parish and, whether the same be§§ vsed, kept, and ordered according to the Foundations, Lawes, and Statutes thereof, and in whom the fault is that they are not so vsed and kept.‖‖

Concerning the Clergie. *Can.* 41. 10. Whether your Parson or Vicar be now resident vpon his Benefice, if not how long hath he beene absent from you and where is he to your knowledge or as you heare,* to whom hath he let his benefice, whether to a sufficient curate or to a lay Farmer, and whether he not being resident vpon his benefice and being able yearely to dispend aboue twenty pounds by the said benefice hath yearely giuen and distributed to the reliefe of the poore and impotent of the Parish the fortieth part of the said benefice?

Stat. 13 *Eliz.* 20. 11. Whether doth your Minister preach vsually according to the constitutions either in his owne cure with you, or else in some other Church or Chappell neere adioyning, where no Preacher is, or how often hath hee beene negligent in that behalfe?

Can. 46. 12. Whether is your Minister a Preacher allowed, if yea, then by whom, if not, then whether doth he procure Sermons to be preached among you, once in every month at least, by such as are lawfully licenced, or whether is his liuing able to beare the charges thereof, also whether doth he read some one of the Homilies prescribed vpon euery Sunday when there is no Sermon Preached.

Can. 47. 13. If your Minister hath another Benefice, whether doth he supply his absence by a Curate that is sufficiently licensed to Preach in that Cure of his, whereon hee himselfe is not resident, or whether doe you thinke that the worth of that Benefice will beare the charge of it, yea or no, or otherwise in case he doth not finde a preaching Minister, there whereon he is not resident by reason of the smalnesse thereof, whether doth he preach at both his Benefices vsually himselfe?

Can. 48. 14. Whether is your Curate licensed to serue either by vs the immediat Ordinary of this Archdeaconrie, or the† Bishop of this diocesse in his ordinary visitation? And whether doth your Minister or Curate serue any more Churches then one, if yea, then wha other Cure doth he also serue.

Can. 49. 15. If your Minister be not licenced to Preach, as aforesaid whether doth hs (*sic*) take vpon him to expound the Scriptures either in his owne cure or else where, if yea, then you are to present him.

Can. 50. 16. Whether hath any Parson beene admitted to Preach within your Church or Chappell but such as you haue well knowne to be sufficiently licensed, whom haue you so admitted and by whom were they licensed, you shall present their names and how often any such haue beene so admitted to preach, and by whose procurement? And whether haue you caused euery such Preacher to subscribe his name, together with the day when he preached, and by whom he was licensed?

Can. 53. 17. Hath there beene any publike oppositionbetweene Preacher and Preacher, in your Church or Chappell, touching any Sermons of doctrine or otherwise, formerly preached by any other either in your Church, or in any other Church neere adioyning, for the avoiding of offence, and disquietnesse that may grow thereby, you are diligently to obserue the directions of the constitution in that behalfe providing?

Can. 54. 18. Is there any man heretofore licensed to preach that refuseth to conforme himselfe to the Lawes, Ordinances, and Rites Ecclesiasticall, established in the Church of England?

Can. 55. 19. Whether doth your Minister & such others as preach in your Church or Chappell or read any Lecture or Homily before and at the beginning of every such Sermon, Lecture or Homily, moue the People to ioyne with him in prayer in such manner and forme or to such effect as in the‡ constitution is prescribed, and if any haue omitted the same or any part thereof you shall present his name?

Can. 56. 20. Whether haue you any Preacher or Lecturer in your Parish, and whether if any such be doth he read himselfe divine service publikely in his surplesse, administer both sacraments with such Rites and ceremonies as are prescribed in the booke of common prayer according to the canon and his Maiesties Iniunctions.§

Can. 57. 21. Is there any among you that doe refuse to haue their children baptized or themselues to receiue the communion at the hands of your Minister because he is no Preacher.

---

* and such other things are there requisite. *Added*, 1635.
† or sermon] *Omitted*, 1635.
‡ a—Surplesse] two decent Surplesses. 1635.
§ is the Mothers Christian name therein Registered as well as the Fathers? *Added*, 1635.
‖ and couered. *Added*, 1635.
¶ *The following Article is added here in* 1635:
4. Whether haue you your accustomed number of Bells fit and serviceable for ringing, and how many are the Bells which now you haue? If the number of your bells are diminished, by whom and for what cause are they so?
** 18. *Added*, 1635.
†† put] present. 1635.
‡‡ *The following Article is added here, in* 1635:—
9. Whether is there any erecting of Pews, or innovating of seates in your Church by any priuate man of his owne authority; and what seats haue beene so built, by whose procurement and by what authority?
§§ duly repaired and. *Added*, 1635.
‖‖ who was founder, and who is visitor thereof? *Added*, 1635

* heare] haue heard. 1635.
† Lord. *Added*, 1635.
‡ 55. *Added*, 1635.
§ and are his Maiesties late instructions in all things duly obserued. *Added*, 1635.

Can. 58. 22. Whether doth your Minister weare the Surplice whilest he is saying the publique Prayers and Ministring the Sacraments? And if he be any Graduat, whether doth he then also weare vpon his Surplesse during the times afore said such a hood as by the Orders of the Vniversity is agreeable to his degree?

Can. 59. 23. Whether* doth your Minister everie Sundayand Holiday before evening Prayer for halfe an houre or more examine and instruct the youth and ignorant Persons of his Parish in the tenne commaundements, Articles of the beliefe, and in the Lords Prayer, as also in the Catechisme set forth in the Booke of common prayer? And whether doe all Fathers, Mothers, Masters and Mistresses cause their children, seruants and apprentices to come thither to heare and to be instructed and tought (*sic*) therin accordingly, and if either Minister or any of the rest of your Parish be faulty or negligent therein you shall not spare to Present them howsoeuer, *viz.* the Minister for his negligence in not taking paines, and the housholders with their servants for their carelesnesse in not sending or coming or refusing to learne.

Can. 62. 24. Whether hath your Minister without license first obtained, solemnized marriage betwixt any parties, the Banes not being three seuerall Sundaies or Holidaies first published in time of divine Seruice in the seuerall parish Churches or Chappells of their severall aboade, according to the Booke of Common-prayer, and that also betwixt the houres of eight and twelue in the forenoone? And whether

Can. 100. hath your Minister solemnized any marriage, betwixt any persons being vnder the age of one and twenty yeares, although the Banes be thrice asked before such time as the Parents haue made knowne vnto him their consent therevnto? And whether hath he married any of another Diocesse, who are they by what authority and when?

Can. 64. 25. Whether doth your Minister, vpon Sundaies at Morning Prayer, declare vnto the Parishioners what Holidaies, and fasting-daies, are appointed to be kept, the week following?

Can. 65. 26. Whether doth your Minister euery sixe Months denounce in his Parish, all Recusants, and such of his Parish, as doe persevere in the sentence of Excommunication, not seeking to be absolued? Whether hath he receiued any Excommunicate person into† Church without a certificate vnder seale from the Ordinary? And whether doth your Minister labour diligently to reclaime the Popish Recusants in his parish from their Errors?

Can. 67, 68. 27. Whether doth your Minister, or Curate resort vnto such as are dangerously sicke, to instruct and comfort them, doth he refuse or delay to Christen any childe, or to bury any corps that is brought to Church, according to the Booke of Common-prayer, hath hee deferred the Christening of any child being in danger of death, and being therevnto required?

Can. 71. 28. Whether hath your Minister, or any other vnder pretence of liberty, or priuiledge, or whatsoeuer else excuse, preached, baptized children except in time of great necessity, solemnized marriage, Churched any women, or ministred the holy

Can. 67. Communion, in any priuate house or houses, yea, or no, if yea, then where, whom, when, and how often hath he offended in any of the premisses?

29. Whether hath your Minister taken vpon him, to appoint any Publike, or priuate Fasts, any prophecies or exercises, or hath he, or any other person or persons within your parish, vsed to meete together in any private house or place, there to consult together how to impeach or depraue the book of Common-prayer, or the doctrine of the Church of England, or any way to depraue or impeach the discipline of the Church of England.

Can. 21, 22. 30. Whether doth your Minister administer the holy Communion, so often, and at such times as that euery parishioner may receiue the same at least thrice in euery yeare, whereof once at Easter, as by the booke of Common prayer is appointed? & whether doth your Minister celebrate the same in such manner and forme as by the proviso of the Cannon is directed, or wherein is he faulty? And whether is warning giuen by him before hand for the Communion.‡

Can. 28. 31. Whether your Minister hath or doth receiue to the Holy Communion, any persons which be not of his owne parish without testimony from the Ministers of the place where they dwell; and what they be? that it may appeare that they be not persons Excommunicate, Sectaries, or otherwise infamous.

32. Whether doth your Parson, Vicar, or Curate question, or *reiect any from the holy Communion, who is not by publike fame, or by presentment, of the Church-wardens detected for a notorious Fornicator, Adulterer, or other wicked liuer or a disturber of his neighbours by whom publike offence is giuen, and by such an offence iudged by his Ordinary, and whether he receiue any such person

Can. 26. so infamed or presented to the holy Communion before publike pennance inioyned by his Ordinary be by him first performed to the satisfaction of the congregation according to the Law in that case providing.

33. Whether doth your Minister, or Curate at any time administer the Communion, or Sacrament of the Lords Supper to any of his Parishioners, or other, sitting, or standing, but alwaies humbly kneeling, in the seuerall seats appointed in your Churches for the Communicants to receiue the same?

34. †Whether doth your Minister or Curate, administer the Sacrament of Baptisme rightly and duely, according to the forme expressed in the boooke (*sic*) of Common-prayer, with due observation of all rites and ceremonies prescribed in the administration of the same?

Can. 14. 35. Whether is the whole Seruice or Common-prayer read in your Church or chappell distinctly and reverently vpon all Sundaies and Holidaies, in such order as is set downe in the booke of common-prayer, without any alteration or omission, and at due and convenient howres: doth hee diminish divine Seruice, in regard of long Sermons, Prayers of his owne, or any other respect, or adde any thing in the matter or forme thereof of his owne conceipt and fancie?

36. Whether doth your Minister or Curate in the administration of the Blessed Sacraments, in the solemnization of Marriage, Buriall of the dead, Churching of women, *&c.*, vse the formes, prayers, and ceremonies prescribed in the Communion booke: as namely whether doth he administer the Communion first to himselfe kneeling, and vse the words of institution, according to the Booke without alteration, at every time when the bread and wine is renewed? Doth he make the signe of the crosse vpon the childs fore-head, in the administration of baptisme: baptize any without God fathers & Godmothers or admit any Fathers to be Godfathers in Baptisme, or children not Communicants?‡ Doth he vse the Ring in Marriage? If he haue omitted any of these through neglect, or otherwise, you are to present how often and in what nature he hath offended.

Stat. 1. *Eliz. c.* 2. 37. Whether your Parson, Vicar, or Curat, or any other within your Parish, or else where neere about the same, within the Archdeaconrie of Barke-shire, to your knowledge, or as you haue heard by common report, haue preached, declared, vttered, or spoken any thing in derogation or deprauing of the said booke of common prayer, or any thing therein contained, or against any doctrine, office, or calling Ecclesiasticall, within the Realme established by publike authority, or against the ordination or election of Arch-bishops, Ministers, deacons, or any of them, and what was the thing or fault found, vttered, declared, or preached, and by whom?§

38. Whether doth your Minister publikely read in your Parish Church, once euery yeare, vpon some Sunday or Holy day, the Canons and Constitutions Ecclesiasticall, made in the first yeare of our late Soueraigne Lord king James deceased, according to his said Maiesties order and commaundement set downe in the end of the said Canons.

Can. 74, 75. 39. Is your Minister or Curate so decent in apparell and sober in conuersation, as the constitutions enioyne,‖ is he not¶ suspected to be guilty of any notorious crime, as Simonie, adultery, blasphemy, periury, drunkenesse, idlenesse, vnseemely and vaine talke, and whether he be scandalous in his conversation, through brawling, fighting, quarrelling, peace-

Stat. 31. *Eliz. c.* 6. breaking, vnlawfull games, or haunting of places suspected, and not of good report? And whether your Parson or Vicar be knowne, suspected, or reported to haue bought his benefice, or come to it by any simoniacall compact, made either by himselfe or others directly or indirectly: or doe let out his liuing,

* are your afternoone Sermons turned into Catechising by question nd answere? *Added*, 1635.
† the. *Added*, 1635.
‡ at Morning prayer on the next Sunday before. *Added*, 1635.

* question or] *omitted*, 1635.
† *Art.* 34 *omitted*, 1635.
‡ Doth he baptize in any Bason or other vessell and not in the vsuall font? *Added*, 1635.
§ Or hath any man in your Parish, perswaded any Minister to alter the forme of common prayer, or the administration of the blessed Sacraments? *Added*, 1635.
‖ hath he commonly given himself to any base or servile labour. *Added*, 1635.
¶ not] *Omitted*, 1635.

or any part thereof to any in consideration that he hath obtained the same?

41. (*Sic*) Hath any in your Parish spoken scandalous, and reproachfull words against your Minister, to the scandall of his person, or Vocation, or against their Marriage or Wiues,* and what hath he spoken in derogation thereof.

Can. 76. 41. Is there any in your Parish, who hauing beene admitted into holy orders of Deacon, or Priesthood, doth relinquish, or forsake his calling and liueth in the course of his life as a Layman? Or any man being neither Minister or Deaton (*sic*) doth read common-prayer openly in the Church or Chappell, or practise any other Ministeriall duty in the Church, & what is his name that so doth.

42. Whether your Minister hath vsed the forme of thankesgiuing for any woman after child-birth, being vnlawfully begotten with child otherwise then in forme of a penitent person, *viz.*, in a white sheete, or other habite, prescribed by the Ordinary, or vpon any other day then a Sunday, or Holiday, or before sufficient caution taken, that she should not depart the Parish till she should performe such pennance as should be enioyned by the Ordinary.

Iniunct. 18, 19. 43. Whether your Parson, Vicar, or Curate doth vsually euery yeare in the Rogation weeke, goe with the Parishioners in the perambulations about the Parish, according to the custome and vse of auncient time, and doth say the prayers and suffrages appointed for the same, according to the late Queenes Maiesties iniunctions in that behalfe provided.

[13 Eliz. c. 10.] *Added in MS.* 44. Whether doth your Parson or Vicar well and sufficiently repaire and keepe their Parsonage or Vicarage houses in† reparations?

K Iniunct. 7. *Stat.* 21 *It.* (*sic.*) 8. *c.* 13. 45. Whether your Church, Parsonage or Vicarage bee void or no, and how long it hath so beene, who gathereth the fruits thereof in the Vacancy and by what authority? Is there any Noble man or any other of inferior order and degree that keepeth any Chaplaine in his house? if so, of what ranke and quality is he that so keepeth him?‡

Concerning schoolemasters. 46. Whether is there any free Schoole within your Parish, who was, or is the founder thereof, or hath the guift or nomination of the Schoole Master, what is his pension, who payeth it, and whether any goods or Reueneues belonging to the Schoole, be detained from it, and by whom?

47. Whether euery Schooole (*sic*) Master within your Parish in any Noble or Gentle mans house, or in any other place, be of good and syncere Religion, life, and conversation, and be diligent in teaching and bringing vp of youth, and whether they haue beene examined, allowed, and licensed for Schoole Masters, by the Ordinary in that behalfe, and what are their names, and of what degree in Schooles.

48. Whether doth your Schoole Master vpon Sundaies, and holy and Festiuall daies, bring their Schollers orderly to the Church, and there see them quietly and soberly to behaue themselues without disturbance

Can. 79. of the Minister or Parishioners, and doe they afterwards take an accompt of them, what they haue profited thereby? Doe they on other daies instruct their Schollers in the Catechisme, by law established, contained in the booke of Common praier.§

49. Whether the Schoole-master or Schoole-masters within your Parish, doe teach his or their Schollers, any other Grammar, then that which is commonly called the Kings Grammar, set forth by the authority of King *Henry* the eight?‖

Stat. 23 *Eliz. c.* 1. 50. Whether is there any person or persons in your Parish that doth keepe or maintaine any Schoole-master, which doth not repaire to Church; or are there any knowne, or suspected to read to their Schollers privatly, any vnlawfull bookes, or to instruct them in their young yeares, either in Popery, superstition, or disobedience or contempt to his Maiestie, and his Lawes Ecclesiasticall, by publike authority allowed?

51. What Phisitian or Chirurgion is in your parish vnlicensed, and being not a Doctor of Physicke in either of the Vniversities, doth practise Physicke: And what ignorant persons haue left their trade and taken vpon them to profess Physick or Chirurgery, and who be they that so abuse the People?

Can. 19. 52. Haue you a fit Parish Clarke, of twenty years of age at the least, that can write, read, and hath competent skill in Singing: is he diligent in his office,* doth he keepe the Church decently and the dores safely locked, so that nothing is lost, or spoiled by his default, doth he obserue due howers in the execution of his place, doth he at any time read divine Service or any part of it except the first Lesson; is his wages and the Sextons duely paid, as hath beene accustomed in your Parish?

Concerning Churchwardens. *Can.* 29. 53. Whether are the Church wardens chosen, by the Minister and Parishioners, according to the† Cannon: And whether any of the Church wardens so chosen be dwelling out of the Parish, or particular Hamlet or Village for which he or they were chosen, & in what other place are they or he residing? And whether hath any taken vpon him to be Church-warden not being chosen, but hired to execute the place, or otherwise hath any continued aboue one yeare in his office, without a new election?

54. Whether hath any Church-warden or Church-wardens‡ giuen vp a iust and perfect accompt of all such mony, as they haue receiued by vertue of their office, to the vse of the Church, and in the end of the yeare haue restored and satisfied the same to the next Church-wardens of the yeare following, without wast or diminution, except such part thereof, as they haue imploied and bestowed in Reparations, and the necessary vse of the Church?

Can. 90. 55. Whether haue the Church-wardens beene and are they diligent, to obserue and see that theP arishioners duely resort to the Church vpon Sundaies and holidaies, and there continue the whole time of Diuine Seruice, and to see & keepe order and decency in the Church in time of Common-prayer and administration of the Sacraments, that there be no disturbance, but sobernesse and quietnesse in the Church yeard and Church-porch?

56. Whether the Church-wardens, and sworne men your predecessors, haue of any priuate corrupt affection, concealed any crime, or other disorder, in their time done in your parish, and haue not presented the same to such Ordinary as had authority to reforme the same? And whether they or any of them at any such time as they should haue beene at divine Service, on Sundaies and Holidaies, and should there haue obserued others that were absent, haue beene away themselues, at home, or in some Taverne or Alehouse, or else about some worldly businesse, or at Bowles, Cards, Tables, Dice, or other gaming without regard of their office, and duty in that behalfe?

57. Whether you your selues or the Church-wardens in the yeare before you, haue suffered any vnmarried woman, being gotten with Child to goe out of your Parish, before she hath by you or them beene presented to your Ordinary; or any man defamed of whordome to depart vnpunished, and forth of whose houses haue they gone away with child vnpunished, and what be the names of such vnmarried women which haue beene deliuered within your Parish, and haue gone away without doeing of Pennance?

Stat. 3. *Jac. c.* 4. 58. Whether your Church-wardens doe leuy twelue pence of euery of the Parishioners, for every Sunday or Sabbath day that he or they absenteth himselfe, or their selues from the Church: And whether the same so leuied haue beene imployed to the vse of the Poore, according to the Statute in that behalfe provided? Present who hath offended herein and how often.

Can. 18. 59. Whether doe you know any of your Parish, that in contempt of his owne Minister, or for any other corrupt cause, doth resort to any other Church, to heare divine service, to baptize children, or to receiue the holy Communion, or any of convenient age, that doe not repaire to their owne Parish Church at the beginning of divine Service, and there reverently demeane themselues, devoutly kneeling when the generall confession of sinnes, the Lettany, the tenne Commandements and all prayers and Collects are read: and performe such duties as are in the Constitution required, who doe couer their heads in the Church during the whole time of diuine Seruice, or doe talke, walke, or goe out of the church before Divine Service is ended?§

60. Whether doe any in your Parish vse any gaming or pastime abroad, or in any house, or sit in the street, or Church-yeard, or in any Taverne, or Ale house vpon any

* their—Wiues] the marriage of the Clergy. 1635.
† sufficient. *Added*, 1635.
‡ Is there—keepeth him] *Omitted*, 1635.
§ and traine them vp with sentences of holy Scripture? *Added*, 1635.
‖ *The following Articles are added here, in* 1635:—
51. Is any liuing or meanes given toward the erection or maintenance of any Schoole, witholden or otherwise imployed and by whom?
52. Whether any keepe Schoole in the Chancell or Church, by which means, that holy place and the Communion Table are prophaned, and the Windowes broken?

* and obseruant to your Minister. *Added*, 1635.
† 29. *Added*, 1635.
‡ not. *Added*, 1635.
§ *The following Article is added here in* 1635:—
63. Whether there be any in your Parish who will come to heare the Sermon, but will not come to publike praiers, making a schisme or division (as it were) between the vse of publike praiers and preaching?

Sunday or holy-day, in the time of Common prayer, Sermon or reading of the Homilies, or any of them either before or after Noone?

61. Whether there be any Inkeepers, Alewiues, Victualers, or Tiplers, that suffer or admit any person or persons in their houses, to eat, drinke, or play at Dice, Cards, Tables, Bowles, or such like Games, in time of Common prayer, or Sermon on the Sundaies or Holydaies, or any Butchers or other Tradesmen, that vse to sell meat or other wares on any Sunday or Holyday especially in time of Common prayer, preaching or reading of Homilies? And whether any Faires or common Markets falling vpon the Sundaies, there be shewing of any wares: and whether any Markets and selling of Wares be vsed or suffered, in any Church-yeards on the Sundaies or Holydaies, or at any other time by common Packmen, or Pedlers going about or any Butchers or others?*

Can. 59. 62. Whether all housholders in your parish cause their children, servants & apprentises both mankind & womankind, being aboue seauen yeares of age & vnder twenty which haue not learned the Catechisme, to come to the Church on Sundaies and Holidaies at the time appointed for Catechizing, and there diligently and obediently to heare or answere, and what be the names of those that doe not cause their children,seruants and apprentises, so to come to the Church to be instructed and examined?

Can. 112. 63. Whether all the Parishioners, being aboue sixteene years old haue receiued the Holy Communion thrise for the yeare last past, and namely at Easter last, or receiuing haue not signified the same to the Minister in time convenient, that hee might examine them how they were instructed for partaking of so high Misteries?†

Stat. 3. *Jac. c.* 4 & 5. 64. Whether there be in your Parish any Recusant Papist, Brownist, or other Sectary whatsoeuer, that vseth or frequenteth any private conventicles, meetings or assemblies in any houses, barnes, woods, or any such like place vnder pretence to heare the Word preached, or the Scriptures expounded: or whether is there any one in your Parish, that hath resorting vnto him any Jesuits, Seminaries, or Massing priests, or any other reconciled to the Church of Rome, or that are knowne or suspected to conceale, or keepe hidden in their houses, any Masse Books, Chalices, Copes, or other ornaments of superstition vncancelled or vndefaced?

65. Whether there be any women within your Parish, which after childbirth refuse or contemne to come to the Church, in such decent sort and habit as hath beene aunciently accustomed to giue God thanks for their deliuery, and to heare‡ the praiers publikely appointed in that behalfe by the Booke of Common-prayer.

Stat. 3. *Jac. c.* 5. 66. Whether there be in your Parish any Popish Recusant, which hauing any child borne, did not within one month next after the birth thereof cause the same child to be baptized by a lawfull Minister, according to the Lawes of this Realme either in the open parish Church where the child was borne, or in some other Church neare adioyning, or Chappell, where baptisme is vsually administred?

67. Whether there be in any of your Parishes, any person or persons that hath stood excommunicated, and denounced for excommunicate persons, by the space of forty daies, and yet doe continue vnreformed, without feare of God, or danger of the Lawes; be diligent to present their names, and how long they haue so continued, & who keepeth company with such persons.

68. Whether there be any in your Parish, that doth administer the goods of those that be dead without lawfull authority, or any that suppresse the last will of the dead, or any executors that haue not fulfilled their testators last will in paying of Legacies giuen to the Church, or to other good and Godly vses, as to the reliefe of Pouerty, or Orphans, poore Schollers, poore Maidens Marriage, highwaies, and such like, and by whom they are so denied.§

69. Whether there be any in these parts‖ that haue beene married within the degrees of affinity or consanguinity by the Lawes of God forbidden, or any that being divorced or separated for the same, doe yet notwithstanding cohabite, and keepe company together, or any that being married without those degrees haue vnlawfully forsaken their wiues or husbands, and married others, any that being divorced or separated asunder, haue married againe, or any couples married that liue not together, but scandalously liue apart?

70. Whether there be among you any Blaspheamer of the name of God, great or often swearers, adulterers, fornicators, harlots, or Whore-masters, incestious persons, Bawds, or receiuers of naughty and incontinent persons or harbourers of women with child, which be vnmarried, conveying or suffering them to goe away before they doe any pennance, or any Vsurers, drunkards, ribaudes, or such that exercise Witchcraft, Sorceries, soothsaying and those that resort to them.

Finally by vertue of your Oath taken; you are to make true presentment of the names and surnames of all such person and persons as haue offended, or are commonly reported, or vehemently suspected to haue offended, according to the particular Articles aboue specified: you shall likewise detect and truely present any other crime or offence, which you know to be committed against any point of his Maiestes Lawes, statutes, Iniunctions and Ordinance Ecclesiasticall of this Realme which are not aboue mentioned: all which you shall present to vs and to no other Ecclesiasticall Judge, or Ordinary, vntill they happen according to custome, to hold their vsuall Visitation for this Archdeaconry.*

FINIS.

KENT, ARCHDEACON OF SUDBURY, about 1631.

ARTICLES to be ministred, and to be enquired of and answered in the visitation of the right Worshipfull Mr. Archdeacon of *Sudbury*, *Anno Dom.* 163 .†

Printed by *Th. Buck*, and *R. Daniel*, printers to the *Universitie* of *Cambridge*. 163 .†

[*Collated with* "Articles to be ministred in the Visitation "of Sir Nathaniel Brent, Knight, Doctor of the Civill "Law, Commissary Generall to the Lord Archbishop "of Canterbury, within the City and Diocesse of "Canterbury. London. Printed for Richard Thrale, "at the Crosse Keyes, by Paules Gate." N.D. but about 1632 or 1633.]

[The Churchwardens' Oath is the same as in previous Articles. The following paragraph is subjoined:—

You are also required to have speciall care to present all such as have or shall within your Church or Parish, offend against any of the Articles given in a book to the Churchwardens and Sidemn in every parish, at the late episcopall visitation for this Archdeaconry, *anno* 1630 (*altered in MS. to* 1638), especially those articles which are in the fourth chapter of the said book, concerning the saying and singing of diuine service in your Church.]

Book of Canons. 1. *Imprimis*, Whether have you in your Church‡ the book of Constitutions, or Canons Ecclesiasticall, ready to be read by your Minister, according to his Majesties pleasure, published by his Highnesse authoritie, under the great seal of *England*: and whether hath your Minister read the same, or any part thereof upon sundayes and holydaies in the afternoon before divine service, accordingly, yea or no.§

Articles of Religion. 2. *Item*, Whether is there any in your parish that doth impugne any of the articles of religion, agreed upon in *Anno* 1562; and established in the Church of *England*.

Pray for the King, Queen, Prince, &c. 3. *Item*, whether doth your Minister use to pray for the Kings Majestie, King *Charles*, and for the Queens Majestie,‖ the Prince, and all their royall progenie, with addition of such style and titles as are due and appertaining to his Majestie; and exhort the people to obedience to his Highnesse, and other Magistrates being in authority under him.

Impugne the rites and ceremonies. 4. *Item*, whether is there any in your parish that impugneth or speaketh against the rites and ceremonies established in the Church of *England*, or the lawfull use of them: you shall present their names.

---

* *The following Article is added here in* 1635:—
66. Doth your Minister duly read diuine Service on Wednesdaies Fridaies and Saturdaies & Holy-day eues, according to the law in that behalfe provided, and do the Parishioners duly resort thervnto?

† *The following Article is added here in* 1635:—
69. Whether the fift day of Nouember bee kept holy and thankesgiuing made to God for his Maiesties and this States happy deliverance, according to the ordinance in that behalfe.

‡ and say. *Added*, 1635.
§ and detained. *Added*, 1635.
‖ these parts] Your Parish. 1635.

* *The following paragraph is subjoined in* 1635:—
A true note in writing of these things following must be exhibited by the Churchwardens in the Visitation together with their Presentments.
A note of all summes of mony giuen by any Testament or otherwise to the vse of the poore of your Parish.
A copy of the Inventory of the goods and ornaments, and of the Bookes and Acts of Parliament, and of the Stocke of mony belonging to your Church.

† Filled up in MS. with the figure 9. The Articles appear to have been first issued in 1631.

‡ Church] severall Churches and Chappels. Brent.
§ no] not. Brent.
‖ and for—Prince] our Queene Mary, Prince Charles, the Lady Mary, with the Princesse Palatine of Rhine. Brent.

Impugne the Church-government.

5. *Item*, are there any in your parish that do impugne the government of the Church of *England*, under the Kings most excellent Majestie, by Arch-bishops, Bishops, Deans, Arch-deacons, and the rest that bear office in the same: affirming that the same is Antichristian, or repugnant to the word of God.

6. *Item*, whether any persons have lurked and tipled in taverns or alehouses on sundayes or other holydayes, or vsed his or their manuall craft or trade upon the said dayes or any of them,* and especially in the time of divine service.

Profaning the Lords day.

7. † *Item*, are there any in your parish that do, or have profaned (since his Majesties last generall pardon) the Lords day called sunday, or other holydaies contrary to the orders of the Church of *England* prescribed in that behalf.

Prescript form of divine service.

8. *Item*, whether is the prescript form of divine service, used by your Minister upon sundaies and holydaies, according to the book of common Prayer: and whether doth your Minister duly observe all the orders, rites and ceremonies prescribed in the said book of common Prayer, as well in reading publick Prayers, the Letany, as also in administring the Sacraments in such manner and form as in the book of common Prayer is enjoyned.

Brawling in Church or Churchyard.

9. *Item*, whether hath any person in your parish quarrelled or stricken, or used any violence unto or with your Minister, or any other in the Church or Church-yard, or used himself disorderly in the Church by filthy and profane talk, or any other rude and immodest behaviour.

Reverence in time of divine service and sermon.

10. *Item*, whether is that due reverence and humble submission used within your Church or Chapel in the time of divine service, as by the eighteenth Canon particularly‡ is prescribed: whether each one in the Church or Chapel doth apply and order himself there, in time of divine service, and sermon; neither departing out of the Church during the time of service and sermon.§

Resorting to the Minister in case of disquiet of minde.

11. ‖ Whether doth your Minister before the severall times of the administration of the Lords supper, admonish and exhort his parishioners, if they have their consciences troubled and disquieted, to resort unto him, or some other learned Minister, and open their griefs, that they may receive such ghostly counsel and comfort as their consciences may be relieved, and by the Minister they may receive the benefit of absolution, to the quiet of their consciences, and avoiding of scruple. And if any man confesse his secret and hidden sinnes, being sicke, or whole, to the Minister, for the unburthening of his conscience, and receiving such spirituall consolation, doth or hath the said Minister at any time revealed and made known to any person whomsoever, any crime or offence so committed to his trust, contrary to the 113 Canon? that he might be punished accordingly.

Bread and wine at the Communion.

12. *Item*, whether the Churchwardens do provide against every Communion with the advice of the Minister, a sufficient quantitie of fine white bread, and of good and wholsome wine for the number of the Communicants that shall receive; and that to be brought in a clean and sweet standing pot of pewter, or of other pure metall.

Ministring and receiving of the Communion.

13. *Item*, whether doth your Minister administer the holy Communion, so often, and at such time, as that every parishioner may receive the same at least thrice in every yeare, whereof once at Easter, as by the book of common Prayer is appointed: and whether doth your Minister receive the same himself on every day, before that he administreth it to others: and use the words of the institution, according to the book, at every time that the bread or wine is renewed, in such manner and form, as by the proviso of the 21 Canon is directed: or, wherein is he faultie: and whether is warning given by him beforehand for the Communion, as the 22 Canon requireth.

Offenders not to be admitted.

14. ¶ *Item*, whether hath your Minister admitted any notorious offenders or schismaticks to the Communion, contrary to the 26, and 27 Constitutions.

No strangers to be admitted.

15. *Item*, whether the Minister together with the Church-wardens and Questmen, do take diligent heed and care, not onely that all and every of your own parishioners do receive thrice in every yeare as aforesaid; but also that no strangers of any other parish do come often and commonly to your Church from their own parish Church: and you are now to present the names of all those, who being sixteen yeares of age or upwards, have not in their own parish received the Communion at or since Easter last.

Signe of the Crosse.

16. *Item*, whether doth your Minister use to signe the children with the signe of the crosse when they are baptized, according to the book of common Prayer: and whether hath he deferred, or wilfully refused to baptize any infant in his parish being in danger, having been duely informed of the weaknesse thereof: and whether the childe hath died in his default without baptisme: or whether hath he at any time refused or neglected to bury the dead, or to minister the Sacrament of the Lords Supper to any being in extremity of sicknesse having been required thereunto.

Refuse to baptize.

Residencie.

17. *Item*, whether is your Minister continually resident with you upon his benefice, or for how long time hath he been absent: and where is he resident for the most part, and what other benefice hath he.

Preaching according to the Canons.

18. *Item*, whether doth your Minister preach usually, according to the Constitutions, either in his own Cure with you, or else in some other Church or Chapell neare adjoyning, where no Preacher is: or how oft hath he been negligent in that behalf.

More Cures then one.

19. *Item*, whether doth your Minister or Curate serve any more Cures then one: if yea, then what other Cure doth he serve.

Licensed to preach.

20. *Item*, if your Minister be not licensed to preach, whether doth he take upon him to expound the Scriptures, either in his own Cure, or elswhere.

None to preach but licensed.

21. *Item*, whether hath any person been admitted to preach within your Church or Chapell, but such as you have well known to be sufficiently licensed.

Preachers to read service &c. twice a yeare.

22. *Item*, whether doth your Lecturer and Preacher, your Parson or Vicar read divine service, and administer the Sacraments in his own person, twice every yeare, observing all the ceremonies in the book of Common Prayer established.

Not to refuse the Communion because the Minister is no Preacher.

23. *Item*, is there any in your Parish that refuse to have their children baptized, or themselves to receive the Communion at the hands of your Minister, because he is no Preacher: you shall present their names. And if your Minister, since the publishing of the said book of Canons, hath received any such persons (being not of his own Cure) to the Communion, or baptized any of their children, you shall likewise present him.

Surplesse, hood, &c.

* 24. *Item*, whether doth your Minister wear the surplesse whilest he is saying the publick prayers, and ministring the Sacraments; and if he be any graduate, whether then doth he also wear upon his surplesse, during the times aforesaid, such a hood as by the order of his Universitie is agreeable to his degree.

Catechising.

25. *Item*, whether doth your Minister every sunday and holiday before evening prayer, for half an houre or more, examine and instruct the youth and ignorant persons of his parish, in the ten commandments, articles of belief, and in the Lords prayer, as also in the catechisme set forth in the book of common Prayer: and whether do all fathers, mothers, masters, and mistresses, cause their children, servants, and apprentises to come thither to heare and to be instructed and taught therein: and those that do not their duties herein, you shall present their names.

Unlawfull marriage.

26. *Item*, whether hath your Minister, without license from the Arch-bishop, the Bishop of the diocesse, or his Chancellour, or Commissary, solemnized marriage betwixt any parties, the banes not being three severall sundayes or holydayes first published in time of divine service in the severall Churches or Chapels of their severall abode, according to the book of common Prayer; and that also betwixt the houres of eight and twelve in the forenoon.†

Bid holydayes and fasting dayes.

27. *Item*, whether your Minister do every sunday bid holydayes and fasting-dayes, as by the book of common Prayer is appointed.

---

* dayes or any of them] dayes, or otherwise prophaned them, or any of them, in any sort. Brent.

† Art. 7. *Not in Brent.*

‡ canon particularly] Constitution. Brent.

§ during—sermon] in time of diuine Seruice, as by the latter part of the same constitution is most commendably injoyned. Brent.

‖ *Art.* 11. not in Brent.

¶ *Item*, whether doth your Minister administer the sayd Communion to any that doeth not humbly kneele at the receiuing of the same? What are the names of them that refuse to kneele at the receiuing thereof? *Added in Brent.*

* *Item*, whether are there any priuate meetings, assemblies, or conuenticles, either by day or by night, vsed or had within the Parish by any Minister or Ministers, or any Lay-persons tending to faction and Schisme? Declare the parties names, the places where, the times when, and how often haue you knowne any such meetings, assemblies, or conuenticles? *Added in Brent.*

† and furthermore, whether hath your Minister since the last Canons published solemnized any marriage betwixt any persons, being vnder the age of one and twentie yeeres, although the banes be thrice asked, before such time as the parents haue made knowne vnto him their consent therevnto; and whether hath hee married any of another Diocesse, who are they, and by what authoritie, and when? Brent.

28. *Item*, whether doth your Minister every six moneths denounce in his parish, all such of his parish as do persevere in the sentence of excommunication, not seeking to be absolved: and whether hath he admitted into the Church any person excommunicate, without a certificate of his absolution from the Ordinary, or his Substitute.

Denounce excommunicate persons.

29. *Item*, whether your Parson, Vicar, or Curate hath celebrated and said divine service and prayers in the Church when any person that he knew to be excommunicated, or denounced for an excommunicate person, was present in the same Church at that time among the congregation: and whether he hath suffered any excommunicated person (being a member cut off from the Church, and from Christian societie) to be partaker of those prayers; and hath not commanded the Churchwardens of the parish, or some other to put him out of the Church; or otherwise ceased from saying any divine prayers during the time of the presence of such excommunicated person thereat, and present: who hath offended herein, and how often.

Excommunicated persons not to be present at publick prayer in the Church.

30. *Item*, whether your Parson, Vicar, or Curate of any your Church or Chapel, (*) having received any excommunication, suspension, or aggravation from his Ordinary, or his Substitute, against of their parishioners, have presumed to make stay of, and not published such excommunication, suspension, or aggravation according to the tenour thereof the next Sunday or holyday after the receit of the same in your Church or Chapel at the time of divine service: if any be faulty herein, present their names, and how oft default hath been made in that behalf.

Staying the publishing of excommunications or suspensions.

31. † *Item*, whether doth your Minister, being a Preacher, indeavour and labour diligently to reclaim the Popish Recusants in his parish from their errours, if there be any such abiding there: and whether is he painfull in visiting the sick, according to the book of common Prayer.

Seek to reclaim Recusants.

Visit the sick.

32. *Item*, whether is your Parson, Vicar, or Curate suspected to frequent, or to be over-conversant with, or a favourer of Recusants, whereby he is suspected not to be sincere in religion.

Favourer of Recusants.

33. *Item*, hath any presumed to execute the office of a Minister, or Deacon, in your Church,‡ and to say and celebrate the divine service there, or to serve the Cure of your Parish, not being a Minister or Deacon. And whether any Deacon hath presumed to minister the Sacraments in your Church,‡ not having first received the full orders of Priesthood: if yea, present what his name is, where he dwelleth, and how often he hath offended herein.

Lay-persons executing the office of a Minister in the Church.

34. *Item*, whether is there in your Church or Chapel, one parchment register-book provided for Christenings, marriages, and burials: and whether is the same duely and exactly kept according to the Constitutions in that behalf provided.

Register-book.

35. Item, whether doth your Minister use such decencie and comelinesse in his apparell, as by the 74 Constitution is enjoyned.

Decencie in apparell.

36. Item, doth any take upon him to teach school in your parish without speciall licence of his Ordinary: and whether doth your schoolmaster bring his scholars to the Church to heare divine service and sermons: and whether doth he instruct them in the Catechisme.

Schoolmaster.

37. *Item*, whether have you provided the book of common Prayer § lately set forth by his Maiesties authoritie, and the book of Homilies: and whether have you in your Church or Chapel a font of stone set up in the ancient usuall place, a convenient and decent Communion table, with a carpet of silk, or some other decent stuffe, and a fair linen cloth to lay thereon at the Communion time: and whether is the same table then placed in such convenient sort, as that the Minister may be best heard in his prayer and administration, and that the greater number may communicate. To that end, doth it ordinarily stand up at the east end of the Chancell, where the altar in former times stood; the ends thereof being placed north and south? Is it at any time used unreverently, by leaning or sitting on it, laying hats upon it, or writing on it; or is it abused by any other profane or common use.* And whether are the ten commandments set upon the east end of your Church or Chappel, where the people may best see and reade them; and other sentences of holy Scriptures written on the walls also for that purpose.

Book of common Prayer, and things required in the Church.

38. *Item*, whether have you a convenient seat for your Minister to reade service in, together with a comely pulpit set up in a convenient place, with a decent cloth or cushion for the same: a comely large surplesse, a fair Communion cup of gold, silver, or other pure metall, and a cover agreeable for the same, with all other things and ornaments necessary for the celebration of divine service, and administration of the Sacraments, and also a convenient bier to carry the dead on.†

Things necessary for divine service.

39. *Item*, whether are your Church, or Chapel, and the iles, with the Chancell thereof, and your parsonage, or vicarage-house, and all other housing thereto belonging in good reparations, and decently and comely kept, as well within as without; the seats well maintained, a sure coffer with three locks and keys for the safe keeping of your Register-book: your Churchyards well fenced and kept without abuse: if not, through whose default, and what defects are therein.

Reparation of the Church, parsonage-house, &c.

40. *Item*, whether do you know, or have heard of any legacie by any mans will, or any gift otherwise given to the poore, to the Church, or to any other holy uses, and not performed, or bestowed according to his will and gift; and in whose hands the same doth now remain.

Gifts given to the use of the Church.

41. *Item*, how many inhabitants within your parish, men or women above sixteen yeares of age, be Popish Recusants, or do refuse to frequent divine service established by publick authoritie of this Realme, or to receive the holy Communion: what be be their names, and of what degree, state, or trade of life are they: you are to present them all of both sorts.

Recusants.

42. *Item*, how long the said Popish Recusants have obstinately abstained either from divine service, or from the Communion, as is aforesaid: whether any of long time, or onely since his Majesties reigne.

How long they have been Recusants.

43. *Item*, whether is your Minister a Preacher sufficiently qualified; and if he be, whether doth he from time to time offer quiet and temperate conference to reclaim the Popish Recusants from their errours; and whether they, or any of them do refuse such conference with your Minister, or any other Preacher, who shall present unto them his diligence in that behalf.

Whether the Minister seeks to reclaim the Recusants.

44. *Item*, what persons aforesaid within your parish, either for the offence aforesaid, or for any other contumacie or crime, do remain excommunicate, what be their names, and for what cause, and how long have they stood so excommunicate.

Excommunicate persons.

45. *Item*, whether were you the Churchwardens and Questmen chosen by the consent of the Minister and parishioners: and whether have the Churchwardens before you, given a just account for their time, and deliuered to you their successours whatsoever money or other things of right belonging to the Church that was in their hands: and whether do you, and every of you, diligently see that all the parishioners do duely resort to their Church every sunday and holyday, and there continue the whole time of divine service,and none to walk or stand idle, or talking in the Church or Churchporch, or Churchyard, during that time: and whether do all the parishioners and their families accordingly frequent their parish Church, and there behave themselves soberly, attentively, and decently all the time of divine service, yea or no: if no, then you shall present their names.

Church-wardens and Sidemen.

46. *Item*, whether do all persons above the age of sixteen yeares usually resort to heare divine service upon sundayes and holydayes appointed: and whether hath each one of your parishioners (being above the age of sixteene yeares aforesaid) received the holy Communion thrice this last yeare, and chiefly once at Easter last in your parish Church kneeling: if no, then you shall present their names which have not so done.

All resort to Church, and receive thrice a yeare.

47. *Item*, whether you have a fit parish clerk, aged twentie yeares at least, of honest conversation, and sufficient for reading and writing; and whether he be paid his wages without fraud, according to the most ancient custome of your parish: if not, then

Parish-clerk.

* Church or Chapel] Churches or Chappels. Brent.

† Art. 31. *not in Brent, who inserts the following in its place:* *Item*, whether is your Minister painefull in visiting the sicke, according to the booke of Common Prayer?

‡ your Church] any your Churches. Brent.

§ and the Bible of the new Translation. Brent.

* To that end—common use] *not in Brent.*

† and also—dead on] *not in Brent.*

by whom he is so defrauded and denied: and whether he be chosen by the Parson, or Vicar, or by whom.

Table for marriages. 48. *Item*, whether have any in your parish been married within the prohibited degrees forbidden by the law of God, and expressed in a certain table, published by authoritie in the yeare 1563: if yea, then you shall present their names. And whether have you the said table publickly set up in your Church, and fastened to some convenient place there.

49.* *Item*, whether all married persons in your parish do live together as man and wife ought to do.

Persons divorced. 50. *Item*, Whether do any heretofore divorced, keep companie with any other at bed and at board: what be their names: when and where were they married.

To give thanks after childe-birth. 51. *Item*, doth your minister use the form of thanksgiving to women after childebirth: and whether hath he admitted any thereunto that was begotten with childe in adultery, or fornication, without license of his Ordinarie. And whether have any married wives refused to come to Church vailed in a decent manner, as hath been anciently accustomed, to give God thanks after childbirth:† if any be faulty herein, you shall present their names.

Incontinent persons, drunkards, swearers, &c. 52. *Item*, whether have you any in your parish, to your knowledge, or by common fame and report, which have committed adultery, fornication, or incest, which have not been publickly punished to your knowledge: if yea, then with whom: or any man that hath attempted the chastitie of any woman, or hath solicited any woman to the intent to have the carnall knowledge of her body; or any in your parish to be bawds or receivers of any such persons, or suspected of any of the crimes aforesaid: Are there any that are, or by common fame and report are reputed and taken to be such persons, or to be common drunkards, blasphemers of Gods holy name, common and usuall swearers, filthy speakers, usurers, simoniacall persons, fighters, brawlers, or quarrellers in Church, or Churchyard: you shall not fail to present their names.

Harbouring incontinent persons. 53. *Item*, whether have any in your parish received or harboured any woman begotten with childe out of wedlock, and suffered her‡ to depart again without punishment first inflicted on her‡ by the Ordinarie: you shall truly present, as well the partie harbouring, as harboured, and who is suspected to be the father of her childe.

Wills. 54. *Item*, whether are there in your parish any wills not yet proved: you shall not fail to present the executors, and all others faulty and culpable therein.

Closets and close pews in the Church or Chancell. 55. § *Item*, Are there any privie closets or close pews in your Church or Chancell? are any pews so loftily made that they do any way hinder the prospect of the Church or Chancell, or that they which are in them be hidden from the face of the congregation: present the names of those that use such pews.

Hospitals and almes-houses. 56. *Item*, whether there be any hospitals, or almes-houses in any your parishes;‖ and whether the same be used, kept, and ordered according to the foundations, laws, and statutes thereof, and in whom the fault is that they are not so used and kept.

Perambulation. 57. *Item*, whether your Parson, Vicar, or Curate doth usually every yeare in the Rogation week, go with the parishioners in the perambulations about the parish, according to the custome and use of ancient time; and doth say the prayers and suffrages appointed for the same.

Gunpowder-treason. 58. *Item*, whether have you in your parish, the book published by authoritie, which containeth the form of prayer, with thanksgiving appointed for the fifth of November: and whether that day be observed and kept festivall,¶ as by a speciall act of Parliament, in that case provided, is appointed.

59. Do you know of any other matter of Ecclesiasticall cognisance worthy the presentment in your judgement, which you hold fit to be reformed: if you do, you shall likewise present the same by vertue of your oaths aforesaid.

FINIS.

* Art. 49 *not in Brent.*

† vailed—childbirth] according to the Booke of Common Prayer, to giue God thankes after childbirth, in such vsuall and decent manner, as anciently hath bin accustomed? Brent.

‡ her] them. Brent.

§ Art. 55 *not in Brent, who inserts the following in its place:—*
Item, whether you know in any your Parishes, any Witches, Southsayers, Conjurers, Charmers, Sorcerers, or any that be suspected for such persons: present their names, and what speciall hurt they haue committed?

‖ any your parishes] your Parish. Brent.

¶ Item, whether—festiuall] Item, whether is the fift day of Nouember obserued and kept festiuall. Brent

BANCROFT, BISHOP OF OXFORD, 1632.

ARTICLES to be enqvired of within the dioces of Oxford, in the first Visitation of the Right Reverend Father in God, John Lord Bishop of Oxford. Held in the yeare of our Lord God 1632. in the eighth yeare of the Raigne of our most gracious Soveraigne Lord, Charles by the grace of God King of Great Brittaine, France, and Ireland Defender of the Faith &c.

Oxford, Printed by J. L. *Ann. Dom.* 1632.

[*Collated with Bancroft's Articles in* 1635 *and* 1638.]

[The Oath, and Charge of the Church-wardens and Side-men, are omitted, as being almost verbally the same as in previous Articles.]

Directions for making bills of Presentments for the Dioces of Oxford in the first visitation of the Right Reverend Father in God John Lord Bishop, &c., which if they bee not answered, the bill is to be reiected.

1. That every bill be made in a faire large peece of paper of that quantity, that there may be and so shall be made a particular answere to every Article.

2. That in the front or the beginning of every bill the name of the Parish, the names of the Church-wardens and Sidemen, and the day of the month and yeare of the Lord when the bill is exhibited be inserted and written downe.

3. That to every such bill every person that is to subscribe, therevnto subscribe his owne name or marke, and not by a deputy.

4. That they doe not joyne the bill of burialls, Christenings, and Marriages vnto the other bills which they make at every Visitation, but deliver in those bills of their Burialls Christnings, and Marriagaes at their proper time, that is, within a moneth every yeare, after the 25 of March, according to the 7ty Cannon.

5. That in their bills of Christnings, Burialls, and Marriages, they obserue this forme, or else the bill to be refused as insufficient.

1. That in their Burialls they distinguish Men and Women from Children, Married women from Widdows, and Householders, or Masters from Servants and Soiourners and whether the parties so dying had any goods or chattells of his owne, and where is his or her executor or administrator, or takes vpon him or her, to possesse the goods of him or her so dying.

2. That in the marriages they certify whether the parties were married by banes asked or Licence, and whether the Licence was obtained at Oxford or out of what Court.

ARTICLES to be enquired of, &c.

Concerning Churches and Chappells.

First, Whether are your Churches and Chappells both in the body and the chancells of the same well and sufficiently repaired and maintained both within and without, and is your Church-yard well and sufficiently fenced and kept cleane from annoyance and filth.

2. Whether haue you in your Church a decent Communion-table with a couering of silke or a comely carpet, and a faire linnen cloath to lay thereon, whether haue you a siluer Communion cuppe, and a cover of the same, with a seemely pot to bring wine for the Communion.

3. Whether haue you in your Church a decent font, a convenient pulpit, the bible appointed, the booke of common prayers, the two bookes of homilies, a table of degrees prohibited to marry set forth by authority in the yeare 1563 a parchment Register booke, for marriages christnings and burialls a decent surplesse, a chest with three locks and keyes to be kept by the Minister and two Church-wardens.*

Concerning the Clergy.

First, whether is your Parson or Vicar resident vpon his Benefice, or how long hath he beene absent or non resident?

2. Whether in the absence of your Parson or Vicar haue they procured a Curate licensed by the Ordinary to discharge their place.

3. Whether doth your Parson in time of his absence take any care for convenient hospitality and reliefe of the poore.

* *The following question is added in the Articles issued by Bishop Bancroft in* 1638.

4. What tombes or Monuments other then plaine Grave-stones laid even with the pavement, have been of late yeares erected in the body, or wall, or any other part of your Church or Chancell, whether have they been erected with the advice and allowance of the ordinary, and what prejudice by them is done to the building, lights or free use of your Church?

4. Whether doth your Parson Vicar or Curat read the whole service or common prayers in your Churches or Chappells, duly vpon Sundaies, Holidaies and their Eues, and vpon Wednesday and Friday mornings, according to such order as is set downe in the booke of Common prayer, without any kinde of alteration addition or omission, and that at the vsuall howres, and doth he at those times weare a Surplesse.

5. Whether is your Minister licensed to Preach, and hath he Preached or procured to be Preached a Sermon once a month and on other daies read an Homily, and hath any other Preached in your Parish who hath not had and shewed a licence.

6. Whether hath your Minister or any other in his place in their prayers before their Sermons vsed to pray for the Kings Maiesty as King of great Brittaine and defender of the faith, and in all causes and over all persons within his Highnesse dominions as well Ecclesiasticall as Temporall next and immediately vnder God supreeme Governour, as also for the Prince and the rest of the Royall progeny, and for the Arch-Bishops and Bishops of this Land.

7. Whether doth your Minister every Sunday and Holyday before Evening prayer, Catechise the children, servants and young people of the Parish expounding to them the Lords prayer, the articles of the Christian faith and the tenne Commandements.

8. Whether doth your Minister in due and convenient times baptise the children borne in his parish, or hath he at any time omitted in Baptising to signe the forehead of the child with the signe of the crosse, or hath he baptized any without Godfathers and Godmothers.

9. Whether hath your Minister at Easter and other times appointed, duly administred the Sacrament of the Lords Supper, and hath he himself receiued it kneeling, or Administred the same to any else but such as kneele, or to any forrainers who are not of his owne Parish, or doth he in the delivery thereof vse any other words then those which are set downe in the booke of Common-prayer.

10. Whether hath your Minister admitted any to receiue the Holy Communion who stand Excommunicated or suspended from the Communion, or hath hee repelled any who were not excommunicated or suspended.

11. Whether hath your Minister in the solemnization of marriage at any time forborne to vse the ring, or observed any other forme then is prescribed in the booke of Common-prayer.

12. Whether hath your Minister married any in your parish whose banes haue not beene solemnely published vpon three seuerall Sundayes or Holydayes, or within any of the times prohibited for marryage without a licence first obtained and shewed from the Ordinary.

13. Whether hath your minister at any time omitted to visite the sicke, or to bury the dead in convenient time, or hath he buried any in the Church or Churchyard who haue died excommunicate and not absolued.

14. Whether hath your minister in the Rogation weeke vsed the perambulation of the bounds of the Parish, and hath he worne his surplesse, and read the prayers and Gospell as is required.

15. Whether hath your Minister read openly before the Parish once in a yeare the Cannons Ecclesiasticall published the first yeare of our late Soveraigne King *James*.

16. Whether hath your Minister once euery sixe months in time of diuine seruice denounced and signified the names of all such as have persevered excommunicate.

17. Whether hath your Parson or Vicar neglected to keepe in good repaire his Parsonage or Vicarage house or other edifices belonging to the same.

18. Whether doth your Minister weare any vndecent apparell of any light colours or with cutts or gards or of any vnseemely fashion, or doth he weare haire longer then is fitte.

19. Whether hath your Minister frequented Alehouses, Innes or Tauernes, or vsed any vnlawfull sports or games as dicing carding, tableplaying, or is he a common drunkard, swearer, fighter, or by any other lewd demeanour offensiue to his Parish.*

Concerning the Laity and parishioners.

First, Whether doe any teach Schoole publikely or privately in your parish, which are not licensed thereunto by the Ordinary, whether doe they frequent the Church with their Schollers, are diligent in their calling, and of good life and conversation?

2. Wheth r doe any within your Parish practice Physicke or surgery, or any woman take vpon her the office of a midwife who are not licensed by the Ordinary?

3. Whether haue the former Church-wardens suffered the Church or Church-yeard to be abused or annoyed, and whether haue they given vp to the Parson or Vicar and the Parish an account of such monies as they haue receiued to the vse of the Church, and of the Church goods committed to their charge?

4. Whether is your parish Clarke a man fit to discharge his place, and whether hath he kept the bookes and ornaments of the Church faire and cleane, and caused the body of the Church and Chancell with the Communion table, and Fant (*sic*) to be cleanly and decently kept?

5. Whether are there in your Parish any Papists, Brownists, Anabaptists, or Sectaries ill affected to the doctrine & discipline of the Church of England, or any that are known Recusants and forbeare to come duly to the Church to Divine Service and to receaue the Communion amongst you.

6. Whether are there any in your Parish who are knowne or suspected to keepe in their houses masse bookes vestments or Challices to be imployed and vsed at the Masse or popish seruice.

7. Whether haue any in your Parish entertained any Minister or Preacher to Preach or Expound the Scripture privately in their howses to their family or others.

8. Whether haue any in your parish resorted to other mens howses and there assembled themselues to heare private Sermons or Scripture expounded or to conferre about matters of Religion or Church government.

9. Whether haue any in your Parish receiued or vttered any bookes not publikely allowed concerning the doctrine and discipline of the Church of England.

10. Whether hath any in your parish publikely or privately delivered any opinion contrary to the doctrine professed in the Church of England, and set forth in the booke of Articles or against the booke of Common-prayers or against the Ecclesiasticall government established by authority or any office function or part thereof.

11. Whether haue any in your parish kept their children vnbaptized longer then is convenient, or whether haue they caused them to be baptized elsewhere, or brought strange Ministers to baptize them privately in their owne howses.

12. Whether hath any woman in your Parish after her delivery neglected or refused in due time to come vnto the Church in such decent manner as is accustomed,* to be churched or giue God thankes publikely with the Minister† for her delivery.

13. Whether haue any howseholders in your Parish omitted or refused to cause their children, or seruants, aboue the age of 7 yeares which haue not learned the Catechisme to come to the Church at the times appointed to be chatechized (*sic.*)

14. Whether haue any of your Parish wilfully or negligently absented themselues from your Parish Church in time of Divine seruice, or vsed to repaire vnto other Churches then their owne, or doe any of other Parishes neglecting their own Church repaire to yours.

15. Whether hath any in your Parish in time of prayers and diuine service, sate with his hat on his head, or vsed any gesture or behaviour otherwise then is appointed by the booke of common prayer and the 18 *Canon*.

16. Whether haue any of your Parish being of convenient age neglected to receaue the communion this last yeare, and namely about Easter last; or hath any receiued it otherwise then kneeling, haue any of other parishes repaired to your Church, or haue any of your parish repaired to other Churches to receaue the same.

17. Whether hane any of your Parish beene excommunicated and dying without absolution beene buried in your Church or Churchyard, or haue any beene buried

* *The following questions are added in Bancroft's Articles in* 1635, *and, with the exception of the first, in* 1638.

20. Whether hath your Minister read the Kings Maiesties declaration concerning lawfull sports to be read publikely in your parish Church?

21. Whether is there any in your parish vnder the degree of a nobleman or a person quallified by Law, that keppes any private Chaplayne or Minister in his house?

22. Whether haue you any Lecturer maintained in your towne or parish, and whether are the preacher or preachers which maintaine it, authoriz'd or licensed by the Bishop of the Dioces?

23. Whether doth your Lecturer read divine Service according to the Liturgy printed by authority in his surplice and hood before the Lecture?

24. Whether hath your Lecturer professed himselfe ready and willing to accept of a Benefice with cure of soules, or hath he refused to accept of any such Benefice when it hath beene offered unto him?

* that is in a white valle or long white kercher.] *Added in the Articles of* 1635 *and* 1638.

† with the Minister.] *Omitted in the Articles of* 1638.

priuately by any strange Priest or Minister, or in other manner then is allowed in the Church of England.

18. Whether haue any in your parish vpon Sundaies or Holydayes vsed any ordinary worke or labour or keepe open shoppe or sold wares vpon Sundaies or Holydayes.

19. Whether haue any in your parish on Sundayes or Holydayes in time of divine service vsed any gaming or pastime in the street or Church-yard, or haue spent their time in Alehouses, Innes or Tavernes, and who haue at such times given them entertainment.

20. Whether haue any brawled quarrelled or fought in your Church or Churchyard.

21. Whether there be any in your parish who haue beene married together within the degrees of affinity or consanguitnity (*sic*) forbidden by the Lawes of God, and doe cohabit and keepe company together, or any that hauing beene separated or parted only for adultery or cruelty haue married againe with any other, or any who being lawfully married liue apart each from other.

22. Whether there haue beene any married in your Parish otherwise then in the Church, in the times and howers allowed, their banes hauing beene thrice published vpon severall Sundaies and Holydayes denounced and who haue beene at such marriages.

23. Whether hath any woman vnmarried being with child beene deliuered in your Parish and departed from thence before she hath done pennance or beene censured by the Ordinary, and in whose house hath she beene harboured and deliuered, or hath any woman vnlawfully begotten with child in your Parish remooued or beene conveyed from thence, and by whom hath she beene remoued or conueyed.

24. Whether any in your Parish or of your Parish hath committed adultery, fornication, or incontinency, and with whom, and who hath beene accessary to the same, in receiuing harbouring or concealing the parties so offending.

25. Whether any in your Parish, be notorious Usurers common drunkards swearers brawlers or scolds, contentious persons, or sowers of contention betwixt neighbours, or husbands and their wiues, railers against Ministers, or the marriage of ministers.

26. Whether there be any in your Parish who detaine any goods or Monies belonging or giuen to the Church, or poore or other good or Godly vse ?

27. Whether there be any in your parish that doth intermeddle with the goods of any body deceased without lawfull authority, or any that suppresse the last will of the dead ?

28. Whether hath any Apparatour or other officer of the Ecclesiasticall Court taken from any of your parish any mony fee or reward to excuse or keepe from questioning and punishment ony (*sic*) person delinquent in any of these premises, or haue they exacted or taken vpon any occasion, any other or greater fees then are allowed and expressed in the table set vp in the Court?

Vpon pervsall of these Articles severally you are by vertue of your Oath to present particularly the name of all such persons as are knowne, or credibly suspected, or by common fame voyced to be faulty in respect of any of them, and to expresse in your presentment, whether they be knowne suspected, or defamed for the same, as also to present any mater or other crime which in your iudgement and conscience is fit to be reformed in the Ecclesiasticall Court that hath not been formerly presented vnto the Ordinary and it is required that the Minister together with the Churchwardens of every parish before every Visitation doe read deliberately & consider of these Articles and doe certify so much in their presentations that they haue read the same.

At the delivery of your bill of presentment, you are likewise in the said bill to set downe the names of all such as haue bin buried at any time, since the last Visitation, being Men Maids or Widdowes. And likewise the Minister, Church-wardens, and Sidemen of every Parish, must in the said bill of Presentment, sed (*sic*) downe besides their presenting, which they make of all Recusants, and non-Communicants, this note following.

Recusants men,
Recusants Women,
Non Communicants of both Sexe,
Communicants of both Sexe in the whole Parish.

So set downe the number of every one, the Minister, Church-wardens and Sidemen, must put their hands to this note. And the old Churchwardens are to be chosen Sidemen.*

Finis.

* And the old—Sidemen.] *Omitted in the Articles of* 1638.

R. WHITE, ARCHDEACON OF NORFOLK, 1632.

Articles to be enquired of in the generall visitation of the Right Worshipfull, Mr. Robert White, Batchelour of Divinity, Arch-deacon of Norfolke.

Anno Domini, 1632.*

Printed at *London*, by *Richard Badger*.

The Forme of the Oath to be administred to the Church-wardens and Sworn-men.

You shall sweare, that all hope of gaine, feare, and affection set aside, you make true presentment of all such parties as have offended against these Articles, or are vehemently suspected, famed or reported so to have offended: So helpe you God, and the Contents of the Holy Gospels.

God save the KING.

Concerning the Church of England.

Are there any in your Parish that being Popishly affected, doe derogate from his Maiesties supremacie in causes Ecclesiasticall? and who be they?

2. Are there any in your Parish that out of factious and schismaticall spirits doe affirme that this Church of England by law established vnder the Kings Maiestie, is not a true and Apostolicall Church, teaching and maintaining the doctrine of the Apostles?

3. Are there any in your Parish that affirme that the forme of Gods worship in the Church of England, established by the law, and contained in the booke of Common prayer, & administration of Sacraments, is a corrupt, superstitious, or vnlawfull worship of God, or containeth any thing in it that is repugnant to the Scriptures?

4. Are there any in your Parish that affirme that any of the 39 Articles agreed vpon by the Arch-Bishops, and Bishops of both prouinces, and the whole Clergie in the Conuocation holden at London, *Anno Dom.* 1562. are in any part superstitious or erronious or such as with good conscience they may not subscribe vnto?

5. Are there any in your Parish that affirme that the Rites and Ceremonies of the Church of England, by Law established are wicked, Antichristian or superstitious, or such as being commanded by lawfull authority, men that are zealously and godlily affected, may not with good conscience approue them, vse them, or subscribe vnto them?

6. Are there any in your parish that affirme, that the gouernment of the Church of England vnder his Maiestie by Arch-Bishops, Bishops, Deanes, Arch-deacons and the rest that beare office in the same is Antichristian or repugnant to the word of God?

7. Are there any in your parish that impugne the forme or manner of making and consecrating Bishops Priests or deacons, vsed in the Church of England?

8. Are there in your Parish, any Schismaticall Separatists, new combined brotherhoods, deprauers of such as conforme themselues to the doctrine, gouerment (*sic*), rites and Ceremonies of the Church of England, or any secret maintainers and fauourers of such separatists and new brotherhoods? Are there any Corner Conuenticles, or any that maintaine or fauour or defend them? Are there any such factious people in your parish, that disliking the gouernment of the Church of England, take vpon themselues the name of Church, and make orders rules or other constitutions to be obserued and kept by themselues?

Concerning the Ministrie, Service, and Sacraments.

1. Whether are the common Prayers said or sung by your Minister, both Morning and Euening distinctly, and reuerently euery sunday and holy-day, and on their Eues, and at conuenient and vsual times of those dayes, and in most conuenient place for the edifying of the people?

2. Whether doth your Minister obserue the orders Rites and Ceremonies prescribed in the Booke of common Prayer, in reading the Holy Scriptures prayers and administration of Sacraments, without diminishing, or adding any thing in the matter or forme thereof?

3. Whether doth your Minister on wednesdayes and frydayes not being holy-dayes, at the accustomed houres of seruice resorte to the Church and say the Letany: and other prayers prescribed? And doth your Clerke or Sexton giue warning before by tolling of a Bell on those dayes, and doth one person of euery house repaire to the Church at those times usually, and there stay according to the Cannon?

4. Whether doth your Minister leauing the use of the Font Christen or baptize in any Bason or other prophane vessels? doth your Minister baptize or Christen any out of the face of the Church and Congregation, or at any other time then upon sundayes or holy-dayes without speciall cause, or without Godfathers and God-mothers? Are any persons admitted to answer as God-fathers or God-mothers at the Christning of any Child, except he or she haue before

Altered in MS. to 1634.

receiued the Holy Communion? doth your Minister in Baptizing of Children obserue the orders, Rites and Ceremonies, appointed in the Booke of Common prayer without addition omission or innovation?

5. Doe you know any Parents that deferre the Christning of their Children, or any that haue not had their Children Christned at their owne Parish Church or Chappell? What is the cause that they keepe them so long vnchristned? doe you know of any parents that haue had their children priuatly Baptized, either by a Popish priest contrary to the Lawes of the Church of England, or by an unconformable Minister omitting any part of the forme of Baptizing Children contained in the Booke of common prayer?

6. Doth your Minister giue warning publikly in the Church at Morning prayer, the sunday before he administreth the Communion for the better preparation of the parishioners?

7. Doth your Minister as oft as he administreth the Communion, first receiue it himselfe? doth he use any bread or wine newly brought, before the words of institution be rehearsed and the bread and wine present on the Communion table? doth he not deliuer the bread and wine to euery Communicant seuerally?

8. Hath your Minister admitted to the Communion any that be openly knowne to liue in some notorious offence or Crime without repentance or satisfaction of the Congregation, or who hath openly and maliciously contended with his or her Neighbours, before hee or shee haue openly and charitably reconciled themselues againe and remitted all rancour and malice, whatsoeuer Controuersie hath beene betweene them?

9. Doth your Minister administer the Communion to any but such as kneele, or doe any refuse to kneele? hath he administred to any who refuse to be present at publick prayer, or who hath depraued the Booke of Common Prayer, administration of the Sacraments or the Rites and Ceremonies prescribed, or the Articles of Religion agreed upon, or the Booke of Ordering Priests and Bishops, or against his Maiesties supremacy? haue any beene for these causes repelled, and haue they repented in writing or otherwise and what be their names?

10. Hath your Minister more benefices then one? if he hath how farre distant are they? and whether serues he two Cures or not? when he is absent, hath he an allowed Preacher for his Curat?

11. Hath your Church or Chappell beene destitute of a Curate, and how long, and by whose default? hath any Curate serued or doth any Curate serue without lycence of the Ordinary?

12. Doe you know any Popish Priests, Seminaries, Jesuits, or Runnagate persons that doe preach, say Masse or minister any Popish Sacraments or Ceremonies, or else doe resort secretly or openly unto your parish, and what be their names, and unto whose houses doe they resort, and of whome are they harboured and releeued? set downe their Names and Sir-names?

13. Is your Parson Vicar or Curate or any other parson in your parish a fauourer of the Romish Church or Religion, or of any other sect or Schismaticall opinion, or hath he or doth he maintaine or teach any doctrine contrary or repugnant to any of the Articles agreed vpon by the Clergie in the Conuocation holden at *London Anno Dom.* 1562? Haue they taught publikly or secretly any doctrine tending to the discredit and dispraise either of the Booke of Common prayer, or of the Preachers and Ministers of the word and Sacraments, or of the receiued order for gouerment by Arch-Bishops, Bishops Deanes, Arch-deacons and other Officers in the Church of England, or make any other innouation? Or haue they permitted any man so teaching, or making innouation in such manner?

14. Is your minister an allowed Preacher, if he be not, doth he procure euery moneth a Sermon to be Preached in his Cure by Preachers lawfully licenced? And on euery Sunday when there is no Sermon, doth he or his Curate read some one of the homilies prescribed?

15. Doth your Minister alwaies in saying the publike prayers and administring the Sacraments weare a decent Surplice with sleeues, and being a Graduate, doth he weare alwaies there-with an Hoode by the order of the Uniuersities agreeable to his degree?

16. Hath your Minister, or any other Preacher in your Church, Preached any thing to confute or impugne any doctrine deliuered by any other Preacher? and doth he alwaies before the Sermon, Lecture, and homilie pray for Christs Catholike Church, The *Kings Majesty*, and our Gracious *Queene Mary*, the Noble *Prince Charles*, the *Lady Mary*, the *Lady Elizabeth*, and *Her Princely Issue*, The Ministers of Gods Holy word, as well Arch-Bishops and Bishops, as other Pastours and Curates, for the *Kings* most Honourable Councell, the Nobility and Magistrates of this Realme and the Commons? And doth he alwaies conclude his prayer with the Lords prayer, According to the Cannon 55?

17. Hath or doth any strange Preacher preach in your Church which refuseth to conforme himselfe to the Lawes, rites and Ordinances established, or which hath not first shewed a sufficient licence?

18. Doth your Minister in his Sermons 4 times in the yeare at least, teach and declare the Kings Maiesties power within his Realmes to be the highest power vnder God, to whom all within the same owe iust loyalty & obedience, and that all forraine power is iustly taken away?

19. Doth your Minister euery Sunday halfe an hower before euening prayer or more, examine and instruct the youth of the parish in the Catechisme set forth in the Booke of Common prayer? And doe the Church-wardens assist the Minister herein? and who be they that refuse to be Catechized? and what Parents haue not diligently sent their Children and seruants to be Catechized?

20. Hath your Minister Married any without licence in the times prohibited, and hath he married any without licence whose banes haue not beene openly published in the Church 3 seuerall sundayes or holy dayes? if any of the parties dwell out of the parish, hath he married them without Certificate vnder the Ministers hand of the other parish, that the banes of matrimony haue beene lawfully asked and published without contradiction? hath he married any at any other times of the day, then betweene the howers of 8 and 12 in the forenoone, or in any priuate house, or when there is no licence before the Parents and Gouerners (the parties being vnder the age of 21 yeares) haue testified their consent?

21. Hath your Minister declared euery sunday to the people at the time appointed what holy-dayes and fasting dayes be the weeke following? doth he, being a Preacher, conferre with all Recusants and persons Excommunicated and suspected, to reduce them to the vnity of the Church?

22. Doth your Minister keepe a note of all Excommunicated persons within your Parish, and once euery six months doth he denounce them which haue not obtained their absolution on some sunday in seruice time, that others may be admonished to refraine their company?

23. Is your Parson, Vicar, or Curate dilligent in visiting the sicke and comforting them? doe they bury your dead in such Christian and comely manner, as is prescribed in the booke of Common prayer? hath any layman, other then a lawfull Minister taken vpon him to bury the dead contrary to order?

24. Hath your Minister refused to baptize any child brought to the Church, or to bury any Corps brought to the Church, or to Church any woman hauing had conuenient warning thereof?

25. Hath your Minister, being truly informed of the danger of death of any child vnbaptized, and being desired to goe to the place where the Child is, to Baptize it, neglected to goe, by meanes whereof the Child dyed vnbaptized?

26. Haue you any Lecture in your Parish continued without lawfull licence of the Bishop? doth your Lecturer obserue all the rites specified in the 56 Canon?

27. Doth your Minister at any time preach or administer the Communion in any priuate house, except when any are so impotent that they cannot go to Church, or are very dangerously sicke?

28. Doe any Chaplaines in your Parish preach or administer the Communion in any Chappell not consecrated, or in any house hauing no Chappell allowed by law? doe the Lords and Masters that haue priuate Chappels of their owne, resort often to the parish Church and there receiue the Communion, at the least once euery yeare?

29. Doth your Minister reside upon his Parsonage or Vicarage house?

30. Hath there beene any secret Conuenticles or meetings in your parish by any Priests, Ministers, or others, tending to the deprauation of the forme of prayer, doctrine, or gouerment of this Church of England?

Concerning the Church, Church-yard, Parsonage, and Vicarage house.

1. Whether is your Church, Chappell, and Chancell, well and sufficiently repaired in the walls and roofe, the seates conuenient, the floore paued, the windowes glazed, and all these cleanely kept? Is the Mansion house of your Parson or Vicar with the buildings thereunto belonging, well and sufficiently repaired, and your Church-yard walls, Railes, or pales kept in good repare?

2. Hath your Church or Church-yard beene abused & prophaned by any fighting, chiding, brawling, or quarelling, any playes, lords of misrule, Summer lords, Morris-dauncers, Pedlers, Bowlers, Bearewards, Butchers, Feasts, Schooles, Temporall Courts or Leets, Lay Juries, Musters, or other prophane vsage? Haue any Bells beene super-

stitiously rung on holy-dayes, or their Eues, or at any other times, without good cause allowed by the Minister and Church-wardens? haue any trees beene fell'd in the Church-yard and by whom?

3. Are your Almes-houses, Church-houses & schoole-houses or other houses and buildings set vpon the soile of the Church or Church-yard sufficiently repaired, maintained and to godly and right vse imployed?

4. Haue you in your Church or Chappell all things necessary for Common prayer and other Rites of the Church, as the Bible in the largest volume, the Booke of Common Prayer lately authorized by his Maiesty, the Bookes of homilies allowed, a conuenient Pulpit for preaching, a decent seate for the Minister to reade seruice in, conueniently placed, a strong Chest with three lockes and three keyes, one for the Minister, the other for the Church-wardens for the keeping of the Register Booke of the Christnings, marriages and Burials, and a poore mans box conueniently set neere the Church doore?

5. Haue you in your Church a Font of stone, for Baptisme set in the ancient vsuall place, a decent Table for the Communion, conueniently placed, couered with silke or other decent stuffe in time of diuine service, and with a faire linnen cloth ouer that, at the administration of the Communion?

6. Haue you all such Bells, Ornaments and other Utensils as haue anciently belonged to your Church, a Communion Cup of Siluer with a Couer, a faire standing Pot of Pewter or purer mettal for the wine vpon the Communion table a comely Surplesse with sleeues, and a Booke of the names of all strange Preachers subscribed with their names, and the name of the Bishop or others where they had licence?

7. Haue you a booke of parchment for a Register booke, of Mariages, Christnings and Burials? Are weekely the names and Sur-names of all persons married, christned, and buried, and of their parents with the day and yeare written fairely in the sayd parchment booke? Is euery leafe (being full) subscribed by you the Minister and Church-wardens?

8. Haue you in the East-end of the Church the tenne Commandements fairly written and set up, and other chosen sentences of the holy Scripture written vpon conuenient places of the wals? Is there a table of the degrees of mariage sett up? Haue you seates enough in the Church for the parishioners to sit on, and are they in good repaire?

Concerning Ecclesiasticall Courts.

1. Hath the Officiall, or his surrogate, or any other exercising Ecclesiasticall iurisdiction in this Archdeaconrie, their Registers, or Actuaries, Apparitors, or Sumners, at any time wincked at, and suffered any Adulteries, Fornications, Incests, or other faults or offences to passe and remaine vnpunished, and vncorrected, or haue they commuted any pennance of such offendors?

2. Hath your Register, his deputy, or substitute, set vp two Tables of the rates of Fees; one in the vsuall place or Consistory where the Court is kept, and the other in his Registry; and both of them in such sort, as euery man whom it concerneth may come to the view and perusall thereof? Or if such Tables haue heretofore beene set up, hath your Register remoued the same, or suffered them to be remoued, hidden, or any wayes hindred from sight?

3. Doe you know any housholder or other person whatsoeuer, within your Parish or Chappelrie, that is deceased, that haue made their last wills and testaments, the same not being yet proued; or if without will, who haue entred vpon their goods without lawfull administration taken from the Ordinary or other Judge competent?

Concerning Schoole-masters.

1. Haue you in your Parish any Schoole-masters, who teach either in publike schoole or in priuate house? Is he reputed to be of sound faith and religion? Doth he giue any euill example of life? Is he allowed by the Ordinary vnder his hand and seale? Or doth your Minister or Curate teach, and is he allowed in like manner?

2. Doth your Minister or Schoole-master who teacheth, teach the Catechisme by authority set forth? Doth hee when there is any Sermon, or diuine Seruice bring his Schollers to Church, and see them quietly and soberly ordered? Doth hee examine them after their returne what they haue learned of the Sermon?

Concerning the Parish clarke and Sexton.

1. Haue you a parish-clerke appointed by the Minister sufficient for his place, of the age of twenty yeares at least. Is he of honest conuersation? Can he read, write, and sing? Is he diligent in his office, and seruiceable to the Minister in time of diuine seruice, and otherwise?

2. Doth your Clerke meddle with any thing aboue his office, as churching of women, burying the dead, reading of prayers, or such like?

3. Doth your Clerk or Sexton keep your Church cleane, the doores safe locked? Is any thing by his default lost or spoiled in the Church, doth he suffer any vnreasonable ringing, or any prophane exercise in the Church?

4. Doth any of your Parish refuse to pay vnto the Parish-clerke or Sexton, such wages are vnto them due, and haue beene accustomably payd?

Concerning Parishioners.

1. Doth any in your Parish prophane, violate, or mispend the Sabbath or Holidayes or any part of them, vsing any offensiue conuersation, or worldly labour in those dayes or any of them?

2. Hath any in your Parish, in time of diuine Seruice couered his head, albeit he hath infirmity, in which case a Cap is allowed? Is there any who hath not reuerently kneeled when the generall Confession, Letany, and other prayers are read, and which haue not stood up at the saying of the Beleefe?

3. Hath any in your Parish disturbed diuine Seruice, by walking, talking, or any other way; or departed out of the Church during the Seruice, or Sermon, without some vrgent cause or loitered about the Church or Church-porch?

4. Are there any in your Parish, either man or woman, being aboue sixteene yeares of age, that hath not receiued the holy Communion thrice at least euery yeare, whereof once at Easter? Or haue any receiued the Communion in any other Parish Church or Chappell than their owne?

5. Doth any parent answer as God-father for his owne childe? Hath any God-father or God-mother made any other answer or speech than is prescribed in the booke?

6. Doe all fathers, mothers, masters, mistrisses, come, and cause their children, seruants, and Apprentices, to come duly to the Church, and according to the Ministers direction to be instructed and catechised; or who be they that haue not obeyed the Minister herein?

7. Haue any persons maried together within the degrees prohibited, set forth in a table appointed to be in euery Church?

8. Haue any persons once lawfully maried together forsaken each other, or doe liue asunder without the authority of the Ordinary? Or doe any being diuorced or separated marry againe, the former husband or wife yet liuing?

9. Hath any in your Parish vnreuerently vsed your Minister, or haue any laid violent hands vpon him, or disgraced his office and calling by word or deed?

10. Haue you in your Parish any dweller or soiourner, a maintainer of Popish doctrine, or suspected to keepe or disperse schismaticke bookes, or to fauour any heresie or error?

11. Haue any in time of diuine Seruice opened their shops, exercised their trades, vsed any gaming, beene in any Tauerne or Ale-house or otherwise ill imployed?

12. Are there in your Parish any adulterers, fornicators, incestuous persons, bawdes, receiuers, or close fauourers, conueiers away or sufferers of any incontinent persons to depart vnpunished; or any which haue their meetings in priuate places in the night time or other vndecent times, and by reason thereof are commonly defamed or vehemently suspected of any of the said crimes?

13. Is the fifth of Nouember kept holy, and thanksgiuing made to God for his Maiesties and the States happy deliuerance, according to the Ordinance in that behalfe?

14. Are there in your Parish any blasphemers, common swearers, ribaudes, and such as commonly vse bawdy, immodest, vnciuill, and filthy speeches, malicious slanderers, scolds, common drunkards, or any defamed of any of the said crimes?

15. Doe any in your Parish administer the goods of the dead without authority, or suppresse their Will and Testament? Haue any Executors neglected to performe the Wils of the dead, especially in paying of Legacies giuen to the Church, to the poore, or to any other charitable or godly vses?

16. Doe any refuse to pay to the reparations, ornaments, and other things required in your Church, as they are cessed or taxed?

17. Haue any in your Parish beene christned, churched, buried, or receiued the Communion; or beene maried out of your Parish, both parties dwelling in your Parish?

18. Haue all women in your Parish deliuered of child, come at conuenient time after to Church to giue thankes? And haue they beene Churched according to the forme of the booke of Common Prayer?

19. Hath the perambulation of the circuit of your

Parish beene obserued once euery yeare at the vsuall time? If not, by whose default?

20. Haue any in your Parish giuen to the Churchwardens or Side-men or any of them euill words, for doing their Office according to their Oath, and conscience in making presentment for any default?

21. Is there any man or woman in your Parish that vseth witchcraft, sorcery charmes; or vnlawfull prayer, or incantations in Latine, or English, or otherwise, vpon any Christen body or beast, or any that resorteth to such persons for counsell or helpe?

Concerning Church-wardens and Sworne-men.

1. Doe any in your Parish take vpon them to bee Churchwarden or Sidesman, which is not lawfully chosen by the Minister and Parishioners according to the Canon? Doe any continue that office longer than one yeare, except they be chosen againe; and are al such officers chosen yearely in Easter-weeke?

2. Do your Church-wardens within one moneth at the most after their yeare ended, before the Minister and Parishioners, giue vp a iust account of all such money, and other things as they haue receiued and bestowed? Haue they deliuered all remaining in their hands, belonging to the Church or Parish, to the next Church-wardens?

3. Haue the Church-wardens with the aduice of the Minister from time to time, prouided a sufficient quantity of fine white bread and wholesome wine for the number of communicants? Haue you at euery Communion collected the deuotion of the Communicants, and put it into the poore-mans-box?

4. Doe the Church-wardens and sworne-men before euery visitation, and at other times when there is iust occasion, meete and conferre about their presentments, and who hath (after notice giuen him of the time and place) carelesly absented himselfe?

5. Is the forfeiture of twelue pence for absence from the Church appointed by state (*sic*) for the vse of the poore, taken and leuied by the Church-wardens, and imployed according to the said statute? Is the same forfeiture taken of all persons which stand wilfully suspended or excommunicated?

6. Haue any Church-wardens lost, sold, changed, or retained, any goods, ornaments or bels, rents, or implements of the Church, without speciall licence of the Ordinary?

7. Doe you the Church-wardens and Swornemen about the midst of Diuine Seruice vsually walke out of the Church, and see who are abroad in any Ale-house or else where absent, and euill imployed: and haue you presented all such to the Ordinary?

8. Doe you know or haue you heard of any fame, or offence committed, or duty omitted, by any of your Parish before your time, and heretofore not presented by the former Church-wardens to the Ordinary, and as yet not reformed, and haue you presented the same?

FINIS.

CURLE, BISHOP OF WINCHESTER, 1633.

ARTICLES to be enqvired of, by the Churchwardens and Swornemen within the Diocesse of Winchester in the Primary Visitation, of the Right Reuerend Father in God, Walter, Lord Bishop of Winchester.

Holden in the yeere of our Lord God, 1633.

Imprinted at London, 1633.

['The Oath to bee ministred' omitted, as being nearly the same as in previous Articles.]

ARTICLES to bee Enquired of within the Diocesse of Winchester, in the Visitation to bee holden in the Yeere of our Lord, 1633.

Articles concerning the Church.

Inprimis, Whether have you in your seuerall Churches or Chappels, the Booke of Constitutions or Canons Ecclesiasticall, ready to be read by the Minister according to his Maiesties pleasure, published by his Highnesse authority vnder the Greate Seale of England?

2. Whether is there in your Church or Chappell, one parchment Register Booke prouided for Christenings, Mariages, and Burials? and whether is the same duely and exactly kept according to the Constitutions in that behalfe prouided? and haue the Churchwardens exhibited a transcript thereof vnto the Lord Bishops Registrie euery yeere, since the last Trienniall Visitation, as by the 70. Canon is required?

3. Whether haue you prouided the Booke of Common Prayer lately set foorth by his Maiesties authority, and the Booke of Homilies, and a large Bible of the last Edition? And whether haue you in your Church or Chappell a Font of stone, set vp in the ancient vsuall place, a conuenient and decent Communion Table, with a Carpet of Silke, or some other decent Stuffe, and a faire linnen cloth to lay thereon at the Communion time? And whether is the same Table placed in such conuenient sort within the said Chancell or Church, as that the Minister may be best heard in his prayer and administration, and that the greater number may communicate? And whether are the tenne Commandements set vpon the East end of your Church or Chappell, where the people may see and reade them, and other sentences of holy Scriptures written on the walles likewise for the same purpose?

4. Whether haue you a conuenient Seat for your Minister to reade Seruice in, together with a comely Pulpit set vp in a conuenient place, with a decent cloth or cushion for the same, a comely large Surplice, a faire Communion Cup of siluer, and a couer agreeable for the same, with all other things and Ornaments necessary for the celebration of diuine Seruice, and administration of the Sacraments, and a strong Chest for the Almes of the poore, with three lockes and keyes, whereof the Minister is to keepe one key: and another Chest for the keeping of the Ornaments of the Church and Register Booke?

5. Whether haue you a faire paper Booke, wherein euery Preacher which is a Stranger shall write his name, the day hee preacheth, and by whose authority he is licenced?

6. Whether are your Church or Chappels, withe Chancels thereof, and your Parsonage or Vicarage house, and all other housing thereto belonging in good reparations, and decently and comely kept, as well within as without, and are the Seates of your Church well maintained? If not, then through whose default, and what the defects are?

7. Whether is your Churchyard well and sufficiently repaired, fenced and maintained with walls, railes, or pales, according to the 85. Canon; if not, then through whose default any part is left vn-repaired, and at whose charge the same is to be repaired?

8. Whether hath there beene any alteration of the seats within your Church or Chancell, or any new seates erected, or the Pulpit, or Seate where your minister anciently read Prayers remooued, without order and especiall allowance from your Ordinary? if so, by whose appointment, and when?

9. Whether hath any person encroched on the ground of the Churchyard, and if any hath, what quantity of ground hath he encroched? and whether is any part of your Churchyard encroched on, or encombred by Tombes, or Monuments erected without the allowance of the Lord Bishop of this Diocesse, or his Chancellor, or other lawfull authority; when, and for whom, and by whom such Tombes and Monuments haue beene so erected?

10. Whether haue you in your Church any ancient or true Note, or Terrier of all the Glebes, Lands, Meadowes, Gardens, Orchards, Howses, Stocks, Implements, Tenements and portions of Tithes, lying within or without the Parish, which belong to your Parsonage or Vicarage; if there bee any, whether is it well kept and preserued for the good of the succeeding Incumbents, and in what particular place is it kept?

Articles concerning the Clergie.

Whether hath your Minister read the Constitutions, set foorth by his Maiestie, once euery yeere, vpon some Sundayes or Holydayes in the afternoone, before diuine Seruice, as he is bound?

2. Whether doeth your Minister or Preacher in Prayer before his Sermon, vse to pray for the Kings Maiestie, King *Charles*, Queene *Marie* and all the Royall Progenie, with his whole Title, as King of great *Britaine*, *France*, and *Ireland*, Defender of the Faith, &c. and in all causes, and ouer all Persons as well Ecclesiasticall as Temporall within his Highnesse Dominions, next and immediatly vnder God supreme Gouernour? And doeth he in like maner then pray for the Archbishops and Bishops, as by Law is also appointed, and doth hee exhort the people to obedience to his Maiestie, and all Magistrates in Authority vnder him?

3. Whether doth your Minister vse the prescript forme of diuine Seruice vpon Sundayes, Holy-dayes, Wednesdayes and Fridayes, according to the Booke of Common Prayer,

without any omission or addition, and doeth hee say Diuine Seruice vpon the Eues of euery Sunday and Holy-day, at fit and vsuall times? And whether doth your Minister duely obserue all the Orders, Rites, and Ceremonies prescribed in the Booke of Common Prayer, as well in reading Publike Prayers and the Letany, as also in administring the Sacraments in such maner and forme, as by the Booke of Common Prayer by Law now established, is enioyned?

4. Whether doeth your Minister administer the holy Communion so often, and at such times, as that euery Parishioner may receiue the same at least thrice in euery yeere whereof once at Easter, as by the Booke of Common Praier is appointed?

5. Whether doeth your Minister receiue the same himselfe, on euery day that he administreth it to others, kneeling at the same, and administreth to none but such as doe kneele at the receiuing thereof, and vse the words of the Institution according to the Booke, at euery time that the Bread and Wine is receiued, in such maner and forme, as by the Prouiso of the twelfth Canon is directed? or wherein is he faulty touching the premisses? and whether is warning giuen by him before hand for the Communion, as the two and twentieth Canon requireth?

6. Whether doth your Minister vse the administration of the Lords Supper, Baptisme, Instruction of Children, Solemnization of Matrimony, Visitation of the Sicke, Buriall of the Dead, the Commination, and Churching of Women, vnder such words, Rites, and Ceremonies as are set foorth and prescribed in the said Booke of Common Prayer, and no other?

7. Whether hath your Minister admitted to the Communion, any notorious Offenders, or Schismatikes, contrary to the 26. and 27. Constitutions?

8. Whether your Minister together with the Churchwardens and Questmen, doe take diligent heede and care, not onely that all and euery one of your owne Parishioners doe Receiue thrice in euery yeere, as aforesaid, but also that no strangers of any other Parish doe come often and commonly to your Church from their owne Parish Church, contrary to the twenty eight Canon? And you are now to present the Names of all those, who being of the age of sixteene yeeres or vpwards, haue not in their owne Parish at or since Easter last, receiued the Communion, according to the hundred and twelve Canon?

9. Whether doth your Minister vse to signe the children with the signe of the Crosse, when they are Baptized, according to the Booke of Common prayer, or Baptize in any Bason or vessell, and not in the vsuall Font, or hath hee Baptized any children that were not borne in the Parish; and whether hath hee deferred, or wilfully refused to Baptise any Infant in his Parish beeing in danger, hauing beene duely informed of the weakenesse thereof, and whether the childe hath died by his default without Baptisme, or whether hath hee at any time refused or neglected to Bury the Dead, or to minister the Sacrament of the Lord's Supper to any, being in extremity of Sickenesse, hauing beene required thereunto, or hath hee buried any in Christian Buriall, which by the Constitutions of the Church of *England*, ought not to be so Interred?

10. Whether is your Minister continually Resident with you vpon his Benefice, or for how long time hath hee beene absent, and where is he Resident for the most part, and what other Benefice hath he, and doeth hee in his absence make allowance for the Poore, and what allowance doth he make?

11. Whether doth your Minister preach vsually according to the Constitutions, either in his owne Cure with you once euery Sunday, or else in some other Church or Chappell neere adioyning, where no Preacher is, or how often hath he beene negligent in that behalfe?

12. Whether is your Minister a licenced Preacher; if yea, then by whom? if no, then doth hee procure Sermons to be Preached among you once in euery moneth at least, by such as are lawfully licenced?

13. Whether hath your Minister any other Benefice, and whether doth hee supply his absence by a Curate that is Licenced to Preach in that his Cure, whereon hee himselfe is not Resident, or otherwise, in case hee doth not finde a Preaching Minister there, by reason of the smalnes thereof, whether doth hee Preach at both his Benefices vsually himselfe, according to the forty seuen Canon? And doth hee or his Curate vpon euery Sunday when there is no Sermon, reade an Homily or some part therof according as he ought to doe?

14. Whether is your Curate Licensed to serue by the L. Bishop of the Diocesse, and whether doth hee serue any more Cures then one? if yea, what other Cure doth he serue? and how farre are they distant one from the other? and whether hath your Curate any Benefice or Cure of Soules besides your Cure?

15. If your Minister bee not licenced to preach, whether doth he take vpon him to expound the Scriptures, either in his owne Cure or else-where, contrary to the 49. Canon?

16. Whether hath any person beene admitted to preach within your Church or Chappell, but such as you haue well knowen to be sufficiently licensed? you shall present their names whom you haue so admitted, and how often they haue preached, and by whose procurement?

17. Whether haue you caused euery strange Preacher, licensed or not licensed, to subscribe his name, according to the 50. and 52. Canons? and whether haue they, or any other, preached in your Church, not being soberly and decently apparelled, according to the 74. Canon?

18. Whether doth your Parson, or Vicar, or Lecturer, reade Diuine Seruice, and administer the Sacraments, in his owne person twice euery yeere, obseruing all the Ceremonies in the Booke of Common Prayer established, according to the 56. Canon?

19. Whether doth your Minister weare the Surplice, while hee is saying the publike Prayers, and administring the Sacraments? and if he be a Graduate, whether doth hee also weare vpon his Surplice during the times aforesaid, such a Hood as by the Orders of the Universitie is agreeable to his Degree?

20. Whether doth your Minister euery Sunday and Holiday before Euening Prayer, for halfe an houre or more, Catechise and instruct the youth and ignorant persons of your Parish, in the Ten Commandements, the Articles of Beliefe, and the Lords Prayer? and whether doth hee vse the Catechisme set foorth in the Booke of Common Prayer, and instruct and teach them in the said Catechisme, or what Catechisme else doth he vse, and whether be the children and ignorant persons sent at that time to the Church, to be Catechised and instructed by the Minister? and if not, you are to present the names of those that make default in not sending them.

21. Whether hath your Minister without licence from the Court of Faculties, or from the Archbishop, or the Bishop of this Diocesse, or his Chancellor, solemnized Mariage betwixt any parties, the Banes not being three seuerall Sundayes and Holydayes first published in time of Diuine Seruice in the seuerall Churches and Chappels of their seuerall abodes, according to the Booke of Common Prayer? or without licence in time prohibited, albeit the Banes were so published, or at any time, except betwixt the houres of eight and twelue in the forenoone? or hath your Minister maried any of another Diocesse? or hath any of your Parish beene maried in another Diocesse? if any hath beene so maried, or licenced to marry by any authority other then aforesaid, you shall present the Minister of marying, the parties so maried, and the Authority whereby this was done?

22. Whether hath your Minister since the last Canons published, solemnized any Mariage betwixt any persons, being vnder the age of twenty and one yeeres, although the Banes haue been thrice asked, before such time as the Parents haue made knowen to him their consents thereunto, contrary to the 100. Canon?

23. Whether doth your Minister vpon Sundayes at Morning Prayer, declare vnto the Parishioners what Holidayes and fasting dayes are appointed to be kept the weeke following, according to the Booke of Common Prayer?

24. Whether doth your Minister in the Rogation dayes, vse the Perambulation of the circuit of the Parish appointed by Law? And in the same Perambulation mooue the people to giue thanks to God for his benefits, vsing such Psalmes and Prayers as are to that end set foorth?

25. Whether hath any (being no Minister or Deacon) presumed to reade Common Prayer openly in the Church or Chappell, or to serue the Cure of the Parish? And whether hath any Deacon, not hauing receiued the full Orders of Priesthood, administred the Sacraments in your Church or Chappell? and you are to present the name of any that hath offended herein?

26. Whether doth your Minister euery sixt moneth denounce in his Parish all such as doe perseuere in the sentence of Excommunication, not seeking to be absolued? and whether hath he said Diuine Seruice, while any Excommunicate persons haue beene present in the Church, or hath admitted any person Excommunicate into the Church without a certifieate of his absolution from the Ordinarie or other competent Judge.

27. Whether doth your Minister, being a Preacher,

endeuour and labour diligently with mildnesse and temperance to reclaime Popish Recusants in his Parish from their errors, if there be any such abiding there? and whether any of them beeing so offered conference by your Minister, doe refuse it?

28. Whether is your Parson, Vicar, or Curate too much frequent, or ouer conuersant with, or a fauourer of Recusants, whereby hee may be suspected not to be sincere in Religion?

29. Whether hath your Minister, or any other, taking vpon him the calling of a Minister, preached, baptized children (except in case of necessity) solemnized Mariage, Churched any Women, or ministred the holy Communion in any priuate house or houses, otherwise than by Law is allowed? if yea, then where? whom? when? and how often hath he offended in any of the premisses?

30. Whether doth your Minister resort to such as be sicke, to instruct and comfort them in their distresse according to the Booke of Common Prayer?

31. Whether doth your Minister carefully looke to the reliefe of the Poore? and whether doth he from time to time call vpon his Parishioners to conferre and giue somewhat as they may spare, to godly and charitable vses, especially when they make their Testaments?

32. Whether doth your Minister vse such decencie and comelinesse in his apparell, as by the 74. Constitution is enioyned him? and is he of sober behaiuour, and one that doth not vse such bodily labour as is vnseemely for his calling?

33. Whether doe you know any in your Parish, that hauing heretofore taken vpon him the order of Priesthood, or Deacon, hath since relinquished the same, and betaken himselfe in the course of his life, as a Lay-man, or neglecting his vocation liueth idlely, serueth no cure, or preacheth no where?

34. Whether is your Minister noted or reputed to bee an incontinent person, a frequenter of Tauernes or Alehouses, a common Gamester or player at Dice, a common Swearer or Drunkard, or faulty in any other crime published by Ecclesiasticall censures, whereby hee is offensiue or scandalous to his function or Ministery?

35. Whether doth your Minister vse the forme of thanksgiuing to Women after their child-birth? and whether hath hee admitted any thereunto, that was begotten with childe in adultery or fornication, without licence of his Ordinary?

36. Whether hath your Minister receiued any excommunication, suspension, or aggrauation from the Bishop of this Diocesse, or his Chancellor, or other Ordinary against any of his Parishioners, which he hath presumed to make stay of, and not published such Excommunication, suspension, or aggrauation, the next Sunday or Holy-day after the Receipt of the same, in time of Diuine Seruice in your Church or Chappell?

Articles concerning Schoolemasters.

What Recusants Papists are there in your Parish? and whether do any of them or any other, keepe any Schoolemaster in their House, who commeth not to Church to heare Diuine Seruice, and receiue the Communion? what is his name, and how long hath he taught?

2. Whether the Schoolemaster or Schoolemasters within your Parish openly, or priuately in any house, or in any house, or in any other place, be of good and sincere Religion (that is, of the Religion established in this Realme) life and conuersation, and be diligent in teaching and bringing vp of youth, and whether they haue been examined, allowed, and licenced for Schoolemasters, by the Lord Bishop of this Diocesse, or his Chancellor?

3. Whether your Schoolemaster or Schoolemasters doe themselues receiue the holy Communion as often as they ought to doe? And whether doe all their Schollers which be of age sufficient, and of capacity by instruction to receiue the Lords Supper, come to the Communion, either in your Church, or where their parents dwell, once euery yeere, be diligent to heare Common Prayer?

4. Whether your Schoolemaster or Schoolemasters either priuate or publike, doe teach their Schollers the Catechisme authorized by publike authority, at least once euery weeke, and doe instruct and examine them in the same? And whether doe they reade vnto their Schollers priuately any vnlawfull Bookes, or priuately instruct them in their young yeeres in Popery, Superstition, Schisme, or disobedience, or contempt of his Maiestie, and his Lawes Ecclesiasticall, by publike authority allowed?

5. Whether your Schoolemaster or Schoolemasters within your Parish doe teach his or their Schollers any other Grammer, then that which is commonly called the Kings Grammer, set foorth by the authority of King *Henrie* the eight? and whether they bee negligent in instructing their Schollers in the Catechisme and grounds of Religion, and in bringing them to Church to heare Diuine Seruice, and Sermons? whether doe they instruct their Schollers in any other Catechisme then is allowed by publike authority? and whether are they common Officers, Farmers, Artificers or otherwise entangled in other affaires, that they cannot benefit their Schollers in learning?

Articles concerning Ecclesiasticall Officers.

Whether do you know or haue heard of any payment, composition, or agreement, to or with the Chancellour, Register, or other inferiour Officers Ecclesiasticall, for suppressing or concealing of any Presentment, Excommunication, or other Ecclesiasticall censure of or against Recusants, or any other offenders, or for not certifying of Recusants to the Ordinary, or for not seruing of Processe without a summe of money, or other consideration, receiued or promised to any of them in them in that respect, and by whom?

2. Whether the Chancellor, Archdeacon, Officiall, or any other, vsing Ecclesiasticall Jurisdiction within this Diocesse, their Registers or Apparitors, haue at any time winked at and suffered any Adulteries, Fornications, Incests, or any other faults, or offences presented vnto them to passe, and remaine vnpunished and vncorrected for Money, Rewards, Bribes, Pleasure, Friendship or any other partiall respect?

3. Whether the Chancellor, Archdeacon, or Officiall haue called for, or caused the Churchwardens to make, bring, or to pay for any more Bils of presentment, then is to the 116. Canon appointed?

4. Whether hath any Chancellor, or Archdeacon, or Officiall, or any other, exercising Ecclesiasticall Jurisdiction within this Diocesse, or any Register, Apparitor, or Minister belonging to the same Ecclesiasticall Courts, exacted, extraordinary or greater Fees then heretofore of late haue beene accustomed? and whether is there a Table of the rates of all Fees set vp in their seuerall Courts and Offices: and whether doe they or any of them, exact or receiue greater or more Fees then are herein expressed: or whether they or any of them haue taken vpon them the Office of Informers or promoters to the Court, or any other way abused themselues in their Offices, contrary to the Law and Canon in that case prouided?

5. Whether hath the Chancellor, Archdeacon, or Officiall increased the number of his Apparitors, or appointed any Apparitor aboue the vsuall number, and wherein, and in what manner is the countrey ouer-burdened and grieued by the said Apparitors? And whether doth any of the said Apparitors cause any parties to appeare in the said Courts, without first a presentment, or citation obtained from the Judge of the Court?

Articles concerning Parishioners and others of the Laitie.

Whether any in your Parish, or elsewhere neere about the same, to your knowledge, or as you haue heard, hath affirmed that the King hath not the same power in all causes Ecclesiasticall, which the Kings of *Israel* had, and which the Christian Kings and Emperours had in the Primitive Church? or that hath impeached or gainsaid his Royall Supremacie?

2. Whether doe you know, or haue credibly heard of any within your Parish, that depraue the Christian Religion, and namely, as it is established by publike Authority, and professed within the Church of *England*? And whether hath any person as you haue heard affirmed, that the Church of *England* is not a true Catholike and Apostolike Church, and doeth not teach and maintaine the Catholike faith and doctrine of the Apostles?

3. Whether hath any said and affirmed, that any thing in the Booke of Common Prayer, or in the Booke of Articles of Religion, set foorth by the Conuocation, *Anno* 1562. or any of the Rites and Ceremonies established in the Church of *England*, are corrupt, wicked, Antichristian, superstitious, vnlawfull, or repugnant to the Scriptures?

4. Whether hath any affirmed, preached, or taught, the forme, of making and consecrating Bishops, Priests, and Deacons, or any thing therein contained, is not agreeable to the Word of God? or that the gouernment of the Church vnder the Kings most excellent Maiestie by Archbishops, Bishops, or others that beare any office therein, is Antichristian, or not agreeable to the Word of God, or that hath spoken any reproachfull or disgracefull speeches of the Kings Maiesties Courts Ecclesiasticall, or the proceedings thereof?

5. Whether any in your Parish hath or doth profane the

Lords day, called Sunday, or other Holiday, contrary to the Orders of the Church of *England*, prescribed in that behalfe? or whether any persons haue lurked or tippled in Tauerne or Alehouses on Sundayes or other Holidayes, or vsed his or their manuall craft or trade, or any bodily labour, or kept their shops open vpon the same dayes, or any of them, especially in the time of Diuine Service?

6. Whether hath any in your Parish brawled, quarrelled, or stricken, or vsed any violence vnto, or with your Minister, or any other person in the Church or Church-yard, or vsed himself disorderly in the Church or Church-yard by filthy and profane talke, or any other rude or immodest behauiour?

7. Whether is that due reuerence and humble submission vsed within your Church or Chappell in the time of Diuine Seruice, as by the 18. Canon is prescribed, and whether each one in the Church or Chappell doe apply and order himselfe there in time of Diuine Seruice as by the latter part of the same Canon is most commendably enioyned?

8. Whether doe the Churchwardens and Questmen euery Sunday and Holiday, diligently search who absenteth himselfe, or her selfe from the Church? or whether doe they suffer any to abide in the Church-porch or Church-yard in the time of Common Prayer or Sermon?

9. Whether the Churchwardens and Questmen or any of them, haue forborne (for money, reward, fauour, or affection) to present any that were or bee negligent in comming to Church, or whom they haue found as idle persons abroad, either in the Church-yard or streets in the time of Common Prayer, or Sermons on the Sunday or Holidayes? or any that have not received the Communion yerely at the Feast of Easter, or within a moneth after according to the Canons?

10. Whether the Churchwardens doe prouide against euery Communion, with the aduice of the Minister, a sufficient quantity of fine white Bread, and of good and wholesome Wine, for the number of Communicants that shall receiue, and that to bee brought in a cleane and sweet standing Pot of pewter, or of other purer metall?

11. Whether haue any in your Parish beene Godfathers or Godmothers to their own children? or whether your Minister or any Godfathers or Godmothers haue vsed or doe vse any other forme, answere or speech in Baptisme, then is by the Booke of Common Prayer appointed? or doe giue the children baptized any name absurd or inconuenient for so holy an action? or whether any which have not Communicated, haue been admitted to bee Godfathers or Godmothers contrary to the 29. Canon?

12. Whether doe all Fathers, Mothers, Masters, and Mistreeses, cause their children, seruants, and apprentises, to come to the Catechisme on the Sundayes and Holidayes before Euening Prayer, to heare and to bee instructed and taught therein? and those that doe not their duties herein, you shall present their names.

13. Whether haue you or your predecessors Churchwardens there, suffered any Playes, Feasts, Banquets, Church-Ales, Drinkings, or any other profane Playes to bee kept in your Church, Chappell, or Churchyard, or Bels to bee rung superstitiously on Holidayes or Eues, abrogated by the Booke of Common Prayer?

14. How many Inhabitants within your Parish, men or women above the age of sixteene yeres, doe refuse to frequent Diuine Seruice, established by the publike authority of this Realme, or to receiue the holy Communion or are negligent therein? or comming to Church doe depart before the end of Diuine Seruice or Sermon? what be their names, and of what degree, state, or trade of life are they? you are to present them all of each sort.

15. Whether doe any of the said Inhabitants within the said Parish, entertaine within their Houses, any Soiorners, Lodgers, or any common resorts and guests, who refuse to frequent diuine Seruice, or receive the holy Communion, as aforesaid? what bee their names, and of what qualitie or condition are they?

16. Whether any of the said Popish Recusants be of insolent behauiour, not without publike offence, or doe boldly busie themselues in seducing or withdrawing others, either abroad or in their owne Families, by instructing their children in Popish Religion, or by refusing to entertaine any especially in place of greatest seruice or trust, but such as concur with them in opinion of Religion? and what be their names that so doe?

17. How long the said Popish Recusants haue obstinately abstained either from Diuine Seruice, or from the Communion as is aforesaid, whether of any long time, or onely since his Maiesties Raigne, and how many moneths?

18. Whether there be any Popish Recusants maried, or the childe of any Recusant Christned, or any Recusant buried within your Parish, by any other then the Minister of the Parish, or whether the childe of any Recusant remaine vnbaptized aboue one moneth, or bee not baptized in the Parish Church?

19. You shall present how the children of such as refuse to come to Church, are brought vp, vnder what Schoolemaster or Tutor, when, and in what Schoole or place?

20. What persons aforesaid within your Parish, either for the offence aforesaid, or for any other contumacie or crime doe remaine Excommunicated? what bee their names? and for what cause, and how long haue they so stood Excommunicated? and whether doe any familiarly vse the company of such as doe obstinately stand Excommunicate knowing the same, and what be their names?

21. Whether were your Churchwardens and Questmen chosen by the consent of the Minister and Parishioners? and whether haue the Churchwardens before you giuen up a iust account for their time, of their Receipts and Disbursments, and deliuered you whatsoeuer money or other things, or goods, or stocks of the Church which was in their hands? and whether doe you diligently see that all the Parishioners doe duely resort to their Church euery Sunday and Holyday, and there continue the whole time of Diuine Service, and suffer none to stand idle, or walke, or talke in the Church, Churchporch, or Churchyard, during that time?

22. Whether doe all persons aboue the age of sixteene yeeres vsually resort to heare Diuine Seruice vpon Sundayes and Holidayes approoued? and whether hath each one of your Parishioners (being aboue the age of sixteene yeeres, as aforesaid) receiued the holy Communion thrice this last yeere, and chiefely once at Easter last in your Parish Church kneeling? If no, then you shall present their names which haue not so done.

23. Whether haue you a fit Parish Clarke aged twenty yeeres at least, of honest conuersation, and sufficient for reading and writing, and whether hee be paid his wages without fraud, according to the ancient custome of your Parish? if not, then by whom is hee so defrauded and denied? and whether is he chosen by the Parson or Vicar, or by whom? And whether is your said Clarke approoued and admitted by the Lord Bishop of this Diocesse or his Chancellor?

24. Whether haue any in your Parish been maried within the prohibited degrees forbidden by the Law, and expressed in a certaine Table published by Authority in *Anno* 1563. if yea, then you shall present their names; and whether is the said Table publikely set vp in your Church, and fastened to some conuenient place there?

25. Whether doe any heretofore diuorced, or maried and not diuorced, keepe company at bed and board as man and wife with any other man or woman, then with the person that hee or shee was maried vnto? what bee their names? when and where were they maried? and how long haue they so continued together? and whether any Husband and Wife in your Parish are apart each from other?

26. Whether haue you in your Parish to your knowledge or you haue heard by common fame and report, any which haue committed Adulterie, Fornication or Incest, which haue not been publikely punished to your knowledge? if yea, then with whom? Or any man that hath attempted the chastitie of any Woman, or any who haue committed Incontinencie together before they were maried? Or any in your Parish suspected to bee Bawdes, harbourers or receiuers of such persons, or suspected of any of the crime (*sic*) aforesaid? if yea, then with whom?

27. Whether haue you any in your Parish, which are by common fame and report, or vehement suspition reputed and taken to bee common Drunkards, Blasphemers of Gods holy Name, common and vsuall swearers, filthy speakers, railers, sowers of discord amongst their neighbours, or speakers against Ministers Mariages, Vsurers contrary to the Statute made in the 37. of King *Henrie* the Eight, Simoniacall persons, Fighters, Brawlers, or Quarrellers in Church or Churchyard? you shall not faile to present their names.

28. Whether haue any in your Parish receiued, or harboured any Woman with Childe, that was not before a Housholder in your Parish, or gotten with Childe out of Wedlocke, and suffered her to depart againe without punishment first inflicted by the Ordinary? You shall present aswell the party harbouring as harboured, and who is suspected to be the Father of the Childe? and who hath helped to conuey her away?

29. Whether any person or persons suspected or detected heretofore of Incontinence, and therefore departing out of your Parish for a season, is now returned againe, or in what place else is hee or she now abiding to your knowledge, or as you haue heard? And whether he or she hath done any Penance, or else escaped without penance, and by what and whose means? You shall not faile to present the whole truth in that behalfe.

30. Whether haue you any in your Parish which liue together as Man and Wife, and yet are not knowen by whom, where, or when they were married? And herein you are especially to enquire of those who are Recusants, or whereof the one of them is a Recusant or sectary, present your knowledge herein, and what the common fame or report is among your Neighbours?

31. Whether any within your Parish, or elsewhere within this Diocesse, haue retained or kept in their custodie, or read, sell, vtter, disperse or to deliuer (*sic*) to any others any English or Latine Bookes or Libels, set foorth or Printed, either on this side or beyond the Seas, by Papists or Sectaries against the Kings Supremacie in causes Ecclesiasticall, or tending to Popery, Puritanisme, or any other Sect, error or Heresie, against the true and Catholike Religion and Doctrine now publikely professed in this Church, or the Gouernment or Discipline of the Church of *England* established by Authority, that you know or haue heard of, what their names and sirnames are?

32. Whether haue you in your Parish any which heretofore being Popish Recusants or Sectaries, haue since conformed themselues and come to Church to heare Diuine Seruice, and receiue the Sacrament? if yea, then who they are? and how long since haue they so conformed themselues? and whether doe they still abide in that conformity?

33. Whether are there in your Parish any Wills not yet prooued, or goods of the dead dying Intestate, left vnadministred by Authority of the Ordinary in that behalfe. And whether any possesse the goods of any person deceased without authority from the Ordinary? You shall not faile to present the Executors and all other culpable therein, and how many persons possessed of any goods or Chattels haue died within your Parish of late, and present their names.

34. Is there any Legacie giuen to the Church, or to other good and godly vses, as reliefe of the Poore, Orphants, poore Schollers, poore Maidens Mariages, Schooles, Highwayes, and such like which is not yet performed? if there be any such, you shall present what you know or can learne thereof, and by whose default the same is not performed?

35. Whether any of your Parishioners, hauing a Preacher to their Parson, Vicar, or Curate, doe absent themselues from his Sermons, and resort to any other place to heare other Preachers, or refuse to receiue the holy Communion at their Ministers hands? and whether any other Minister hath receiued to the Communion any of your Parish? and specifie the names both of the Minister and of the Parishioners?

36. Whether there bee in your Parish any Inholders, Alehousekeepers, Victuallers, or Tiplers, that suffer or doe admit any person or persons into their houses to eate, drinke, play at Dice, Cards, Tables, Bowles, or such like Games, in the time of Common Prayer or Sermon, on Sundayes or Holidayes? or any Butchers, Victuallers, Mercers, or any of any other Trade or Occupation, vse to keep their Shop-windowes open, or sell their meates, victuals, ware or Marchandizes, or otherwise vse their Trade or Occupation on Sundayes or Holidayes, especially in the time of Common Prayer or Sermon? and whether any Markets or selling of Wares bee vsed or suffered in any Churchyard on the Sunday, by common Packmen or Pedlers going about, or any Butcher?

37. Whether any maried woman within your Parish, after Childbirth, refuse or neglect to come to Church to giue God thankes for her safe deliuery, and to haue the Prayers publikely appointed on that behalfe by the Booke of Common Prayer?

38. Is there any in your Parish who refuse to haue their children Baptized, or themselues to receiue the Communion, at the hand of your Minister, because he is no Preacher? or whether any keepe their children longer vnbaptized then is conuenient, vnlesse it be for the sicknesse of the childe, or other vrgent occasion? or whether any doe cary their childe or children from their owne Parish to any other Parish to bee baptized, and to what other Parish? who baptized such a child, and whose child it was? and whether haue you in your Parish any childe or children which are not yet knowen to you or to your Minister to be baptized, and herein you are especially to enquire of the children, whose Parents or one of them are Recusants?

39. Whether doe you know or haue heard of any Patron in your Parish, that hath made gaine by any colour, deceit, or Simoniacall compact in bestowing his Benefice for gaine or receiuing money, or promise of the Lease of the whole or part, or by reseruing his owne Tithes, or any pension to himselfe or any other?

40. Whether the Almes-houses or Hospitals in your Parish, are well and godly vsed and ordered according to the foundations and Ordinances of the same, and whether there be any other placed in them, then poore, impotent, and needy persons that haue not wherewith, or whereby to liue? and by whose default are they not so ordered and kept?

41. What Midwiues haue you in your Parish, of what skill are they accounted of for that Office, and whether are they Licenced by their Ordinary to execute the same?

42. Whether haue you any in your Parish that practise Physicke, or Surgerie, of what skill are they accounted for their Profession? and whether doe they practise without a particular Licence from the Lord Bishop of this Diocesse?

43. Whether haue any of your Parish dying Excommunicate, or wilfully destroying himselfe, beene Buried in the Church or Churchyard, by whom and by whose procurement?

44. Whether any in your Parish hath or doe refuse to contribute towards the reparation of the Church, and to the prouision of such things as belong thereunto?

45. Whether the fift of Nouember be kept in your Parish with Prayer and Thankesgiuing to Almighty God, in such forme as is by publike Authority appointed for those dayes?

46. Lastly, if you know any other matter of Ecclesiasticall cognizance, worthy the presentment in your iudgement, heretofore in these Articles not expressed, and which is fit to bee reformed by Ecclesiasticall Censure, you shall likewise Present the same by vertue of your Oathes.

FINIS.

LINDSELL, BISHOP OF PETERBOROUGH, 1633.

ARTICLES to be enquired of within the Diocesse of Peterbrough, in the first Visitation of the Reverend Father in God Augustine Lord Bishop of Peterbrough.

Printed by the Printers to the *Universitie* of CAMBRIDGE, 1633.

[The Churchwardens' Oath is the same as in previous Articles.]

ARTICLES to be enquired of in the Diocese of *Peterbrough*, in the Visitation holden in the yeare of our Lord 1633.

I.—Articles concerning Religion and Doctrine.

1. Whether be there any abiding or resorting to your parish, who have wilfully maintained and defended, or do maintain or defend any Heresies, errours, or false opinions, contrary to the faith of Christ, and holy Scripture?

2. Whether be there any in your parish, that do impugne any of the 39 Articles of Religion, agreed upon in *anno* 1562, and established in the Church of England?

3. Whether is his Majesties declaration prefixed before those 39 Articles, concerning the setling of the Questions in difference, duely observed by all within your parish, according to his Majesties commandment?

4. Whether be there any within your parish, that deny, or perswade any other to deny, withstand, or impugne the kings Majesties authoritie and supremacie, in causes Ecclesiasticall within this Realm?

5. Whether be there any in your parish, that hath been, or is vehemently suspected to have been present at any unlawfull assemblies, conventicles, or meetings, under colour or pretence of any exercise of Religion? or do any affirm and maintain such meetings to be lawfull, contrarie to his Majesties laws in that behalf?

6. Whether be there any abiding, or resorting to your parish, that are commonly reputed to be ill-affected in matter of Religion, professed in our Church, or taken to be recusant Papists, refusing to repair unto the Church, to heare divine service, and to receive the holy communion, being disobedient to his Majesties laws in that behalf? Or be there any in your parish, that have or do publish, sell, or disperse any superstitious books, or writings, or any other seditious or schismaticall books, libels, or writings touching the Religion, State, or Ecclesiasticall government of this kingdome of England? Present their names, qualities, and conditions.

II.—Articles concerning publick prayer and administration of the Sacraments.

1. Whether have any in your parish spoken, or declared ary thing in derogation, or depraving of the form of Gods worship, established in the Church of

England, and administration of the Sacraments, rites and ceremonies, set forth and prescribed in the book of common prayer? Or do any preach, speak, or declare, that it containeth any thing, that is repugnant to the holy Scripture?

2. Whether hath any in your parish caused, procured, or maintained any Minister, to say any common or publick prayer, or to administer either of the Sacraments, Baptisme, or the Lords Supper, otherwise, or in any other manner and form, then is mentioned in the said book of common prayer? or whether hath any interrupted, hindred, let, or disturbed the Minister in reading of divine service, or administration of the Sacraments, in such manner and form, as is mentioned in the said book? or hath any interrupted him in his preachings, and sermons?

3. Whether is the Sacrament of Baptisme rightly and duely administred, according to the form prescribed in the book of common prayer; with due observation of all rites and ceremonies prescribed to be used in the administration of the same; without adding or altering of any part or parcell of any prayers, or interrogatories? and whether is the signe of the crosse used in the administration of it?

4. Whether is the administration of the Sacrament of Baptisme, deferred longer then till the next Sunday or holpday, immediately following the birth of the childe?

5. Whether is the Sacrament of Baptisme refused to be administred to any children, born in, or out of wedlock: their birth being made known to the minister of the parish, and they offered unto him to be baptized? or have any such children died unbaptized?

6. Whether have the parents of the childe baptized, been admitted to be godfathers and godmothers to the same? or have any been admitted to be godfathers or godmothers to any childe, before they have received the holy communion; contrary to Can. 29? or have any godfathers or godmothers used any other answers or speech in Baptisme, then is by the book of common prayer appointed? or have they given unto the children baptized any name that is absurd, or inconvenient for so holy an action?

7. Whether have there any children been baptized in private houses, by any lay person, or midwife, or Popish priest; or by any other Minister, but upon urgent occasion, when the child was in danger of death? and have such children thus privately baptized, and surviving, been afterwards brought unto your Church, to the intent the congregation and the Minister of the parish (in case they were not baptized by him) may be certified, whether they or any of them were lawfully baptized, or no?

8. Whether have the children, that have been born to any Popish recusant, or recusants in your parish, been publickly baptized in your parish-church, by your Parson, Vicar, or Curate? or by whom els were they baptized, or where, to your knowledge?

9. Whether hath the blessed sacrament of the Lords supper been duely and reverently administred in your Church or Chappell every moneth, or at least thrice every yeare, (whereof once at Easter) to every parishioner within your parish, being of the age of sixteen yeares, or upwards?

10. Whether is the said blessed sacrament delivered unto any, or received by any of the communicants within your parish, that do unreverently either sit, or stand, or that do not devoutly and humbly kneel upon their knees?

11. Whether have any of your parish, which are openly known to live in notorious sinne without repentance, or any excommunicate persons, or schismaticks, common and notorious depravers of the Religion and government of this Realm, without unfeigned sorrow shewed by them for their impietie and wickednesse, been admitted to be partakers of the holy communion.

12. Whether hath any of your parish been debarred from the said holy communion without just cause, and without intimation first given to the Ordinary, or Bishop, of the Diocese; and by whose default?

Articles concerning the Church, the furniture and ornaments thereof, and the Churches possessions.

Whether have you in your Church or Chappell the whole Bible, of the largest volume, and of the last translation; the book of common prayer, set forth by authoritie; the two books of Homilies, and Bishop Jewels Apologie; all well and fairly bound? And whether have you also in your Church, the book of Constitutions, or Canons Ecclesiasticall, as is commanded?

2. Whether have you in your Church or Chappell, a Font of stone, set in the ancient usuall place; a convenient and decent Communion table, with a carpet of silk or some other decent stuffe, continually laid upon the table at the time of divine service; and a fair linen cloth laid thereon, at the time of administring the communion? And whether is the same table placed conveniently, as it ought to be? And whether is it so used, in, or out of the time of divine service, or sermon, as is not agreeable to the holy use of it; as namely, by sitting on it, or by throwing hats on it, or writing on it; or is it abused to any other profane use? And whether are the ten commandments set up on the East end of your Church, or Chappell, where the people may see and reade them; and other chosen sentences also written upon the walls of your said Church or Chappell, in places convenient for the same purpose?

3. Whether have you in your said Church or Chappell, a convenient seat for your Minister, to reade divine service in, together with a comely pulpit, set up in a convenient place, with a decent cloth or cushion for the same; a comely large surplice; a fair communion cup of silver, and a cover agreeable to the same; a flagon of silver, or pewter, with all other things and ornaments, necessary for the celebration of divine service, and administration of the sacraments? And whether have you a chest, wherein to put the almes of the poore, with three locks and keys unto it, and another chest for the keeping of the books and ornaments of the Church, and the Register-book?

4. Have you a Register-book in parchment, wherein to register Christnings, weddings and Burialls? and is the same kept in all points according to the Canon? and is there a transcript thereof transmitted every yeare into the Bishops principall Registry, there to be faithfully preserved? Have you also a fair paper-book, wherein every preacher, which is a stranger, is to subscribe his name, the day he preached, and by whose authoritie he is licensed? And have you also a table set up in your Church, of the degrees, wherein by law men are prohibited to marry?

5. Whether is your Church or Chappell, with the chancell thereof, and your Parsonage-house, or Vicarage-house, and all other houses thereto belonging, your parish almes-house, and Church-house, in good reparations? and are they imployed to godly and their right holy uses? and if any of them be ruinated and wasted, in whom is the default? And is your Church, chancell, and Chappell, decently and comely kept, as well within as without? and are the seats in them well maintained; the steeple and bells preserved, the windows well glazed, the floore kept paved, plain, and even; and all things there in orderly and decent sort without dust, or any thing that may be either noisome, or unseemly for the house of God as is prescribed in an Homilie to that effect, and in the 85 Canon?

6. Is there any in your parish, that hath, or doth refuse to contribute towards the reparation of your Church, and towards the provision of such things as belong thereunto?

7. Whether is your Church or Chappell-yard well fenced, and kept without abuse: and if not, whose is the default? Hath any person incroached upon the ground of the Church-yard? hath any used that place, consecrated to an holy use, profanely or wickedly? Hath any quarrelled or stricken one another, either in the Church or Church-yard? Hath any person behaved himself rudely, and disorderly in either; used any filthy or profane talk, or any other rude or immodest behaviour in them? Have any playes, feasts, banquets, suppers, Church-ales, drinkings, temporall courts or leets, lay-juries, musters, or any other profane usage, been suffered to be kept in your Church, Chappell, or Church-yard? Have any annoied your Church-yard, or the fence thereof, by putting in of cattell, by hanging of clothes, or by laying any dust, dung or other filthinesse there?

8. What Legacies have been given to the use and benefit of your Church, and how have they been bestowed? who hath received and detaineth them without due employment? Whether doth any detain, or embezell, or hath sold and made away any of the Church-goods, or used and employed them otherwise, then by law they ought to be?

9. Whether is your Church full, or vacant of an incumbent? and if vacant, who receiveth the fruits thereof, and who serveth the Cure, and by what authoritie? and whether is it a Parsonage, Vicarage, or Donotive?

10. Whether doth any private man or men, of his or their own authoritie, erect any pewes, or build any new seats in your Church? and what pewes or seats have

been so built, by whose procurement, and by whose authoritie?

11. Whether hath any in your parish defaced, or caused to be defaced, any monuments or ornaments in your Church?

12. Whether hath any popish Recusant being lawfully excommunicate, or any other excommunicated person, been interred, or buried in your Church or Church-yard, before absolution from that censure and excommunication obtained? and if yea, then by whom, and when?

13. Whether be not the profits, tithes, and other commodities Ecclesiasticall, belonging to the Parsonage or Vicarage of your parish, impiously and wickedly, to the dishonour of Almighty God, and prejudice of the sacred Ministry, converted to the use and benefit of covetous Patrons, and by them received and detained; and how long have they been so used to your knowledge?

14. Whether have you a true Terrier, of all the Glebelands, medows, gardens orch-yards, houses, stocks, implements, tenements, and portions of tithes, whether within your parish or without, belonging to your Parsonage, or Vicarage, taken by the view of honest men in your said Parish? and whether is it safely kept and preserved, and in whose hands? and whether hath there a true copie thereof, under the hands of the Minister and Churchwardens, been transmitted, and laid up in the Bishops Registry, there to continue for a perpetuall memory thereof. And if you have no such Terrier yet made, you the Churchwardens and sidemen, together with your Parson or Vicar, or in his absence, your Curate, are to make diligent enquiry of the Premisses; and to make, subscribe, and signe the said Terrier, and to bring in a true copie of it into the Bishops Registry, as aforesaid.

Articles concerning the Ministers of Gods holy word, Lectures and Preachers.

1. Whether is your Minister, Parson, Vicar or Curate, a graduate in either of the Universities, yea or no? And if he be a graduate, then of what degree is he?

2. Whether is your Minister a licensed Preacher, yea or no? and if he be licensed, then by whom? And whether doth he preach usually in his owne Cure, or in some other Church or Chappell neare adjoyning, where there is no Preacher, once every sunday, according to the 45 Canon? And if he be not a licensed Preacher, whether doth he take upon him in his own Cure, or elsewhere, to expound any Scripture or matter of doctrine, contrary to the 49 Canon? And whether, being no licensed Preacher, doth he keep himself onely to the reading of the Homilies, published by authoritie; and besides, procure sermons to be preached amongst you, once every moneth at least, by auch as are lawfully licensed? and doth he, or his Curate, upon every sunday when there is no sermon, reade some one of the Homilies, prescribed by authoritie, as he ought to do?

3. Whether is your Minister resident with you upon his benefice? or if absent, how long time hath he been so: and where is he resident for the most part? and doth he in his absence make allowance to the poore? and what allowance doth he make? hath he any other benefice? and doth he supply his absence by a Curate, that is licensed to preach?

4. Whether is your Curate licensed by the Bishop of the diocese, or his Chancellor? and whether doth your Minister or Curate serve any more Cures then one? if yea then what other Cure doth he serve, and how farre are his Cures distant, one from the other?

5. Whether hath any, being no Minister or Deacon, presumed to reade common prayers openly in your Church or Chappell, or to serve the Cure of your parish? or whether hath any Deacon, not having received the full order of Priesthood, taken upon him alone to administer the communion alone in your Church or Chappell? You are to present the names of any, that have herein offended.

6. Whether doth your Minister, Preacher, or Lecturer observe the form of prayer before his or their sermon, that is prescribed by the 55 Canon; therein moving the people, as they are there directed, to joyn with him in prayer, for Christs holy Catholick Church, and for the King's most excellent Majestie, the Queen, Prince, Clergie, Councell, and giving every of them their full titles, as in the Canon is required; alwaies concluding with the Lords prayer?

7. Whether doth your Minister distinctly and reverently say divine service, upon sundayes and holydayes, and other dayes appointed to be observed; as wednesdayes and fridayes, and the eves of every sunday and holyday, at fit and usuall times, according to the form prescribed in the book of common prayer? And doth he duely observe the orders, rites and ceremonies prescribed in the said book; as well in reading all publick prayers, and the Letany; as also in administring the sacraments, solemniation (*sic*) of marriage, visitation of the sick, burying of the dead, churching of women, and all other like rites and offices of the Church, in such manner and form as in the said book of common prayer by law established, is enjoyned; without omission or addition of any thing?

8. Whether doth the Minister, reading divine service, and administring the sacraments, and other rites of the Church, alwayes wear the surplice; and doth he never at such times omit the wearing of the same? And if he be a graduate, whether doth he wear also upon his surplice, at such times, such a hood, as by the order of the Universities is sutable to his degree?

9. Whether doth your Parson or Vicar, having a Curate under him notwithstanding reade divine service himself, upon two severall sundayes in the yeare, publickly at the usuall times, both in the fore and afternoon, in the Church which he possesseth? And whether doth he also administer both sacraments, as often in every yeare, in such manner and form, and with the observation of all such rites and ceremonies, as are prescribed in the book of common prayer, in that behalf?

10. Whether doth your minister publish in his sermons any doctrine which is new and strange, and disagreeing from the word of God, and from the Articles of Christian faith and Religion, agreed on, and published *anno* Dom. 1562. And whether doth he teach any thing, which he would have the people religiously to observe and beleeve, but that which is agreeable to the Scriptures, and that which the Catholick Fathers, and ancient Bishops have gathered out of that doctrine according to the Canon?

11. Whether doth your Minister alwayes use, and never omit the signe of the crosse in Baptisme? And whether doth he ever baptize in any bason, or other vessell, and not in the usuall Font? and whether hath he deferred, or wilfully refused to baptize any infant in your parish, being in danger of death, and having been duely enformed of the weaknesse thereof? and whether hath the childe died by his default without Baptisme?

12. Whether doeth your Minister or Curate often admonish the people, that they deferre not the Baptisme of their infants any longer then the Sunday or holiday next after they be born; unlesse upon a great and reasonable cause, declared to the Minister or Curate, and approved by him?

13. Whether hath your Minister admitted any person to answer as godfather or godmother at the Christening of a childe, that hath not before received the holy communion, and is not able to cite the Lord's prayer, the ten commandments, the Articles of belief; and to answer to the same, being required.

14. Whether doth your Minister every Sunday and holy day before evening prayer, for half an houre or more, catechise and instruct the youth and ignorant persons of your parish, in the ten commandments, the Articles of belief, and the Lord's prayer? and whether doth he use, for that purpose, the catechisme set forth in the book of common prayer, and diligently heare, instruct, and teach them in the said catechisme? or what other catechisme doth he use? And whether be the youth and ignorant persons of your parish sent in due time unto the Church by them that ought to send them, to be catechised and instructed by the Minister? and if not, you are to present the names of those that make default in sending them.

15. Whether are your afternoon sermons turned into catechising by question and answer, where and whensoever there is no great cause apparent to the contrary, according to his Majesties last direction?

16. Whether doth your Minister administer the holy communion every moneth, or at least thrice in the yeare (whereof once at Easter) to every parishioner in your parish, that is 16 yeares of age, and upwards? And whether doth he first receive the same himself kneeling, on every day that he administreth it to others; and administreth it to none but to such as do kneel at the receiving thereof? And whether doth he use the words of institution, according to the book of common prayer, without alteration, at every time that the bread and wine is renewed, according to the 21 Canon? And whether is there warning given by him to the parishioners publickly in the Church, at morning prayer, the Sunday before every time of his administring of the holy communion, for their better preparation thereunto, according to the 22 canon?

17. Whether hath your Minister admitted unto the holy communion any of his cure or flock which be openly known to live in sinne notorious without repentance, or any that have maliciously and openly contended with their neighbours, before they be reconciled; or any Churchwardens or sidemen, who having taken their oathes to present to their Ordinary all such publick offences, as they are particularly charged to enquire of, in the parish; have and do notwithstanding, wittingly and willingly, desperately and irreligiously incurre the horrible crime of perjurie, either in neglecting, or in refusing to present such enormities, and publick offences, as they know themselves to be committed within your parish; contrary to the 26 Canon?

18. Whether doth your Minister admit unto the Communion any that refuse to be present at your publick prayers; or who are notorious depravers of the book of common prayer, and administration of sacraments, or of the orders, rites and ceremonies therein prescribed, or of any thing contained in the 39 Articles, or in the book of ordering Priests and Bishops; or who have spoken against, and depraved his Maiesties soveraigne authoritie, in causes ecclesiasticall; unlesse they and every of them do first acknowledge their repentance for their sinne, and promise to do so no more?

19. Whether doth your Minister or Curate admit any to the communion, before they can say their catechisme, and be confirmed?

20. Whether doth your Minister, together with the Churchwardens and questmen, take diligent heed and care, not onely that all and every of your own parishioners do receive thrice every yeare; but also that no strangers of any other parish, do come often and commonly to your Church, from their own parish Church, to receive the communion there?

21. Whether doth your Minister, before the severall times of the administration of the Lords supper, admonish and exhort his parishioners, if any of them have their consciences troubled and disquieted, to resort unto him, or to some other learned Minister, and open their grief; that they might receive such ghostly counsel and comfort, as their conscience may be relieved? and by the Minister they may receive the benefit of absolution, to the quiet of their conscience, and avoiding of all scruple. And if any man confesse his secret and hidden sinnes, being sick, or whole, to the Minister, for the unburdening of his conscience, and receiving of spirituall consolation or ease of minde from him; doth he the said Minister, or hath he at any time revealed and made known to any person whatsoever, any crime or offence, so committed to his trust and secrecie; contrarie to the 113 canon.

22. Whether hath your Minister solemnized marriage between any persons under the age of one and twentie yeares, without the consent of their parents or governours; or hath he married any without a ring, or in times prohibited, or without the banes first published, three severall sundayes or holydayes, in time of divine service, in the severall Churches or Chappels of their severall abodes, without a speciall licence from the Arch-bishop or Bishop of the diocesse, or his Chancellour, first had and obtained?

23. Whether doth your Minister use the form of thanksgiving to women after childe-birth? or hath he admitted thereunto any woman begotten with childe in adulterie, or fornication, without licence of his Ordinarie?

24. Doth your Minister carefully look to the relief of the poore; and from time to time call upon his parishioners, to give somewhat, according to their abilities, to godly and charitable uses; especially when they make their wills?

25. Whether doth your Minister or Curate resort unto such as be dangerously sick in your parish, to instruct and comfort them in their distresses, according to the order of the booke of common prayer; not omitting, then especially, to move them earnestly to liberalitie towards the poore?

26. Whether doth your Minister, being a preacher, and having any Popish recusant or recusants in your parish, labour diligently with them from time to time, to reclaim them from their errours?

27. Whether hath your Minister, or any other, taking upon him the calling of a Minister, preached, baptized children (except in case of necessitie,) solemnized marriage, churched any women, or ministred the holy communion, in any private house or houses, otherwise then by law is allowed? if yea; then where, when, and how often hath he offended in any of the premisses?

28. Whether doth your Minister, every six moneths, in your parish Church, openly in time of divine service, upon some sunday, denounce, and declare excommunicate, such as do persevere in the sentence of excommunication, not seeking to be absolved? and whether hath he said divine service, whilest any excommunicate person hath been present in the Church? or hath he admitted any person, that hath been excommunicate, into the Church, without a certificate of his absolution from the Ordinarie? or hath he stayed, or forborn to denounce any excommunication or suspension, that hath been sent him from his Ordinarie?

29. Whether hath your Minister been at any private conventicles, to consult there of any course to be taken by them, or by any other upon their motion, which may any way tend to the impeachment or depraving of the doctrine of the Church of England, or of the book of common prayer, or of any part of the government and discipline now established in the Church of England?

30. Whether doth your Minister, upon sundayes, at morning prayer, declare unto the parishioners, what fasting-dayes and holydayes are appointed to be kept the week following, according to the book of common prayer?

31. Whether doth your Minister, in the Rogation-dayes, go the perambulation of the circuit of your parish, saying and using the prayers, suffrages, and thanksgiving to God; appointed by law, according to his dutie; thanking God for his blessings, and praying for his grace and favour?

32. Whether doth your Parson or Vicar, maintain and keep in due reparation, the mansion-house, and other edifices belonging to his parsonage, or vicarage, without suffering them to grow into ruine or decay?

33. Whether hath your Minister taken upon him, to appoint any private or publick fasts, preaching, or lecturing, prophesies or exercises, not approved and established by law, or publick authoritie?

34. Whether is your Minister studious in holy Scripture, and abstaineth from mechanicall trades or labour, not befitting his function; and from apparell unseemly for his calling; using that decencie and gravitie therein, that is prescribed by the 74 Canon?

35. Whether is your Minister suspected or known to have obtained his benefice, by any simoniacall compact, directly or indirectly? or whether is he reputed to be an incontinent person, a haunter of taverns or alehouses, a common gamester, or player at dice, a common swearer or drunkard, or otherwise faulty in any other kinde that is punishable by ecclesiasticall consure, and scandalous to his function?

36. Whether hath your Minister publickly, in your parish Church or Chappell, once every yeare, read over the Constitutions and Canons ecclesiasticall, agreed upon by the clergie of both Provinces, *Anno Dom.* 1603. in such manner as the same is commanded to be done?

37. Whether is there any in your parish, who having been admitted into holy orders, either Deacon or Minister, doth voluntarily relinquish and forsake his calling; and liveth in the course of his life, as a meer lay-man?

38. Whether are any Ministers admitted to preach in your Church, who do not, before the Churchwardens, subscribe their names in your book provided for that purpose; the day when they preached, and the name of the Bishop or Bishops, of whom they had licence to preach?

39. Whether doth any preacher, in your pulpit, particularly impugne and confute any doctrine, delivered by any other preacher in the same Church, or in any Church neare adjoyning; before he hath acquainted the Bishop of the diocesse therewith, and received order from him, what to do in that case?

40. Whether have you any Lecturer in your parish; and whether, if any such be, doth he twice at the least, every yeare, reade himself divine service, both morning and evening, two severall sundayes, publickly, in his surplice; and also twice in the yeare administer both Sacraments, with such rites and ceremonies, as are prescribed by the booke of common prayer?

41. Whether doth your Lecturer reade divine service, according to the Liturgie printed by authoritie, in his surplice and hood, before his lecture, according to his Majesties late direction?

42. Whether doth your Preacher or Lecturer behave himself in his lectures and sermons, as he ought to do, teaching obedience and edifying his auditorie in matters of faith and good life; without intermedling with matters of state, or other discourse not fit for the pulpit?

43. Whether have you any Lecture of combination, set up in your parish; and if so, whether is it read by a companie of grave and orthodox Divines, neare adjoyning, and in the same diocesse? and whether do

they preach in gowns, and not in cloaks, according to his Majesties late order?

44. Whether is any single Lecturer, maintained by a Corporation, suffered to preach there, he not first professing his willingnesse to take upon him a living, with cure of souls, within that Corporation; nor actually taking such benefice or cure, so soon as it shall be fairly procured for him; contrarie to his Majesties late direction?

V. *Articles Concerning Matrimonie.*

1. Whether be there any in your parish, that have married within the degrees of affinitie or consanguinitie, by the law of God forbidden, and expressed in a certain table, published by authoritie, *in Anno* 1563? and if any have so married, what be their names?

2. Whether hath any been married secretly, in private houses; or without their parents or governours consent signified; being under the age of 21 yeares?

3. Whether do any persons lawfully married, live asunder unlawfully; and in whom is the default?

4. Whether have any persons been married, the banes having not been thrice published, three severall sundayes or holydayes, in time of divine service, without licence from the Arch-Bishop or Bishop of the diocesse, or his Chancellour? who were present at such marriages? and what Minister married them?

5. Whether have any persons, by licence, or without, been married in your parish Church; neither of them, at that time, dwelling in your town?

6. What Popish recusants, or their children, have been married in your parish? in what sort was that matrimonie solemnized? when, and by whom?

7. Whether do any, heretofore divorced, or married and not divorced, keep companie at bed and board, as man and wife, with any other man or woman, then with the person, that he and she were married unto? what be their names, when and where were they married, and how long have they so continued together?

8. Whether have you any in your parish, which live together as man and wife, and yet not known, by whom, where, or when they were married?

VI. *Articles concerning the Churchwardens.*

1. Whether be the Churchwardens chosen by the Minister, and parishioners; according to the 89 Canon? And whether hath any taken upon him to be Churchwarden, not being so chosen? or hath any continued above one yeare in his office, without a new choice?

2. Whether have the Churchwardens retained any of the Church goods in their hands, and not made a just account, at their going out of their office, of what they have received, and expended; or not delivered to you their successours, whatsoever money, or other things, belonging to the Church, that remained in their hands?

3. Do the Churchwardens and sidemen, or assistants, diligently see, that all the parishioners do duely resort to the Church, upon all sundayes and holydayes; and there continue the whole time of divine service and sermon; suffering no idle persons to walk, or talk, or stand idle, either in the Church, Church-yard, or Church-porch, during the time of divine service or sermon, but causing them either to come into the Church, or else to depart? and have they the said Churchwardens forborn either for reward, favour, or affection, to present them that have been, or are negligent in coming to Church; or that have been found by them standing idle, or talking abroad, either in the Church-yard, or streets, in the time of divine service, or sermon, on sundayes or holydayes; or that have not received the communion yearely, at the feast of Easter, or within one moneth after, according to the Canon?

4. Whether do the Churchwardens, yearely within fourtie dayes after Easter exhibite to the Bishop, or his Chancellour, the names and surnames of all the parishioners, as well men as women, which being of the age of sixteen yeares and upward, received not the communion at the Easter before?

5. Whether do the Churchwardens provide, against every communion, with the advice of the Minister, a sufficient quantitie of fine white bread, and of good and wholesome wine, for the number of communicants that are to receive? and is that wine brought in a clean and sweet standing pot, of pewter, or of other finer metall?

6. Whether have the Churchwardens suffered the Church, Church-yard, or Chappell, to be profaned, by playes, feasts, banquets, suppers, Church-ales, drinkings, temporall courts or leets, lay-jures, musters, &c. acted, kept, or held in them?

VII. *Articles concerning the Parishioners.*

1. Whether do any in your parish profane the Lords day, by unlawfull gaming, drinking, or tipling, in taverns, innes, or alehouses, in the time of common prayer, or sermon; or by working and doing the works of their trades and occupations? whether do any in your parish, buy or sell, or keep open their shops, or set out any wares to be sold, upon sundayes or holydayes, by themselves, their servants, or apprentices; or have they any other wise profaned the said dayes?

2. Is there any in your parish, that doth impugne, or speak against the rites and ceremonies of the Church of England, or the lawfull use of them; or that affirms, that the form of making and consecrating Bishops, Priest, and Deacons, or any thing therein contained, is repugnant to the word of God; or that the government of this Church, under his Majestie, by Arch-Bishops, Bishops, and other ecclesiasticall officers, is Antichristian? or hath any spoken reproachfully, or disgracefully, of the Kings Majesties courts ecclesiasticall, or the proceedings thereof?

3. Have you any in your parish, that do come to the sermon onely, and not to divine service; or that do not reverently behave themselves, during the time of divine service; devoutly kneeling, when the generall confession of sinnes, the letanie, the ten commandments, and all prayers and collects are read; and using all due and lowly reverence, when the blessed name of the Lord Jesus is mentioned; and standing up, when the articles of the Belief are read; or which do cover their heads in the Church, during the time of divine service (unlesse it be in case of necessitie, in which case they may wear a night-cap) or which do then and there give themselves to babbling, talking, or walking; and are not attentive to heare Gods word read or preached?

4. Whether do any within your parish, men, or women, being 16 yeares of age and upwards, or any other, lodging, or commonly resorting to any house in your parish, wilfully absent themselves from your parish Church, or Chappell, upon sundayes and holydayes, and other dayes appointed, at morning and evening prayers; or refuse to receive the communion; and who do come late to Church, and depart from thence before divine service and sermon ended? and whether be there any in your parish, that do perswade others from coming to Church, or from receiving the holy communion, according to his Majesties laws, in that behalf enacted.

5. Whether have you any Popish recusant, or recusants, in your parish, that be of insolent behaviour, not without publick offence; or that do boldly busie themselves in seducing or withdrawing others, either abroad, or in their own families, from the religion established in the Church of England?

6. How long have the said Popish recusants obstinately abstained, either from divine service, or from the communion? whether of any long time, or of late onely?

7. Are there any in your parish, who, notwithstanding you have a preaching Minister, do absent themselves from his sermons, and resort to other places, to heare other preachers? or are there any in your parish, that do communicate, or baptize their children in any other parish?

8. Whether hath any person within your parish (under Noble-men, and men qualified by law) any Chaplain in his house? and if so, you shall present their names.

9. Is there any in your parish, who do refuse to have their children baptized, or themselves to receive the communion, at the hand of your Minister, because he is no preacher?

10. Whether doth any married woman, within your parish, refuse after childebirth, or neglect, to come to Church according to the book of common prayer, to give thanks to God for her safe deliverance, in a decent habit, as hath been anciently accustomed?

11. Have any in your parish spoken slanderous and reproachfull words, either against your Minister, to the scandall of his calling; or against the marriage of Ministers, or their wives; or against their neighbours, defaming them touching any crime of ecclesiasticall cognisance?

12. Whether is the fifth day of November observed and kept in your parish, with prayer and thanksgiving to God, in such form, as is by publick authoritie appointed for that day?

13. Whether have you any in your parish, that are commonly known, or reputed to be blasphemers of Gods holy name, common and usuall swearers, drunkards, filthie speakers, adulterers, fornicatours, incestuous persons, concealers or harbourers of fornicatours, or adulterers? have any in your parish been detected

of such notorious crimes, and what penance have they done for the same?

14. What corporall punishment, for any such offences, hath been commuted and changed into a pecuniary mulct, or summe of money, by any ecclesiasticall Judge, exercising jurisdiction within this diocesse, by vertue of any grant or commission? what was the summe of money, by any of them so received and taken; and to what uses was the same employed? and whether, upon such commutations, was the unfeigned repentance of the delinquent published in the Church?

15. Whether do all fathers, mothers, masters, and mistresses, cause their children, servants, and apprentises, to come to the catechisme on sundayes and holydayes, before evening prayer, to be instructed and taught therein? and those that do not their duties herein, you shall present their names.

16. Whether have any in your parish received or harboured any woman gotten with childe out of wedlock, and suffered her to depart, without punishment first inflicted on her by the Ordinarie? you shall truly present as well the partie harbouring, as harboured, and who is suspected to be the father of the childe.

17. Whether is any person or persons suspected, or detected heretofore of incontinencie, and therefore departing out of your parish for a season, is now returned again; or in what place else is he, or she, now abiding, to your knowledge, or as you have heard? You shall not fail to present the whole truth in that behalf.

18. Whether are there any lately deceased in your parish, whose last wills and testaments have not yet been proved; or did they die intestate? and if so, who hath taken upon him the administration of their goods? and whether by lawfull authoritie from the Ordinarie, or without? what be the names of such deceased, and of their executours, or administratours?

19. What persons be excommunicated in your parish, and for what cause, to your knowledge, and how long have they stood excommunicate? and whether do any of them, not being absolved, presume to be present in the Church, at divine service? and whether do any familiarly use the companie of such, as do obstinately stand excommunicate, knowing the same; and what be their names?

20. Whether do you know of any, that have abused the Churchwardens, or side-men of your parish; or given them evil words, for executing of their office, according as by oath and dutie they are bound?

VIII. *Articles concerning Schoolmasters, Physicians, Chirurgians, and Parish-clerks.*

1. Whether have you any schoolmaster in your parish, that teacheth publickly, or privately there, not having been examined, allowed, and licenced by the Ordinarie, the Bishop of the diocesse, or his Chancellour? doth any Papist keep a schoolmaster in his house, who cometh not to Church, to heare divine service, and to receive the holy communion? what is his name, and how long hath he taught there, or elsewhere? doth your schoolmaster teach any Papists, or sectaries children, that come not to Church? doth he instruct all his scholars, to learne the short catechisme, by law established, and contained in the book of common prayer, at the least once every week? is he of honest and sincere life, religion, and conversation? is he a graduate, and sufficient to teach, and diligent in teaching, and bringing up of youth?

2. What physician or chirurgian have you in your parish, who not being a Doctour of physick in either of the Universities, doth notwithstanding practise physick, without the licence of the Bishop, or his Chancellour? and what ignorant persons have you amongst you, who have left their trades, and have taken upon them to professe physick, and chirurgerie? and who be they, that so abuse the people?

3. Have you a fit parish-clerk, aged twentie yeares at least, of honest life, able to reade and write? are his, and the sextons wages duely payd without fraud or diminution, according to the ancient custome of your parish? by whom is he chosen? is he diligent in his office, and serviceable to the Minister? doth he keep the Church clean, and doores locked? is there any thing lost or spoiled by his default? and doth he execute his office duly?

IX. *Articles concerning Ecclesiasticall Officers.*

1. Whether are there any ecclesiasticall officers, exercising ecclesiasticall jurisdiction within this diocesse, who do take, receive, or exact any extraordinarie fees, for any cause?

2. Whether have the Churchwardens and questmen concealed, and not presented any abuses or offences, punishable in the ecclesiasticall court? or whether have any such offences, being by them presented to the Chancellour, Arch-deacon, officiall, or any other, using ecclesiasticall jurisdiction within this diocesse, been suppressed by them, or left unpunished, for bribe, reward, pleasure, friendship, or any other partiall respect?

3. Whether are there placed by the register, two tables, containing the severall rates and summes of all fees due to the Judge, and other officers of your courts; one in the usuall place or consistorie where the court is kept, the other in his registrie, in such sort, as every man may come to view the same without difficultie? and whether doth the Chancellour, Arch-deacon, or any other officer or minister, exact, or extort any greater fees, or summes of money, then in the said tables are contained?

4. Whether doth the Chancellour, Arch-deacon, or officiall, commute or change any penance, or corporall punishment, for any money, without the consent of the Bishop? and what money have they, or any of them received for such commutation, and of whom; when, and what was the offence, for which any such summe of money was received, or appointed to be payd?

5. Whether doth the Chancellour, Arch-deacon, or officiall, or any other person, using ecclesiasticall jurisdiction, speed any act, in any cause, privately of themselves, and not in the presence of some publick notarie, or actuarie?

6. Whether is the number of apparitours increased in this diocesse; and wherein, and in what manner is the countrey over-burdened or grieved by them? hath any of them, under pretence of authoritie, cited or summoned any person unlawfully; or hath any of them taken any reward for the concealing of any offence or sinne; or that the offenders might escape punishment? who be they that have so done? or do any of them take any fees that are not usuall? have they threatned any to prosecute them, if they had no reward given them? or do any of them cause any partie to appeare in any ecclesiasticall court, within this diocesse, without first a citation obtained from the Judge of the court?

7. Whether hath any ecclesiasticall Judge or officer whatsoever, advocate, register, proctour, clerks, or other such ministers, any way abused themselves in their offices, contrarie to the laws and Canons in that behalf provided?

Lastly, Whether have you and every of you, sincerely, uprightly, and without any partiall affection, and concealment, presented and made known all and every the offenders, in any of the particulars mentioned in the precedent Articles, exhibited unto you; either as they are taken in truth to be, or by common fame reported?

If you know any other matter of ecclesiasticall cognisance, worthy the presentment, in your judgement, and fit to be reformed by ecclesiasticall censure, though it be not expressed in these Articles, yet you shall likewise present the same, by vertue of your oathes.

FINIS.

GOODMAN, BISHOP OF GLOUCESTER, 1634.

ARTICLES to be enqvired of in the Fourth Visitation of the right Reuerend Father in God, Godfrey, L. Bishop of Gloucester, holden Anno 1634.

London, Printed by Thomas Harper, for Nathaniel Bvtter, 1634.

[*Collated with the Articles as re-issued by Bishop Goodman for his Sixth Visitation in* 1640.]

The Minister and Church-wardens are to call vnto them the neighbours of the Parish, and out of them to make choyce (according to the custome of the place) of two of the discreetest Parishioners, to be Sidemen; and they altogether are to read ouer these Articles diuers times.

Then, after they haue duely considered of them, they are to write their Answer or Presentment unto euery Article particularly and truly, according to their consciences.

Lastly, they are all of them to bring their Presentments to the Visitation, and there the Church-wardens and Sidemen vpon their oathes, but the Minister according to the Canon in that behalfe, are to deliuer them up under their hands.

The Oath ministred to the Church-wardens and Sworn-men.

You shall sweare, that all Affection, Fauour, Hatred, Hope of Reward and Gaine, or feare of Displeasure, or malice, set aside: You shall upon due consideration of the Articles given you in charge, present all and every such person, of, or within your Parish, as hath committed any offence or fault, or made any default mentioned in these, or any of these Articles. Or which are vehemently suspected and defamed of any such offence or default: wherein you shall deliver vprightly, and according to truth; neither of malice presenting any contrary to truth, nor of corrupt affection, sparing to present any, and so conceale the truth: Hauing in this action, God before your eyes, with an earnest zeale to maintain truth, and to suppesse (*sic*) vice: So help you God, and the Contents of this Book.*

Advertisements.

That every Incumbent or Curate, indeavour (as far forth as hee can) especially in Market townes, to read short Morning prayers at six a clock, before men go to their labors. Secondly, that Preachers doe not intend so much, either long preaching, or often preaching, as painfull and profitable preaching. Thirdly, considering the miserable distractions of the Church, that they do not labor to nourish & increase controversies in Religion, but rather to reconcile them; and to this end, that they interpret all things to the best on every side, that in their prayers they vse these, or words to the like effect; Grant O Lord, that all they that do professe thy holy name, may agree in the truth of thy holy Word, and liue in vnity and godly loue: and that they instruct their auditors in points of deuotion, piety, charity, mortification, and such like necessary Principles and Articles of our Faith, wherein all Christians agree, rather than in the niceties, curiosities, and subtilties of Schoole-learning, wherein the differences do most consist, and whereof the people are not so capable.†

2. That the Incumbent and Church-wardens do instantly present, what land belongs to their Church and what Vtensiles, and in whose hands and custody they are: and when any man is presented for a crime, if within five or six Court-dayes after his presentment, the party bee not put to some open punishment in the same Parish where the offence was committed, then it may be supposed, that hee hath made a commutation; which, as it is wholly to be employed in charitable workes, so my Lord Bishop is resolued, that hereafter it shall be bestowed in setting poore people on worke, wherein my Lord will vse the helpe of the Incumbent, the Church-wardens, and some other of the Parish, who sometimes taking the aduice and direction of the next Justice of peace, may see it imployed to that purpose; and therefore my Lord desires them to be carefull, as in presenting the crime, so in calling for the commutation.‡

3. That euery Incumbent haue a speciall care to bee well prouided with such armour, as his predecessors haue formerly found, and that hee bee ready to shew it vpon any short warning; that hee pay such accustomed fees to the Muster-master, as heretofore hee hath done; and if there should bee any difference, in paying procurations, that then hee bring forth his former acquittances, that so his payment may bee accordingly.

4. If any officers of the spirituall Court, whether Chancellor, Arch-deacon, Register, proctors, Apparitors, haue increased their fees, or otherwise abused either Clergy or Layty, in the execution of their office, vpon complaint made, the offence shall be punished, and a course taken hereafter for their amendment.§

5. When any Parish shall receiue either Briefes or Bookes by command of superiours, the monies for the price of them are to bee payed into the Registers office, and the messengers according to their paines shall bee rewarded, vnlesse the Deanes in their Deanries bee imployed, and then all to be left to their discretions.

7. (*sic*)‖ My Lords late Subcollector of Tenths and Subsidies is dead, hee desires the Clergy that they would euer enquire at the Registers office who is the Subcollector, and to pay it to him who shall bee thereunto Authorized vnder my Lords Episcopall Seale, and in regard of my Lords liuing out of the City, the Subcollector shall not fayle to attend at the Pallace in Gloucester. And whereas the Subcollectors heretofore haue complayned, and haue made it appeare to my Lord, that in regard of the negligence of some Clergy-men, they haue bin put to the charge of twenty Markes per annum, my Lord doth earnestly request all the Clergy that hereafter they would bee more carefull to pay in their Tenths and Subsidies in due time, which if they shall neglect, that then they would not bee offended if my Lord suffer his Subcollector to take the benefit of sequestration, thereby to make himselfe some recompence for that charge, which befals him through their default. The first day and the twentieth day, on which they are due to be payd, and so much hee is bound by statute; but my Lord out of his respect to the Clergy hath added thirty dayes after, so the dayes for payment of Tenths and Subsidies, are the first day, the twentieth day, and the fiftieth day, or if any one of these dayes fall out on a Sunday, then the day following.

Articles concerning Ministers, Diuine Seruice, and administration of the Sacraments.

Imprimis. Whether hath your Minister read the Constitutions set forth by his Maiestie once euery yeare vpon some Sunday, or Holiday, in the afternoone, before duine Seruice, as he is bound?

2. *Item.* Whether is the prescript forme of Duine Seruice vsed by your Minister or Curate vpon Sundayes, Holidayes, Wednesdayes, Fridayes, and Saturdayes, according to the Booke of Common Prayer? And whether doth your Minister or Curate duely obserue all the orders, rites, and ceremonies prescribed and set downe in the said Booke of Common Prayer, both in reading publicke prayers, and therein the Letany, and also in administring the Sacraments in such manner and forme as by the Booke of Common Prayer by Law now established is inioyned?

3. *Item,* Whether doth your Parson, Vicar, or Curate weare the Surplice when, and at what time,* he doth say the publicke prayers, and administer the Sacraments in your Church or Chappell? And if he be any Graduate, whether then doth he also weare vpon his surplice, at, and during the times aforesaid, such a hood as by the orders of his Vniuersity is agreeable to his degree according to the 58. Canon?

4. *Item,* Whether doth your Parson, Uicar, or Lecturer, reade Diuine Seruice, and administer the Sacraments in his owne person twice euery yeare, obseruing all the ceremonies in the Booke of Common Prayer, established according to the 56. Canon?

5. *Item,* Whether doth your Minister, or Curate, preach vsually, according to the Constitutions? or how often hath he beene negligent in that behalfe?

6. Item, Whether doth your Parson, Uicar, Curate, or Lecturer in the prayer vsed immediately before his Sermon vse to pray for the Kings maiestie, King Charles, Queene Mary, Prince Charles, and the Royall Progeny, giuing vnto him such stile and title of supreame Gouernour in all causes, and ouer all persons, as well Ecclesiasticall as Temporall, as by Law are due vnto him? And doth he also in the said Prayer vse to pray for all Archbishops, Bishops, and other Ecclesiasticall persons, and obserue all other things prescribed in the 55. Canon?

7. *Item,* Whether is your Minister, or Curate, a Preacher allowed? If yea, then by whom? If no, whether doth he procure Sermons to be preached amongst you once in euery moneth at the least, by such as are lawfully licensed according to the 46. Canon? And on euery Sunday when there is no Sermon preached in that Church, or Chappell, doth your Minister, or Curate, reade some one of the Homilies prescribed by authoritie†?

8. *Item,* Whether doth your Minister, being a beneficed man, and not resident vpon his Benefice, cause his Cure to be supplied vpon his owne charge by a Curate, that is a sufficient and a licensed Preacher‡?

9. *Item,* Whether hath any person been admitted to preach within your Church, or Chappell, but such as you haue well knowne to be sufficiently licensed? And whether haue you caused euery strange Preacher licensed, or not licensed, to subscribe his name,§ together with the day,

*[In the edition of 1640, the following Injunction occurs after the Oaths]: My Lord doth hereby straitly charge and require all the Clergie, that every man in person doe addresse himselfe to the Chancellour, and informe him what he hath already paid towards the repairing of Saint Pauls Church, to whom he hath paid it, and what he intends to pay heereafter: and therein my Lord doth earnestly intreat them to shew their bounty, as being a worke of great piety, tending much to the glory of God, the good of this Church, and the honour of this Kingdome.

† *The following Advertisement is substituted in the edition of* 1640 *in place of the above:*—

1. That short morning Prayer be every day read in Market townes, and in all other places where conveniently it may bee. That Preachers doe not so much intend often and long Preaching, as painefull and profitable Preaching; and that they do not touch upon controversies in Religion, according to his Majesties Instructions.

‡ and to do both as speedily as they may. *Added in* 1640.

§ and satisfaction shall be made unto them who have been so abused. *Added in* 1640.

‖ *The following is substituted here in* 1640:

6. In all payments due to His Majesty, my Lords subcollector shall attend the first and the last day wherein such payments are due; and my Lord doeth further adde out of his respects to the Clergy, the thirtieth day after, and on these three dayes my Lords subcollector shall daily attend at the Palace in Glocester, and the monyes shall be received on no other dayes: for it is unreasonable that the Subcollector should in effect howrly attend for two months together. And if any of these dayes fall upon a Sunday then the day following is appointed.

* time] times soever. 1640.

† as the same Canon prescribeth. *Added in* 1640.

‡ according to the 47 Canon. *Added in* 1640.

§ in a book provided for that purpose. *Added in* 1640.

when he preached*? Present their names, and those that haue beene faulty herein.†

10. *Item*, Whether hath your Minister, or Curate, deferred or wilfully refused to baptize any Infant in his Parish being in danger, hauing beene duely informed of the weaknesse thereof? And whether the childe hath dyed in his default without Baptisme? ‡

11. *Item*, Whether doth your Minister, or Curate, vse to signe the children with the signe of the crosse, when, and at what time he doth baptize them, according to the Booke of common Prayer, and the 30. Canon?

12. *Item*, Whether doth your Minister, or Curate, euery Sunday, and Holiday, before Euening prayer for halfe an houre or more, examine and instruct the youth and ignorant persons of his Parish in the ten Commandements, the Articles of Beliefe, and the Lords Prayer, as also in the Catechisme last set forth in the Booke of common Prayer, according to the 59. Canon?

13. *Item*, Whether doth your Minister, or Curate, administer the holy Communion so often, and at such times, as that euerie Parishioner may receiue the same at least thrice in euery yeare, whereof once at Easter, as by the Booke of common Prayer§ is appointed?

14. *Item*, Whether doth your Minister, or Curate, receiue the holy Communion himselfe on euery day, that he administreth it to others, kneeling at the same, and administreth it to none but such as do kneele at the receiuing thereof, and doth he vse the words of Institution according to the Booke of common Prayers at euery time that the Bread and Wine is receiued, in such manner and forme as by the said Booke and the 21. Canon is directed? And whether is warning giuen by him before-hand for the Communion as the 22. Canon requireth?

15. *Item*, Whether hath your Minister, or Curate, admitted to the Communion any notorious offendors, or Schismaticks, contrary to the 26. and 27. Constitutions?

16. *Item*, Whether hath your Minister, or Curate, ad. ministred the holy communion to any of his Parish out of the Church, and in some priuate house, the party receiuing being not hindred by sicknesse or infirmity of body from comming to Church to receiue there‖?

17. *Item*, Whether doth your Minister, or Curate, vse or hath he refused to visit the sicke in your Parish, to pray with them, or to administer the Lords Supper vnto them? And hath he at any time refused or neglected to bury the dead hauing beene required thereunto¶?

18. *Item*, Whether haue you knowne, or haue heard, of any that haue been married in a priuate house, or that haue beene married in the Church, the Banes hauing not beene for three seuerall Sundayes or Holidayes first published in the time of diuine Seruice in the seuerall Churches or Chappels of their seuerall abodes according to the Booke of common Prayer, or in case the Banes haue beene omitted, that haue beene married without a sufficient Licence, or that haue beene married without Licence in time prohibited, albeit the Banes were first so published? or that haue at any time of the day beene married, except betweene the houres of eight and twelue in the forenoone?** Set downe and declare the names of all such as haue beene by reason of any the premises vnlawfully married, and the partie that married them, and all such as were present at any such marriage, or marriages.

19. *Item*, Whether hath your Minister, or Curate, married any couple both parties being of another Diocesse, or hath any couple of your parish beene married in another Diocesse, if any haue beene so married, or licensed to marrie, then by whose authoritie haue they beene so licensed? You shall present the Minister so marrying, the parties so married, and the authoritie whereby this was done, as farre as you know or haue heard.

20. *Item*, Whether doth your Minister, or Curate, vse the forme of Thanksgiving to women after their child-birth? And whether hath he admitted any thereto that was begotten with childe in adultery or fornication without license of his Ordinarie?

21. *Item*, Whether doth your Minister, or Curate, vse in the Rogation weeke to perambulate about your Parish, and to admonish his Parishioners to accompany him therein?

22. *Item*, Whether doth your Minister, or Curate, vse the Administration of the holy Communion, Baptisme Instruction of children, Solemnization of marriage, Uisitation of the sicke, Buriall of the dead, the commination, and churching of women vnder such words, rites, and ceremonies as are set forth and prescribed by the Booke of common Prayer, and none other?

23. *Item*, Whether is your Minister continually resident with you vpon his Benefice, or for how long time hath he beene absent, and where is he resident for the most part, and what other Benefice hath he?

24. *Item*, Whether hath your Minister any other Benefices, and whether doth he supply his absence by a Curate: whether is your Curate licensed to serue by the L. Bishop of the Diocesse, or his Chancellour, & whether doth he serue any more Cures then one, and what other Cure doth he serue, and how farre are they distant one from the other? And whether hath your Curate any Benefice, or cure of soules besides your Cure?

25. *Item*, Whether doth your Minister, or Curate, euery sixe moneths denounce in his Parish all such as stand contumacious, vnder the sentence of excommunication, not seeking to be absolued?* And whether hath he said diuine Seruice while any excommunicate person hath beene present in the Church; or hath admitted any person excommunicate into the Church without a certificate of his absolution from the Ordinarie or other competent Judge?

26. *Item*, Whether doth your Minister, or Curate, vse such decency and comelinesse in his apparell as by the 74. Constitution is inioyned him, and is he of sober behauiour, and one that doth not vse such bodily labour as is vnseemely for his calling?

27. *Item*, Whether is your Minister, or Curate, noted or reputed to be an incontinent person, a frequenter of Tauernes, or Alehouses, a common gamester or player at dice, a common swearer, or a drunkard, or faulty in any other crime punishable by Ecclesiasticall censures, whereby he is offensiue or scandalous to his function or Ministry?

28. *Item*, Whether hath your Minister, or Curate, receiued any Excommunication, Suspension, or Aggrauation from the Bishop of this Diocesse, or his Chancellour, or other their Deputies against any of his Parishioners which he hath presumed to make stay of, and not published such Excommunication, Suspension, or Aggrauation the next Sunday or Holiday after the receit of the same in the time of diuine Seruice in your Church or Chappell?

29. *Item*, Whether doth your Minister, Curate, or Lecturer publickly in his Sermon, or at priuate meetings, maintaine or affirme any doctrine contrary or repugnant to any of the Articles of Religion set forth and established in the Church of England by authority? Present the name of the party offending against this or any the former Articles, and the time and place when and where the party did so offend.

30. *Item*, Whether hath your Minister, Curate, or Lecturer, duely obserued the Kings instructions since the time that they haue been published, and who hath beene faulty therein? You shal not faile to present his or their name or names?

31. † *Item*, Whether hath the Parson, Uicar, or Curate of your parish openly and distinctly read in your parish Church or Chappell in the time of diuine Seruice, the Kings Maiesties late Declaration concerning sports to be vsed, as hath been inioyned and commanded by the Lord Bishop of this Diocesse?

Articles concerning the Church and the Ornaments thereof.

First, whether is your Church or Chappels, with the Chancell thereof, with your Parsonage or Uicarage house, and all other buildings thereunto belonging in good reparation, and decently and comely kept, both within and without? Are your bels and all things thereunto appertayning, in good reparation? And are the seats of your Church well maintayned, if not, then through whose default, and what are the defects?

2. *Item*, whether is your Churchyard well and sufficiently repayred, fenced, and maintained with woodden rayles or pales, according to the 85. Canon? if not, then through whose default is any part left vnrepayred, and at whose charge is the same to bee repayred?

3. *Item*, whether haue you in the in the seuerall Churches or Chappels, the Booke of Constitutions or Canons ecclesiasticall, ready to be read by the Minister, according to his Maiesties pleasure, published by his Highnesse authority, vnder the great Seale of England.

---

* according to the 50 and 52 Canons. *Added in* 1640.
† Present—herein] *Omitted in* 1640.
‡ contrary to the 68 and 69 Canons. *Added in* 1640.
§ and 21 Canon. *Added in* 1640.
‖ contrary to the 71 Canon. *Added in* 1640.
¶ contrary to the 68 Canon. *Added in* 1640.
** contrary to the 62 Canon. *Added in* 1640.

* according to the 65 Canon. *Added in* 1640.
† *In the place of this Article, the three following are substituted in* 1640:—

31. *Item*, Ye shall inquire and present, whether the Act of Parliament made the 21 of King *James* concerning profane swearing and cursing, hath been read in the Parish Church by the Minister thereof, upon the Sunday after Evening Prayer twice in the yeer according to the said Act.

32. *Item*, Whether doeth your Minister at the end of every Psalm, read in your Church throwout the year, in the time of Common Praiers, & likewise at the end of *Benedictus, Benedicite, Magnificat, & Nunc Dimittis*, repeat & say Glory be to the Father, &c. according to the Rubrick of the Book of Common Prayers?

33. *Item*, Whether at the time of the saying of that part of Common Praiers, which is intituled or called the Communion, the Priest or Minister of your parish doth stand at the North side of the Table, & there say the Lord's Praier, with the Collect following, according to the Rubrick of the Book of Common Praiers?

4. *Item*, whether haue you in your Church or Chappell, the Booke of Common Prayer, the Booke of Homilies, and a large Bible of the last edition, a Font-stone, a decent Communion Table, with a seemly carpet, and a cloth of fine linnen to couer the same at the Communion time; and is the Table of consanguinity set vp in your Church?

5. *Item*, whether haue you in your Church or Chappell one Parchment Register Booke, prouided for Christnings, Marriages, and Burials? and is the same duly and exactly kept according to the Constitutions in that behalfe prouided: and haue the Churchwardens euery yeere since the last Trienniall Visitation, transmitted or brought in vnto the Lord Bishop of this Diocesse, or his Chancellour, a true Transcript or copy thereof, to bee preserved in the Registry of the sayd Bishop, as by the 70 Canon is required?

6. *Item*, whether haue you a conuenient seat for your Minister to read Seruice in, a comely Pulpit, with a decent cloth or cushion, and a couer for the same; a comely large Surplice, a fayre Communion cup of siluer, with a couer agreeable for the same, and all other ornaments necessary for the celebration of diuine Seruice, and administration of the Sacraments?

7. *Item*, whether haue you a strong Chest for the almes of the poore, with three locks and keyes, whereof the Minister is to keep one key, and the Church-wardens the other; and another Chest for the keeping of the ornaments of the Church, and Register Booke?

8. *Item*, whether haue you a Terrier of all the glebe lands, and portions of Tithe belonging to your Parsonage and Uicarage? where and in whose custody is it?

Articles concerning Parishioners.

First, whether hath any parishioner been admitted to receiue the holy Communion, or to be a Godfather or Godmother, or whether haue any beene married who haue not beene first confirmed by the Bishop?

2. *Item*, Whether the Schoolemaster or Schoolemasters within your parish be of good and sincere religion, (that is, of the Religion established in this Realme) life and conuersation, and be diligent in teaching and bringing vp of youth: and whether haue they beene examined and licensed for Schoolmasters by the L. Bishop of this Diocesse, or his Chancellour?

3. *Item*, Whether the Schoole-master or Schoole-masters within your parish do teach his or their schollers any other Grammar than that which is called the Kings Grammar, set forth by the authority of King *Henry* the eighth, teaching the prescript forme thereof, whereby the schollers thereof may perfectly vnderstand their Grammar rules and Constructions?

4. *Item*, Haue you any in your parish who do refuse to come to heare diuine Seruice, or to receiue the holy Communion in your parish Church? Or haue you any that do soiourne or lodge any such? You are to present the names both of the one and the other, and of what degree, trade, or state of life they are?

5. *Item*, Whether are there any in your parish that do not frequent diuine Seruice in their parish Church, or that do wilfully absent themselves from their owne parish Church, without any lawfull excuse, especially on Sundayes and Holydayes: or are there any that being aboue the age of sixteen yeeres, haue not receiued the holy Communion at Easter last? you shall not fayle to present their names.

6. *Item*, Whether doth the School-master of your parish teach the children of his Schoole the Catechisme by publicke authority set forth, as the 79 Canon requireth?

7. *Item*, Doth any parishioner of your parish, not hauing an infirmity of bodie, couer his head in the Church, or Chappell in the time of diuine Seruice, or if he haue an infirmitie or extremitie of cold, doth he couer his head any otherwise then by wearing a night-cap or coife?

8. *Item*, Doth any parishioner of your parish refuse or omit reuerently to kneele vpon his knees, when the generall confession, Letany, and other prayers are read, and to stand vp at the saying of the Beleefe, according as is prescribed in that behalfe in the Booke of Common Prayer?

9. *Item*, Doth any parishioner of your parish being present at diuine Seruice in your Church or Chappell wilfully refuse or omit to expresse and do some humble and lowly reuerence of body when in the said time of diuine Seruice the Lord Jesus is mentioned or named? You shall not faile to present the names of such as refuse or omit to do the same.

10. *Item*, Whether doth any parishioner of your parish abuse the liberty giuen in the Kings Maiesties late Declaration, by vsing or exercising the recreations therein allowed on Sundayes and Holydayes, vnduly, or vnseasonably, to the hinderance or neglect of diuine Seruice, *viz.* before the end of all diuine Seruices for that day?

11. *Item*, Whether doth any parishioner of your parish vpon any Sunday vse Bearebayting, Bullbayting, Interludes, or Bowling, contrary to the sayd Declaration?

12. *Item*, Whether haue you in your parish, men or women, who do abstaine from comming to Church, or diuine Seruice, and yet assume a liborty to vse the recreations allowed in the sayd Declaration?

13. *Item*, Whether is there any parishioner of your parish conforming in religion, who hauing been absent from your parish Church at the Seruice of God for that day, doth notwithstanding go to the sayd recreations? you shall carefully present the names of such as offend in any of these last foure Articles, and the time and place of the offence so committed?

14. *Item*, Whether haue you any Feast of the Dedication of your parish Church, commonly called a Wake? on what day of the yeere is it vsually obserued and kept? how long do you remember that the sayd Wake hath been vsed or kept? and when was it last kept and obserued?

15. *Item*, Whether any such in your parish as haue not communicated, haue been admitted to be Godfathers or Godmothers, contrary to the 29 Canon?

16. *Item*, Whether doe all Fathers, Mothers, Masters, and Mistresses, cause their children, seruants, and apprentices, to come to be catechized on the Sundayes and Holidayes before Euening Prayer, to heare the word, and to be instructed and taught in the Principles of religion? and those that do not their duty herein, you shall present their names.

17. *Item*, whether do the parishioners frequent * their Churches vpon Wednesdayes, Frydayes, and Holiday Eues,† and whether do they keep such fasting dayes as are appointed by the Church?

18. *Item*, Whether any of your parishioners, hauing a Preacher to their Parson, Uicar, or Curate, do without iust cause absent themselues from his Sermons, and wilfully ‡ resort to any other place to heare other Preachers, or refuse to receiue the holy Communion at his hands? and whether any other Minister hath receiued to the Communion any of your parish? and specifie the names both of the Minister and parishioner.§

19. *Item*, Whether there bee any of your parishioners that sit and remaine in Tauernes, or Alehouses, or in the streets, or stand gazing in the Churchyard vpon Sundayes and Holidayes, in the time of diuine Seruice or Sermon? or whether there bee any Innekeeper or Alehousekeeper, that suffer or admit any to eat, drink, play at dice, cards, or such like game in their houses vpon Sundayes or Holidayes, in the time of diuine Seruice or Sermon?

20. *Item*, Whether there be any that brawle, rayle, or fight in the Church or Churchyard, or by their laughing, talking, walking, iesting, or any other meanes, hinder the Minister, or disquiet any present at diuine Service or Sermon?

21. *Item*, Whether there bee any who in their speech and outward carriage do not esteeme and vse your Minister with all reuerence and respect due to the honour and dignity of his place and calling?

22. *Item*, Whether there bee any that do worke, or keepe open shop for sale of wares, or do labour about corne, hay, or any such businesse on any Sunday or Holiday?

23. *Item*, whether haue you any in your parish to your knowledge, or by common fame and report, which haue committed adultery, fornication, or incest, which haue not beene publickly punished? any bawds, or receiuers of incontinent persons into their houses, or any which do conuay or suffer them to go away before they giue satisfaction to the congregation in that behalfe?

24. *Item*, whether haue you any in your parish which are by common fame and report, or vehement suspition, reputed and taken to bee drunkards, blasphemers of Gods holy name, common and vsuall swearers, filthy speakers, raylers, sowers of discord amongst their neighbours, vsurers, fighters, brawlers, or quarrellers, in Church or Churchyard? you shall not fayle to present their names?

25. *Item*, whether haue any in your parish receiued or harboured any woman with child, that was not before an housholder in your parish, or gotten with child out of wedlock, and suffered her to depart againe without punishment first inflicted by the Ordinary? you shall present as well the party harbouring as harboured, and who is suspected to bee the father of the child, and who hath helped to conuay her away?

26. *Item*, whether there bee any married women or others

---

* frequent] usually resort unto. 1640.
† to heare divine service. *Added in* 1640.
‡ wilfully] willingly. 1640.
§ so offending. *Added in* 1640.

within your parish which after childbirth refuse or omit to come to the Church to giue God thanks for their safe deliuery, and to haue the prayers publickly appointed in that behalfe, in the Booke of Common Prayer? *

27. *Item*, whether haue you any in your parish, who haue been married without banes or licence, or who haue been married in any priuate house, or out of the Church, or who haue been married in the Church vnseasonably, and contrary to the Canon, viz., before eight of the clock in the morning, or after twelue in the afternoone? † you shall not fayle to present all those who haue been faulty in any of the premisses.

28. *Item*, What Midwifes haue you within your parish? of what skill are they accounted of for that office? and whether are they licensed by their Ordinary to execute the same?

29. *Item*, Whether haue you in your Parish any that practise Phisicke or Surgerie, or what skill are they reputed to haue for their profession? Or whether do they practice without a particular License from the Bishop of this Diocesse, or from his Chancellor in the Bishops absence?

30. *Item*, Whether do you know of any that do teach or keepe Schoole, not hauing a Licence from the Ordinarie, or whether any do associate or serue a Cure without Licence, contrary to the 48 Canon?

31. *Item*, Whether haue you a fit parish Clerke, aged 20. yeeres at least, of honest conuersation, and sufficient for reading and writing, and whether he be payed his wages without fraud, according to the ancient custome of your Parish: and whether is the said Clerke approued by the Ordinary?

32. *Item*, Whether are there in your Parish any Wills not yet proued, or goods of the dead dying intestate left vnadministred by authoritie of the Ordinarie in that behalfe? And whether any possesse the goods of any person deceased without authoritie from the Ordinarie? You shall not faile to present the Executour, and all other culpable therein.

33. *Item*, Whether is there any Legacy giuen to the Church, or to other good and godly vses, as reliefe of the poore, Orphans, poore Schollers, poore maidens marriages, Schooles, high-wayes, and such like, which is not yet performed? If there be any such you shall present what you know or can learne thereof, and by whose default the same is not performed.

34. *Item*, Whether haue the former Churchwardens beene carefull and faithfull in the execution of their office, and haue they made a iust account at the end of their yeare, according to the 89. Canon?

35. *Item*, Whether haue any in your parish dying excommunicate or wilfully destroying himselfe beene buried in Christian buriall in your Church or Churchyard, and what were their names so buried, and who were present at such burials?

36. *Item*, Whether any in your Parish hath or doth refuse to contribute towards the reparations of the Church, and to the prouision of such things as belong thereunto?

37. *Item*, Whether any within your parish do resort into Barnes, fields, woods, or priuate houses, to any extraordinarie exposition of Scriptures, or conferences together, or that be drawers or perswaders of others to any such schismaticall conuenticle?

38. *Item*, Whether is there any in your parish that do refuse to haue their children baptized, or themselues to receiue the Communion at the hands of your Minister, because he is no Preacher? You shall present their names.

39. *Item*, Whether any person in your parish be an impugner or deprauer either in word or writing of the forme of Ecclesiasticall gouernment in this Church of England, or that hath spoken in derogation of the Booke of common Prayer, or the rites and ceremonies prescribed to be vsed either in the seruice of God, or Administration of the Sacraments, or against any of the Articles agreed vpon, *Anno* 1562. or against the Kings Supremacie in causes Ecclesiasticall, or against the oath of Supremacie, or Allegiance, as pretending the same to be not lawfull or warrantable by the word of God?

40. *Item*, Lastly, do you know of any other matter of Ecclesiasticall cognizance worthy the presentment in your iudgement, which you hold fit to be reformed by Ecclesiasticall censure? You shall likewise present the same by vertue of your oaths aforesaid?

Articles concerning Ecclesiasticall Officers.

1. Whether do you know or haue heard, that the Chancellor, Archdeacon, Officiall, or other inferiour Officers Ecclesiasticall haue at any time winked at, and suffered any faults punishable by Ecclesiasticall censure, and presented vnto them to passe and remaine vnpunished, for money, bribes, friendship, or other partiall respect?

2. Whether do you know or haue heard that the Chancellour, Archdeacon, Officiall, or other vnder officers belonging to them, haue receiued any payment or composition for suppressing any presentment, excommunication, or other Ecclesiasticall censure against any offendors, or for not seruing a Processe without a summe of money promised or receiued?

3. Whether hath the Chancellour, Archdeacon, or their Deputies, or any Register, Apparitor, or vnder-officer exacted extraordinarie or greater fees then heretofore of late haue beene accustomed, or are warrantable according to the table of the rate of Fees belonging to the Court?

4. Whether doth the Archdeacon, or his officiall, or substitute, call for presentments, and exact them at any other time, or times, then in the time of his visitation, or doth the Archdeacon, or his Substitute vnder pretence to haue the presentments giuen in at his visitation corrected and amended, draw in other matters which happen afterwards into his cognizance, to the preiudice of the L. Bishop, and his Chancellour?

5. What number of Apparitors hath euery seuerall Ecclesiasticall Judge, and in what manner is the countrey grieued and ouerburthened by the said Apparitors?

FINIS.

[*The following articles are added in* 1640.

5. The Church-wardens presenting at the time of the Lord Bishops visitation, shall bring in and deliver into the hands of the Lord Bishop his Chancellor or of his Chancellors surrogate only, all and every of their bils of Presentment, and the second bills of presentment made every yeare at the feast of Saint Michael the Arch-Angell, as well in the Lord Bishops trienniall as in the yeeres of the Archdeacons visitation shall be brought in and delivered by the Churchwardens, without fee in the same manner, and with the same caution within the space of thirty days after the said feast under the paine of a contempt? And in the yeere of the Archdeacons visitation, the second bills of Presentment aforesaid, as well as the first are to be made according to the booke of Articles given in charge in the visitation of the Archdeacon.

6. The Church-wardens and others in making rates towards the reparations of Churches and Chappells, are to charge every Contributer equally with just regard to every mans ability, according to law and the ancient usage of the severall parishes or hamlets: and if any refuse to pay being so rated, they are to present not only the parties so refusing, but also the severall sums wherewith they are charged.

7. The Church-wardens are once every yeere within one moneth after the twenty fifth day of March, to transmit or bring into the Lord Bishop his Chancellor only a true copie of the Register Books of their severall Parishes or hamlets, observing such further direction therein as is set downe in the 70 Canon, and that they must not be charged with fees of appeareance for doing their duty herein within the time prefixed.

8. That the Church and the poore may not be defrauded of their legacies, or Orphans and yong children deprived of such Portions as belong unto them, the Church-wardens ought to be very careful to present such of their Parish or hamlets, who are thought to be the executors or next of kinne to such parties who died in their Parishes or hamlets, with or without a will: and if it be not knowne to the Church-wardens that any such will is proved or letter of Administratian taken forth, the Church-wardens are to present such as are faulty for the halfe yeare before the time of his Presentment, or longer if need be, for the more sure doing whereof, and for the helpe of their memory, it is convenient that they have recourse to the Church booke of Christnings, Mariages, and Burialls.]

* and doe they there in the doing thereof kneele downe in some convenient place, nigh unto the place where the table standeth, as is prescribed and appointed in the Book of Common Prayers? *Added in* 1640.

† And doe any persons of your parish otherwise lawfully married, neglect or omit to receive the Holy Communion on the day of their said marriage, according to the Rubrick of the Booke of Common Prayers? *Added in* 1640.

ARCHBISHOP LAUD, FOR NORWICH, 1635.

ARTICLES to be inquired of in the Metropoliticall Visitation of the most reverend Father, William, by Gods Providence, Lord Arch-bishop of Canterbury, Primate of all England; and Metropolitan: in and for the Dioces of Norwich, in the yeere of our Lord God 1635, and in the second yeere of his Graces Translation.

Printed at *London* by *Richard Badger*, 1635.

[These Articles were also issued for use in Peculiars, with the place and date left blank; for Winchester in 1635; and again in 1638 for the Diocese of Lincoln, "during the suspension of the L. Bishop there. Copies of these other editions have been collated for the present reprint; in the case of the first, a copy being used in which the blanks in the title are filled up with the name of the Deanry of *Shoreham* in Kent, and with the date of 1634.]

The Tenour of the Oath, to be Ministred to the *Church-wardens and Side-Men.*

You shall sweare, that you and every of you, shall duly consider and diligently enquire, of all and every of these Articles given you in charge; and that all affection, favour, hatred, hope of reward and gaine, or feare of displeasure, or malice set aside; you shall present all and every such person, that now is, or of late was within your parish, as hath committed any offence, or made any default mentioned in these, or any of these Articles; or which are vehemently suspected or defamed of any such offence or default: Wherein you shall deale uprightly and fully; neither presenting, nor sparing to present any, contrary to truth: having in this action GOD before your eyes, with an earnest zeale to maintaine truth, and to suppresse vice. So helpe you GOD, and the holy contents of this Booke.

Concerning the Church, the Ornaments thereof, and the Churches possessions.

Imprimis, Whether haue you in your seuerall Churches, and Chappels, the whole Bible of the largest volume, and the Booke of Common Prayer, both fairely and substantially bound. A Font of stone, set vp in the ancient vsuall place: A conuenient and decent Communion Table, with a Carpet of silke, or some other decent stuffe, continually laid vpon the same at time of diuine Seruice, and a faire linnen cloth thereon, at the time of the receiuing of the holy Communion. And whether is the same table placed (*sic*) in such conuenient sort within the Chancell or Church,* as that the Minister may bee best heard in his Prayer and Administration: and that the greatest number may communicate. And whether is it so used out of time of diuine Seruice, as is not agreeable to the holy use of it; as by sitting on it, throwing hats on it, writing on it, or is it abused to other prophaner vses: and are the ten Commandements set vpon the East end of your Church or Chappell where the people may best see and reade them, and other sentences of holy Scripture, written on the walles likewise for that purpose?

2. Whether are the afternoones Sermons, in your severall Parishes, turned into Catechizing by question and answer; according to the forme prescribed in the Booke of Common Praier? and whether doth euery Lecturer reade diuine Seruice, according to the Liturgy printed by authority, in his Surplice and Hood before the Lecture? And whether are his Maiesties Instructions in all things duly obserued?

3. Whether haue you in your said Church or Chappell, a conuenient seat for your Minister to read Seruice in, together with a comely pulet (*sic*) set vp in a conuenient place, with a decent cloath or cushion for the same, a comely large Surplice, a faire Communion Cup, with a couer of siluer, a Flagon of siluer, tinne or pewter, to put the Wine in, whereby it may be set vpon the Communion Table, at the time of the blessing thereof, with all other things and ornaments necessary for the celebration of Diuine Seruice, and administration of the Sacraments? And whether haue you a strong Chest for Almes for the poore, with three Lockes and Keies, and another Chest for keeping the Bookes, and Ornaments of the Church, and the Register Book? And whether haue you a Register Booke in Parchment, for Christnings, Weddings, and Burials, and whether the same be kept in all points, according to the Canons in that behalfe prouided? And is the Mothers Christian name therein Registred as well as the Fathers, and a transcript thereof brought in yearely within one moneth after the 25 of March into the Lord Arch-bishop or† Bishop of the Diocesse his principall‡ Register? And whether haue you in your said Church, or Chancell,* a Table set, of the degrees wherein by Law men are prohibited to marry?

4. Whether are your Church and Chappels, with the Chancels thereof, and your parsonage or vicarage house, your parish Almes-house and Church-house, in good reparations: and are they imployed to godly, and their right holy vses? Is your Church, Chancell, and Chappell decently and comly kept, as well within as without, and the seats well maintained, according to the 85 Canon, in that behalfe provided? Or haue any patrons or others decayed the Parsonage-houses, and keepe a stipendary Priest or Curate, in place where an incumbent should be possessed? Whether is your Church-yard well fenced with walles, railes, or pales, and by whom: and if not, in whose default the same is and what the defect or fault is? And whether any person haue incroached vpon the ground of the Church-yard, or whether any person or persons haue vsed any thing or place consecrated to holy vse, prophanely or wickedly?

5. Is your Church or Chappell decently paued, and is your Church-yard well and orderly kept without abuse? Are the bones of the dead decently interred, or laid vp in some fit place as beseemeth Christians? And is the whole consecrated ground kept free from Swine and all other nastinesse, as becommeth the place so dedicated?

6. Whether haue any ancient Monuments or Glasse-windowes been defaced, or any brasse Inscriptions, Lead, Stones, or any thing else belonging to your Church or Chappell, beene at any time purloyned, and by whom?

7. Whether haue you the Terrier of all the Gleabe Lands, Meadowes, Gardens, Orchards, Houses, Stockes, Implements, Tenements, and portions of Tithes (whether within your Parish or without) belonging vnto your parsonage or vicarage, taken by the view of honest men in your said Parish? And whether the same Terrier be laid vp in the Bishops Registery, and in whose hands any of them are now? And if you haue no Terrier already made in Parchment, you the Church-wardens and Sidemen, together with your Parson or Vicar, or in his absence with your Minister, are to make diligent inquiry and presentment of the seuerall particulars following† and make, subscribe, and signe the said Terrier, as aforesaid.‡

1. How many seuerall parcels of Glebe-land, doe you know, or haue you credibly heard to belong vnto your Rectory, Church, Parsonage, Vicaridge &c. and by what Names are they (or any of them) commonly called and knowne; And what yearly Rent haue you knowne or heard to have beene paid, vnto the Parson, Vicar, or to his or their Assignes, for euery, or any of the said parcels?

2. In whose occupation, are the said parcells at this present? How much doth each parcell conteyne by measure of the 16 foote Poale? How is each parcell Butted, on euery parte? And who is to repaire the Fences on each side thereof?

3. What hedge, ditch, meere, tree, thorne, doole or distinction, is there now, at this present, whereby the said parcells of Church-lands may bee apparentlie knowne and distinguished, from the lands of other men, vpon whom they doe abutt?

4. What Cart-way, Horse way, foote way, Gates or Styles doe leade from your Parsonage or Vicaridge-House, vnto euerie of the said parcells of Gleab-land? Declare your knowledge therein.

5. Whether doe you know, or haue you crediblie heard, that some Styles, Gates, hedges, ditch, meere, Tree, Thorne, or other Doole (formerlie growing or being betweene the said parcells of Gleabe (or some of them) and the Landes of other men) haue been digged vp, felled downe, destroied, put by or defaced. And who had the said parcell (so wronged) in occupation when the said Style, Gate, hedge, ditch, meere, Tree, Thorne, or other antient Doole, was so digged vp, felled downe, destroyed, put by or defaced?

Concerning the Clergy.

1. Whether doth your Parson, Vicar, or Curate, distinctlie and reuerently say Diuine Seruice vpon Sundayes and Holidayes, and other dayes appointed to bee obserued by the book of Common Prayer; as Wednesdayes, and Fridayes, and the Eues of euery Sunday and Holiday, at fit and vsuall times? And doth he dulie obserue the Orders, Rites and Ceremonies, prescribed in the said Booke of Common Prayer, as well in reading publike prayers and the Letanie, as also in administring the Sacraments, solemnization of Matrimony, visiting the sicke, burying the dead, Churching of Women, and all other like Rites and Offices of the Church, in such manner and forme as in the said Booke of Common prayer he is inioyned, without

* as hath beene appointed by the Ordinary. *Added in* 1638.
† Archbishop or] *omitted in* 1638.
‡ principall] *omitted in* 1638.

* Chancell] Chappell. 1638.
† seuerall particulars following] premises. 1634.
‡ *The five following articles respecting the Terrier are not found in* 1634.

any omission or addition. And doth he reade the Book of the last Canons yearely, and weare a Surplice according to the said Canons?

2. Whether haue you any Lecturer in your Parish, who hath preached in his Cloake and not in his Gowne, and whether haue you any Lecturer who will not professe his willingnesse and readinesse to take vpon him a Liuing or Benefice, with cure of soules, or who hath refused a Benefice when it hath beene offered vnto him?

3. Doth your Minister bid Holidayes and Fasting-dayes, as by the Booke of Common prayer is appointed? And doth he giue warning beforehand to the Parishioners, for the receiuing of the holy Communion, as the two and twentieth Canon requireth: and whether hee doth administer the holy Communion so often, and at such times, as that euery Parishioner may receiue the same, at the least thrice in euery yeere; whereof once at Easter, as by the Booke of Common prayer is appointed? And doth your Minister receiue the same himselfe, on euery day that he administreth it to others, and vse the words of institution according to the Booke, at euery time that the Bread and Wine is renewed, accordingly as by the prouiso of the 21 Canon is directed: And doth he deliuer the Bread and Wine to euery Communicant seuerally, and kneeling? Whether he hath admitted to the holy Communion, any notorious Offender or Schismaticke, contrary to the 26 and 27 constitutions, or receiued any to the Communion, being not of his owne Cure, or put any from the Communion, who are not publickly infamous for any notorious crime? Doth he use the signe of the Crosse in Baptisme, or baptise in any bason, or other vessell, and not in the vsuall Font, Or admit any Father to be God-father to his owne Child, or such who haue not receiued the holy Communion, or baptize any Children that were not borne in the parish, or wilfully refuse to Baptise any infant in his Parish, being in danger, hauing been enformed of the weaknesse of the said child: and whether the child dieth through his default without Baptisme?

4. Whether hath your Minister married any without a Ring, or without Banes published three seuerall Sundayes or Holidayes in time of Diuine seruice, in the seuerall Churches or Chappels of their seuerall abode, according to the book of Common prayer, or in times prohibited, albeit the Banes were thrice published, without a License or dispensation from the Archbishop, the Byshop of the Diocesse, or his Chancellor first obtained in that behalfe? Or not betwixt the houres of eight and twelve in the forenoone, or haue maried any in any priuate house, or if the parties be under the age of 21 yeeres, before their Parents or gouernours haue signified their consent vnto him?

5. Doth he refuse to bury any, which ought to be interred inChristian buriall, or defer the same longer than he should, or bury any in Christian buriall, which by the constitutions of the Church of England, or lawes of the Land, ought not to be so interred?

6. Is your Minister a Preacher allowed? If yee, then by whom? If not, whether doth he procure some who are lawfully licensed, to preach monethly amongst you at the least?

7. Doth your Minister (being licensed) preach vsually according to the Canons, either in his owne Cure, or in some other Church or Chappell neare adioyning, where no other* Preacher is, and how often he hath been negligent in that behalfe, and doth he preach standing, and with his Hat off? Or whether doth he or his Curate vpon euery Sunday, when there is no Sermon, reade an homilie, or some part thereof, according as hee ought to doe: or in case he bee not licensed to preach, doth he take vpon him to Preach or expound the Scriptures in his owne Cure, or elsewhere? If so, then you are to present the same, the time, and place, when and where he did it?

8. Doth your Minister use to pray for the Kings Majesty, King *Charles*, and for the Queenes Majesty, Prince *Charles*, and all the royall Progeny, with addition of such Stile and Titles as are due to his Highnesse, and exhort the people to obedience to his Majesty, and all Magistrates in authority vnder him: And doth he also pray for all Arch-bishops, Bishops, and other Ecclesiasticall persons?

9. Is your Minister continually resident vpon his benefice, and how long time hath he bin absent, and in case he be licensed to be absent, whether doth he cause his Cure to be sufficiently supplied, according to the Canons? Or in case he hath another Benefice, whether doth he supply his absence by a Curate sufficiently licensed to preach in that Cure where he himselfe is not resident? Or otherwise, in case the smallnesse of the liuing cannot find a preaching Minister, doth he preach at both his benefices vsually?

10. Doth your Minister or Curate, serue any more cures than one: If yea, then what other Cure doth he serue, and how farre are they distant?

11. Doth your Minister or Curate euery Sunday and Holiday, before Euening Prayer, for halfe an houre or more, examine and instruct the youth and ignorant persons of his Parish, in the Tenne Commandements, Articles of the Beliefe, and in the Lords Prayer, and the Sacraments, according as it is prescribed in the Catechisme, set forth in the book of Common prayer only? And if he doe not, where is the fault, either in the Parents and Masters of the children, or in the Curate neglecting his duty? And is he carefull to tender all such youth of his Parish as haue beene well instructed in their Catechisme, to be confirmed by the Bishop in his Visitation, or any other conuenient time, as is appointed by the booke aforesaid?

12. Doth your Minister in the Rogation dayes, go in perambulation of the circuit of the Parish, saying, and vsing the Prayers, Suffrages, and Thanksgiuing to God, appointed by Law, according to his duty, thanking GOD for his blessings, if there be plenty on the earth: Or otherwise, to pray for his grace and fauour, if there be a feare of scarcity?

13. Hath your Minister admitted any woman begotten with child in adultery or fornication, to be Churched without licence of the Ordinary?

14. Hath your Minister, or any other Preacher, baptized children, churched any woman, or ministred the holy Communion in any priuate house, otherwise than by Law is allowed?

15. Doth your Minister endeuour and labour diligently to reclaime the popish Recusants in his Parish from their errors (if there be any such abiding in your parish). Or whether is your Parson, Vicar, or curate, ouer conuersant with, or a fauourer of Recusants, whereby he is suspected not to be sincere in Religion?

16. Hath your Minister taken vpon him, to appoint any publike or priuate Fasts, Prophesies or exercises, not approued by Law, or publike authority, or hath vsed to meet in any priuate house or place, with any person or persons, there to consult how to impeach or depraue the Booke of Common Prayer, or the doctrine or discipline of the Church of England? If yea, then you shall present them all?

17. Hath your Minister stayed the publication of any excommunications or suspentions, or doth he euery halfe yeere denounce in his Parish Church, all such of his Parish as are excommunicated, and perseuere therein without seeking to be absolued, or doth he wittingly and willingly keep company with such as are excommunicate: And hath he admitted into your Church any person excommunicate, without a certificate of his absolution from the Ordinary, or other competent Judge?

18. Doth your Minister carefully looke to the releefe of the poore, and from time to time call vpon his Parishioners to giue somewhat, as they can spare, to godly and charitable vses, especially when they make their Testaments?

19. Whether your Minister, or any, hauing taken holy Orders, being now silenced or suspended, or any other person of your knowledge, or as you haue heard, hold any conuenticles, or doth preach in any place, or vse any other forme of Diuine Seruice than is appointed in the Book of Common prayer: If yea, then you are to present their names, and with whom?

20. Whether is your Curate licensed to serue, by the Bishop of this Diocesse, or by any other, and by whom?

21. Doth your Minister vse such decencie and comelinesse in his apparell, as by the 47 Cannon is enioyned: is he of sober behauiour, and one that doth not vse such bodilie labour, as is not seemelie for his function and calling?

22. Is your Minister noted or defamed, to haue obtained his Benefice or his orders by Symonie, or any other way defamed, to be a Symoniacall person, or any way noted to be a Schismaticke or schismatically affected, or reputed to be an incontinent person, or doth table or lodge any such in his house: or is he a frequenter of Tauernes, Innes, or Ale-houses, or any place suspected of ill rule: Or is he a common Drunkard, a common Gamester, or player at Dice, a Swearer, or one that applieth himselfe not at his studie, or is otherwise offensiue and scandalous to his function or Ministerie?

23. Doth your Preacher or Lecturer reade Diuine Seruice, before his Sermon or Lecture, and Minister the Sacraments twice a yeere at least in his owne person, according to the Canons?

24. When any person hath beene dangerously sick in your Parish, hath he neglected to visit him, and when any haue beene parting out of this life, hath he omitted to doe his last duty in that behalfe?

* other] *omitted.* 1634.

25. Doth your Minister, Curate, or Lecturer, in his or their Sermons, deliuer such doctrine as tends to obedience, and the edifying of their Auditorie in faith and Religion without intermedling with matters of State, not fit to be handled in the pulpit, but to be discussed by the wisdome of his Maiesty and his Councell? And if you find any faultie herein, you shall present them.

Schoole-Masters.

1. Doth any in your Parish openlie or priuatelie take vpon him to teache Schoole, without license of the Ordinarie, and is he conformeable to the Religion now established? and doth he bring his Schollers to the Church, to heare diuine Seruice and Sermons? And doth he instruct his Schollers in the grounds of the Religion now established in this Church of England, and is he carefull and diligent to benefit his Schollers in learning?

2. Doth your Schoole-master teach and instruct his youth in any other Catechisme than is allowed by publike authority? And what Catechisme it is that he so teacheth?

3. Is any liuing or meanes giuen towards the erection or maintenance of any Schoole withholden back, or otherwise imployed, and by whom?

4. Doth any keepe Schoole in the Chancell or Church, by which meanes, that holy place and the Communion Table are many waies profaned, and the windowes broken?

Parish Clarke and Sextons.

1. Haue you a fit Parish Clarke, aged twenty yeeres at least, of honest conuersation, able to read and write? Whether are his and the Sextons wages paid without fraud, according to the ancient custome of your Parish: if not, then by whom are they so defrauded or denied? by whom are they chosen? and whether the said Clarke be approued by the Ordinary? and hath hee taken an Oath, as in such cases is fit and required: and is he diligent in his Office, and seruiceable to the Minister, and doth he take vpon him to meddle with any thing aboue his Office, as Churching of women, burying the dead, or such like?

2. Doth your Clark or Sexton keep the Church cleane, the doores locked at fit times? is any thing lost or spoyled in the Church, through his default? Are the Communion Table, Font, Books, and other Ornaments of the Church kept faire and cleane? doth he suffer any vnseasonable ringing, or any prophane exercise in your Church? Or doth he (when any is passing out of this life) neglect to toll a bell, hauing notice thereof?

Concerning the Parishioners.

1. Whether any of your Parishioners, being sixteene yeeres of age or vpwards, or others lodging or commonly resorting to any House within your Parish, doe wilfully absent themselues from your parish Church vpon Sundayes or Holi-dayes at Morning and Euening prayers? Or who come late to Church, and depart from Church before seruice be done vpon the said dayes? Or who do not vpon the said dayes? Or who do not reuerently behaue themselues during the time of Diuine seruice, deuoutly kneeling, when the generall confession of sins, the Letany, the tenne Commandements, and all Prayers and Collects are read, and using all due and lowly reuerence, when the blessed name of the Lord Jesus Christ is mentioned, and standing vp when the Articles of the Beliefe* are read; or who doe couer their heads in the Church during the time of Diuine Seruice, vnlesse it be in case of necessity, in which case they may weare a Night-cap or coyfe? Or who doe giue themselues to babbling, talking, or walking, and are not attentiue to heare the Word preached, or read? Whether any of your Parish, being of sixteene yeeres of age or upwards, do not receiue the holy Communion in your Church thrice euery yeere, whereof once at Easter, and whether they doe not deuoutly kneele at the receiuing thereof? And whether any hauing diuerse houses of remoue, doe shift from place to place of purpose to defeat the performance of their Christian duties in that behalfe?

2. Whether any of your parishioners, being admonished therof, do not send their Children, Seruants, and Apprentices, to the Minister, to be catechized vpon such Sundayes and Holydayes as are appointed? Or whether any of them do refuse to come; or if they come, refuse to learne those instructions set forth in the Booke of Common prayer?

3. Whether any of your Parish doe entertaine within their house, any soiourner, common guests, or other persons, who refuse to frequent Diuine Seruice, or receiue the holy Communion, as aforesaid; present their names, their qualities or conditions?

4. What Recusant Papists are there in your Parish, or other Sectaries? present their names, qualities, or conditions? whether they keepe any Schoole-master in their house, which commeth not to Church to heare Diuine Service, and receiue the Communion? What is his Name, and how long hath he taught there, or elsewhere?

5. Whether any of the said Popish Recusants, or other Schismaticks, doe labour to seduce and withdraw others from the Religion now Established? Or instruct their families or children in Popish religion: or refuse to entertaine any, especially in place of greatest seruice, or trust, but such as concurre with them in their opinions?

6. How long haue the said Popish Recusants abstained from Diuine Seruice, or from the Communion, as aforesaid?

7. Is there any in your Parish that retaine, sell, vtter or disperse, any Popish book, or Writings, or other Bookes, Libraries, or writings of any Sectaries, touching the Religion, State, or Gouernement Ecclesiastical of this Kingdome of England, or keepe any Monuments of Superstition vncancelled or vndefaced?

8. Whether haue you any in your Parish, which heretofore being popish Recusants or Sectaries, haue since reformed themselues, and come to Church to heare Diuine Seruice, and receiue the Sacraments; if yea, then who are they? And how long since haue they so reformed themselues? And whether they still remaine and abide in that conformitie?

9. Is there any in your Parish that refuse to haue their children Baptised, or themselues to receiue the Communion at the hands of your Minister, taking exception against him, and what causes or exceptions do they alleage; or haue any maried Wiues refused to come to Church, according to the Booke of Common Prayer, to giue God thanks after their child-birth, for their safe deliuerance? And whether doe any of, or in your Parish, refuse to haue their children Baptized in your Parish Church, according to the forme prescribed in the booke of common Prayer?

10. Doe any of your Parish usually goe to other Parish Churches to heare Diuine Seruice or Sermons? Or doe they communicate, or Baptize their children in any other Parish?

11. Whether there be any in your Parish who will come to heare the Sermon, but will not come to publike prayers appointed by the Booke of Common Prayer, making a Schisme or diuision (as it were) between the use of publike prayer and preaching?

12. What persons within your Parish, for any offence, contumacy, or crime, of Ecclesiasticall Conusance doe stand excommunicate? present their names, and for what cause they are excommunicated, and how long haue they so stood, and what person or persons doe wittingly and usually keep them company?

13. Whether any, not being in Orders, doe execute any Priestly or Ministeriall Office, in your Church, Chappell, or Church-yard, and what be their names?

14. Whether any in your Parish, that hauing heretofore taken vpon him the order of Priesthood or Deacon, hath since relinquished the same, and liues as a Lay-man neglecting his vocation?

15. Hath any person in your Parish quarrelled, or stricken, or vsed any violence to your Minister, or haue stricken or quarrelled with any other person within your Church or Church-yard, or demeaned himselfe disorderly in the Church, by filthy or prophane talke, or any other base or immodest behauiour? Or hath disturbed the Minister in time of Diuine Seruice, or Sermon, or hath libelled or spoken slanderous words against your Minister, to the scandall of his vocation, or defamed any of his Neighbours, touching any crime of Ecclesiasticall Conusance?

16. Whether any of, or in your Parish, without consent of the Ordinarie, or other lawfull authoritie, haue caused any to do pennance, or to be censured or punished for any matter of Ecclesiasticall Conusance, by any Vestrie Meetings, or otherwise by their own authoritie? Or haue taken any mony or commutation for the same? Present their names that haue done it: And who haue been so punished? In what manner, and upon what cause?

17. Whether any person in your Parish, doe exercise any Trade or labour, buy or sell, or keep open Shops, or Warehouses vpon any Sunday or Holiday by themselues, their Seruants, or Apprentices, or haue otherwise prophaned the said dayes, contrarie to the orders of the Church of England? And whether there be any Inne-keepers, Alehouse-keepers, Victuallers or other persons, that permit any persons in their houses, to eate, drink, or play, during the time of Diuine Seruice or Sermon, or reading the Homilies, in the forenoone or afternoone, vpon those dayes?

18. Whether the fifth day of November be kept holie and thankesgiuing made to God, for his Maiesties and this States happy deliuerance, according to the Ordinance in that behalfe?

19. Whether any of your Parish hold or frequent any Conuenticles or priuate Congregations, or make or maintaine

* and the holy Gospell. *Added in* 1638.

any constitutions, agreed vpon in any such assemblies? Or any that do write, or publikely or priuately speake against the Booke of Common prayer, or any thing therein contained, or against any of the Articles of Religion agreed vpon in *Anno* 1562 or against the Kings Supremacie, in causes Ecclesiasticall, or against the Oath of Supremacie, or of allegiance, as pretending the same to be vnlawfull, and not warrantable by the Word of GOD? Or against any of the Rites or Ceremonies of the Church of England, now established? Or against the Gouernment of the Church of England vnder the Kings most excellent Majesty, by Arch-bishops, Deanes, Arch-Deacons, and other Officers of the same: affirming that the same is repugnant to the Word of God, and that the said Ecclesiasticall Officers, are not lawfully ordained? Or whether there be any Authors, Maintainers or Fauourers of Heresie or Schisme, or that be suspected to be Anabaptists, Libertines, Brownists, of the Family of Loue, or of any other Heresie, or Schisme? present their names.

20. Whether any in your Parish have maried within the degrees by Law prohibited, and where, and by whom? And whether any couple in your Parish being lawfullie maried, liue apart one from the other, without due separation by the Law, or any that haue beene diuorced, which keepe company with any other at Bedde or at Boord?

21. Whether doe any persons administer the goods of the dead without lawfull authority, or suppresse the last will of the dead? Or are there in your Parish any Wils not yet proued, or goods of the dead (dying intestate) left vnadministred? By authority in that behalfe, you shall not faile to present the Executors and all others faultie therein: and also how many persons being possessed of any goods and chattels, haue died within your Parish since the x. day of Februarie? 1634.*

22. Whether any with-hold the Stocke of the Church, or any goods, or other things, giuen to good and charitable uses?

23. Whether your Hospitals and Almes-houses, and other such houses and corporations, founded to good and charitable vses, and the lands, possessions, and goods of the same, be ordered and disposed of as they should be? And do the Masters, Gouernours, Fellowes, and others of the said Houses and Corporations, behaue and demeane themselues according to the Godly Ordinances and Statutes of their seuerall Foundations?

24. Whether haue you any in your parish to your knowledge, or by common fame or report, which haue committed Adultery, Fornication, or Incest: or any which haue impudently bragged or boasted, that he or they† haue liued incontinently with any person or persons whatsoeuer: or any that haue attempted the chastity of any Woman, or solicited any Woman to haue the carnall knowledge of her bodie, or which are commonly reputed to bee common Drunkards, Blasphemers of Gods holy name; common Swearers, common Slanderers of their Neighbours, and sowers of discord, filthy and lasciuious Talkers, Usurers, Symoniacall persons, Bawdes, or Harborers of Women with childe, which be vnmaried, or Conueying or suffering them to goe away before they haue made satisfaction to the Church, or any that hauing heretofore beene presented, or suspected of any the aforesaid crimes, haue for that cause departed your Parish, and are now returned againe? Or any which haue vsed any inchantments, sorceries, incantations, or witchcrafts, which are not made felony by the Statutes of this Realme, or any which haue committed any periurie in any Ecclesiasticall Court, in an Ecclesiasticall cause, or which haue committed any forgerie, punishable by the Ecclesiasticall Lawes, and the procurers and abettors of the said offences; you shall truely present the names of all, and singular the said offendors, and with whom they haue committed the said offences, in case they haue not been publikely punished to your knowledge for the same crimes?‡

Physitions, Chirugons, and Mid-wiues.

25. How many Physitions, Chirurgions, or Mid-wiues, haue you in your Parish? How long haue they vsed their seuerall Sciences or Offices, and by what authoritie? And how haue they demeaned themselues therein, and of what skill are they accounted to be in their profession?

Touching the Church-wardens and Sidemen.

1. Whether you and the Church-wardens, Quest-men, or Side-men from time to time, doe, and haue done their diligence, in not suffering any idle person to abide either in the Church-yard or Church-porch, in Seruice or Sermon time, but causing them either to come into the Church to heare Diuine Seruice, or to depart, and not disturbe such as be hearers there? And whether they haue, and you doe diligently see the Parishioners duely resort to the Church euery Sunday and Holiday, and there to remaine during diuine Seruice and Sermon? And whether you or your predecessors, Church-Wardens there, suffer any playes, feasts, drinkings, or any other prophane vsages, to be kept in your Church, Chappell, or Church-yards, or haue suffered to your and their uttermost power and endeauour, any person or persons to be tipling or drinking in any Inne or Victualling house in your Parish, during the time of Diuine Seruice or Sermon, on Sundayes and Holidayes?

2. Whether, and how often haue you admitted any to preach within your Church or Chappell, which was not* sufficientlie licensed? And whether you together with your Minister, haue not taken diligent heed and care, that euerie parishioner being of sixteene yeares of age or vpwards, haue receiued thrice euerie yeere, as aforesaid: and also that no stranger haue vsuallie come to your Church, from their owne Parish Church?

3. Whether haue there beene prouided against euerie Communion, a sufficient quantitie of fine white bread, and good and wholesome wine for the communicants that shall receiue? And whether that wine be brought in a cleane and sweet standing pot of pewter, or of other purer mettall?

4. Whether were you chosen by the consent of the Minister and the Parishioners? And haue the late Church-wardens given vp a just account for their time, and deliuered to their successors by Bill indented the money, and other things belonging to the Church which was in their hands? And are the Almes of the Church faithfullie distributed to the vse of the poore.

5. Whether doe you see the names of all Preachers which are strangers and preach in your Parish Churches, to be noted in a Booke for that purpose, and whether euerie Preacher do subscribe his name, and of whom he had his License.

6. Whether any do trouble or molest you for doing your duties?

7. Whether there be any Legacies withholden giuen to the Church or poore people, or to the mending of Highwayes, or otherwise by the Testators? In whose hands it is, by whom it was giuen, and by whom it is with-holden?

8. Do you know of any thing that hath beene complained of, that is not yet redressed?

Concerning Ecclesiasticall Magistrates and Officers.

1. Whether doe you know or haue heard of any payment, Imposition or agreement, to, or with any Ecclesiasticall Magistrate, Judge, or Officer, for winking at or sparing to punish any person for any offence of Ecclesiasticall Conusance, or for suppressing or concealing of any excommunication, or any other Ecclesiasticall Censure, of, or against any Recusant, or any other offendor in the cases aforesaid? What summe of money, or other consideration hath beene receiued or promised, by, or to any of them in that respect, by whom, and with whom?

2. Hath any person within your Parish, paid, or promised any summe of money, or other reward, for commutation of pennance, for any crime of Ecclesiasticall Conusance? If so, then with whom? When, and for what, and how hath the same beene imployed?

3. Are your Ecclesiasticall Judges and their Substitutes Masters of Arts, or Batchelors of the Lawes, at the least learned and practised in the Ciuill and Ecclesiasticall Lawes: Men of good life and fame, zealously affected in Religion, and just and vpright in executing their offices? Haue they heard any matter of Office priuatelie in their Chambers, without their sworne Registers, or their Deputies presence?

4. Doe you know, or haue you heard, that any Ecclesiasticall Judge, Officer, or Minister, hath receiued or taken any extraordinarie fees, or other rewards or promises, by any wayes or meanes, directly or indirectlie, of any person or persons whatsoeuer, either for the granting of the administratied of the Goods and Chattels of those that haue died in testate, to one before another, or for allotting of larger portions of the Goods and Chattels of those that haue died intestate, to one more than to another: or for allowing larger and vnreasonable accounts, made by Executors or administrators: or for giving them *Quietus est*, or discharges, without Inventory or account, to defraude Creditors, Legataries, or those who are to haue portions. And what summes of money doe you know, or haue you heard, that any Ecclesiasticall Judge or Officer hath taken out of the state of any dying intestate, upon pretence to bestow the same, in *Pios vsus*; and how haue the same been bestowed?

* Februarie, 1634] { February, 1632. *In* 1634. / March, 1637. *In* 1638.

† they] she. 1634.

‡ *The following article is added in* 1638:—
25. Whether haue any in your Parish erected any Seats in the open or common Allies of the Church; in or without the authority of your Ordinary, or in any undecent place of the Church or Chancell, and what Seats be there in your Church or Chancell, of unusuall height, *viz.* aboue foure foot; and who sit in the same?

* known to you to be. *Added in* 1638.

5. Hath any Ecclesiasticall Magistrate, Judge, Officer, or any other exercising Ecclesiasticall Jurisdiction within this your Diocesse: Or any Advocate, Register, Procter, Clarkes, Apparators, or other Minister belonging to the same Ecclesiasticall Courts, exacted or taken by any wayes or means, directly or indirectly, Extraordinarie or greater fees than are due and accustomed? And whether is there a Table for the rates of all Fees, set vp in their seuerall Courts and Offices? And whether they haue sent or suffered any Processe to go out of the Ecclesiasticall Courts otherwise than by law they ought? Or haue they taken vpon them the Offices of Informers or Promoters to the said Courts, or in any other way abused themselues in their Offices, contrarie to the Law and Canons in that behalfe prouided?

6. What number of Apparators haue euery seuerall Judge Ecclesiasticall? And wherein, and in what manner is the Countrey overburthened by them? And wherein haue they caused or summoned any to appeare in the said Courts, without a presentment or Citation first had? Or whether haue they threatned any to prosecute them in the said Courts if they would not giue them some rewards, and what bribes in that behalfe haue they taken?

7. What reward or fees hath any of the Apparators taken, to saue the iournies to the Ecclesiasticall Court,* of any persons, and what (after composition so made) haue they or any of them taken and receiued, and what acquittance or discharge haue they giuen or promised them, and whether haue they not cited some to appeare before the Arch-Deacon, or his Officiall, after they haue beene ordered by the Commissary, and done their pennace accordingly, and whom haue they so cited and troubled, and what hath it cost them, as you know or haue heard, or by inquiry can finde?†

8. If you know of any other default or crime of Ecclesiasticall Conusance, you are to present the same by vertue of your Oathes.

The Minister of euerie Parish, may and ought to‡ ioyne in presentment uith the Church-wardens and Sidemen, and if they will not present, the Minister may and ought himselfe to present the defaults and crimes aforesaid: and there must be seuerall presentments made to euerie seuerall Article: and the Minister, Church-wardens, and Swornemen, are to meet and conferre about the said presentments, and answering of euery of the aforesaid Articles?

FINIS.

WILLIAMS, BISHOP OF LINCOLN, 1635.

ARTICLES to be enquired of within the Diocesse of Lincoln, in the generall and trienniall Visitation of the right Reverend Father in God, John, by God's providence Lord Bishop of Lincoln, to be held in the yeare of our Lord God 1635.

Printed by the Printers to the Vniversitie of Cambridge, 1635.

[*Collated with Williams' Articles of* 1641.]

Concerning the Church, the ornaments thereof, and the Churches possessions.

Inprimis, whether have you in your seuerall Churches, and Chappels, the whole Bible of the largest volume, and the book of common Prayer, both fairly and substantially bound, the book of Homilies, Erasmus paraphrase, and Bishop Jewels works,§ a Font of stone, set up in the ancient usuall place, a convenient and decent Communion table, with a carpet of silk, or some other decent stuffe, continually laid upon the same at time of divine service, and a fair linen cloth thereon at the time of the receiving of the holy Communion? And whether is the same Table placed in such convenient sort within the Chancell or Church, as that the Minister may be best heard in his prayer and administration, and that the greatest number may communicate? And whether is it so used out of time of divine service, as is not agreeable to the holy use of it; as by sitting on it, throwing hats on it, writing on it, or is it abused to other profaner uses?‖ and are the ten Commandments set upon the east end of your Church or Chappel where the people may best see and reade them, and other sentences of holy Scripture written on the walls likewise for that purpose?

2. Item, whether are the afternoon sermons in your seuerall parishes turned into catechizing, by question and answer, and exposition of the same Catechisme, and the heads thereof, and according to the form prescribed in the book of common Prayer, and otherwise, and whether doth every Lecturer reade divine service according to the Liturgie printed by authoritie, in his surplice and hood before the lecture? And whether are his Majesties instructions in all things duly observed?*

3. Item, whether have you in your said Church or Chappell, a convenient seat for your Minister to reade service in, together with a comely pulpet set up in a convenient place, with a decent cloth or cushion for the same, a comely large surplice, a fair communion cup, with a cover of silver, a flagon of silver, tinne, or pewter, to put the wine in, whereby it may be set upon the Communion table, at the time of the blessing thereof, with all other things and ornaments necessary for the celebration of divine service, and administration of the sacraments? And whether have you a strong chest for almes for the poore, with three locks and keyes, and another chest for keeping the books and ornaments of the church, and the Register book? And whether have you a Register book in parchment for christnings, weddings, and burials, and whether the same be kept in all points, according to the Canons in that behalf provided? And is the mother's christian name therein registred as well as the fathers, and a transcript thereof brought in yearely within one moneth after the 25 of March into the Lord bishop of the diocesse his principall Registry? And whether have you in your said church or chancell, a table of the degrees wherein by law men are prohibited to marry?†

4.‡ Whether are your church and chappels, with the chancels thereof, and your parsonage or vicarage house, your parish almeshouse and church-house, in good reparations: and are they imployed to godly, and their right holy uses? Is your church, chancell, and chappel decently and comely kept, aswell within as without, and the seats well maintained, according to the 85. Canon, in that behalf provided? Or have any patrons or others decayed the parsonage-houses, and keep a stipendiarie priest, or curate, in place where an incumbent should be possessed? Whether is your churchyard well fenced with walls, rails, or pales, and by whom? and if not, in whose default the same is, and what the defect or fault is? and whether any person have encroached upon the ground of the church-yard, or whether any person or persons have used any thing or place consecrated to holy use, profanely or wickedly? And of what value is the vicarage yearely of, is it of 100 marks yearely, and if not, what value is the impropriation of, and who is the owner and farmer of the same?

5. Is your church or chappel decently paved, and is your church-yard well and orderly kept without abuse? Are the bones of the dead decently interred, or laid up in some fit place as beseemeth Christians? And is the whole consecrated ground kept free from swine and all other nastinesse, as becometh the place so dedicated?§

6.‖ Whether have any ancient monuments or glasse-windows been defaced, or any brasse inscriptions, lead, stones, or any thing else belonging to your church or chappell been at any time purloyned, and by whom?

7.‖ Whether have you the terrier of all the gleab lands, meadows, gardens, orchyards, houses, stocks, implements, tenements, and portions of tithes (whether within your parish or without) belonging unto your parsonage or vicarage, taken by the view of honest men in your said parish? And whether the same terrier be laid up in the Bishops registrie, & in whose hands any of them are now? And if you have no terrier alreadie made in parchment, you the churchwardens and sidemen, together with your parson, or vicar, or in his absence with your minister, are to make diligent inquirie and presentment of the premises, and make, subscribe, and signe the said terrier, as aforesaid.

8.‖ Whether have you a book of Canons of 1603, and doth your minister reade them publickly once every yeare?

9.‖ Whether have any built or encroached upon any part of the church-yard, without sufficient authoritie from the Ordinarie?

10.‖ Whether hath any person or persons made or set any tumbrels, or other things in your church-yard, to fodder cattell in?

11.‖ Whether is the grasse in your church-yard, or any part thereof eaten by swine, or other noisome cattell? and to what use doth your minister, or other person to whom the churchyard belongeth, employ the same? And whether have you seen any swine or other cattells in your church-yard since you were churchwardens? and whose swine or cattell, and what kinde of cattell were they?

12.‖ Whether is your churchyard annoyed or profaned by

* the Ecclesiasticall Court] Canterbury. 1634.
† and whether haue they—can finde], *Omitted in* 1638.
‡ and ought to]. *Omitted* in 1638.
§ Erasmus—works] *Omitted*, 1641.
‖ And whether is it so used—profaner uses] *Omitted*, 1641, *and the following sentence substituted*:—Doth your said Communion table stand in the ancient place where it ought to doe, or where it hath done for the greatest part of these sixty years last past, or hath it been removed to the East end, and placed Altar-wise, and by whom, and whose authority hath it been so placed

* And whether doth every lecturer—duly observed] *Omitted*, 1641, *and the following passage substituted*:—And whether doth every Vicar, Parson, and Curate read Divine service according to the Liturgie printed by authority?
† and whether the same be kept—prohibited to marry] *Omitted*, 1641, *and these words only inserted after "burials"*:—according to the former custome and practise?
‡ *Article* 4 *omitted*, 1641.
§ for praying, preaching, and the service of God. *Added in* 1641.
‖ *Articles* 6—12 *omitted in* 1641.

hanging of clothes, or bleaching of cloth, or laying of rubbish, dung, or dirt therein, or the like? And whether is there any other use or uses made thereof, then the buriall of the dead? and what use and uses?

Concerning the Clergie.

Whether doth your parson, vicar, or curate distinctly and reverently say divine service upon sundayes and holidayes, and other dayes appointed to be observed by the book of common prayer; as wednesdayes, and fridayes, and the eves of every sunday and holiday at fit and usuall times? And doth he duely observe the orders, rites, and ceremonies prescribed in the said book of common prayer, as well in reading publick prayers and the Letanie, as also in administring the Sacraments, solemnization of matrimonie, visiting the sick, burying the dead, churching of women, and all other rites and offices of the Church, in such manner and form, as in the said book of common prayer he is enjoyned, without any omission or addition? And doth he reade the booke of the last Canons yearely, and wear a surplesse according to the said Canons?*

2. †Whether have you any lecturer in your parish, who hath preached in his cloak, and not in his gown; and whether have you any lecturer who will not professe his willingnesse and readinesse to take upon him a living or benefice, with cure of souls, or who hath refused a benefice when it hath been offered unto him?

3. Doth your minister bid holidayes and fastingdayes, as by the book of common prayer is appointed? And doth he give warning before-hand to the parishioners for the receiving of the holy Communion, as the 22 Canon requireth? and whether doth he administer the holy Communion reverently as becometh so high a mysterie, and so often, and at such times, as that every parishioner may receive the same at the least thrice in every yeare, whereof once at Easter, as by the book of common prayer is appointed? And doth your minister use the words of institution according to the book, at every time that the bread and wine is renewed, according as by the proviso of the 21 Canon is directed?‡ And doth he deliver the bread and wine to every communicant severally, and kneeling? Whether hath he admitted to the holy Communion any declared notorious offender or schismatick, contrary to the 26 & 27 constitutions; or received any to the Communion, being not of his own cure; or put any from the Communion, who are not declared publickly infamous for any notorious crime in some court Ecclesiasticall?§ Doth he use the signe of the Crosse in Baptisme, or baptize in any bason or other vessell, and not in the usuall font; or admit any father to be godfather to his own childe, or such who have not received the holy communion; or baptize any children that were not born in the parish; or wilfully refuse to baptize any infant in his parish, being in danger, having been enformed of the weaknesse of the said childe; and whether the childe dieth through his default without baptisme?‖

4. Whether hath your Minister married any without a Ring, or without Banes published three severall Sundayes or Holydayes, in time of divine service in the severall Churches or Chappels of their severall abode, according to the Book of Common-prayer, or in times prohibited, albeit the Banes were thrice published, without a license or dispensation from the Bishop of the diocesse or his Chancellour, or Commissary first obtained in that behalf? or not betwixt the houres of eight and twelve in the forenoon, or have married any in any private house, or if the parties be under the age of 21 yeares, before their parents or governours have signified their consent unto him?¶

5. Doth he refuse to bury any, which ought to be interred in Christian buriall, or deferre the same longer then he should; or bury any in Christian buriall, which by the constitutions of the Church of England, or Laws of the land, ought not to be so interred?

6.** Is your Minister a Preacher allowed? If yea, then by whom? If not, whether doth he procure some, who are lawfully licensed, to preach monethly among you at least, and what doth he allow unto him?

7. Doth your Minister (being licensed) preach usually according to the Canons,* either in his own cure, or in some other church or chappel neare adjoyning where no Preacher is, and how often hath he been negligent in that behalf? Or whether doth he or his curate, upon every Sunday, when there is no Sermon, reade an homily, or some part thereof, according as he ought to do? or in case he be not licensed to preach, doth he take upon him to preach, or expound the Scriptures in his own cure or elsewhere? If so, then you are to present the same, the time and place, when and where he did it?†

8.‡ Doth your Minister use to pray for the Kings Majestie, King Charles, and for the Queens Majestie, Prince Charles, and all the royall Progeny, with addition of such style and titles as are due to his Highnesse; and exhort the people to obedience to his Majesty, and all Magistrates in authoritie under him? And doth he also pray for all Arch-Bishops, Bishops, and other ecclesiasticall persons?

9. Is your Minister continually resident upon his benefice, and how long time hath he been absent? and in case he be licensed to be absent, whether doth he cause his cure to be sufficiently supplied, according to the Canons?§ or in case he hath another benefice, whether doth he supply his absence by a curate sufficiently licensed to preach in that cure where he himself is not resident? Or otherwise in case the smalnesse of the living cannot finde a preaching Minister, doth he preach at both his benefices usually? And if he be most while absent, what order doth he take for hospitalitie, or relief of the poore? declare it particularly. And whether doth he give the fourtieth part of fhe profits of his benefice to the poore, during his absence, or how long hath he forborn to do so?‖

10. Doth your Minister or curate serve any more cures then one? If yea, what other cure doth he serve, and how farre are they distant?

11. Doth your Minister or curate every Sunday and holiday, before evening-prayer, for half an houre or more, examine and instruct the youth, and ignorant persons of his parish, in the ten Commandments, Articles of the belief, and in the Lords Prayer, and the Sacraments, according as it is prescribed in the catechisme set forth in the book of common-prayer onely?¶ and doth he expound and shew forth the meaning and sense of the said catechisme? and if he do not, where is the fault, either in the parents and masters of the children, or in the curate neglecting his dutie? And is he carefull to tender all such youth of his parish, as have been well instructed in their catechisme, to be confirmed by the Bishop in his visitation, or at any other convenient time, as is appointed by the book aforesaid? And you are to warn the Ministers to prepare them against this present visitation.

12. ** Doth your Minister in the rogation-dayes, go in perambulation of the circuit of the parish, saying and using the prayers, suffrages, and thanksgiving to God, appointed by law, according to his dutie, thanking God for his blessings, if there be plenty on the earth; or otherwise, to pray for his grace and favour, if there be a fear of scarcitie?

13. ** Hath your Minister admitted any woman, begotten with childe in adulterie or fornication, to be churched without license of the Ordinary?

14. ** Hath your Minister, or any other preacher, baptized children, churched any woman, or ministred the holy communion in any private house, otherwise then by law is allowed?

15. Doth your Minister endeavour and labour diligently to reclaim the Popish recusants in his parish from their errours (if there be any such abiding in your parish?) Or whether is your parson, vicar, or curate, over-conversant with, or a favourer of recusants, whereby he is suspected not to be sincere in Religion?

16. Hath your Minister taken upon him to appoint any publick or private fasts, prophesies, or exercises, not approved by law, or publick authoritie? or hath he used to meet in any private house or place, with any person or persons, there to consult how to impeach or deprave the book of common prayer, or the doctrine or discipline of the church of England? If yea, then you shall present them all.

17. †† Hath your Minister staid the publication of any

---

* And doth he reade—said Canons] *Omitted*, 1641.
† *Article* 2 *omitted*, 1641.
‡ at every time—is directed] *Omitted*, 1641.
§ offender or schismatick—court Ecclesiasticall] *The following passage is substituted in* 1641:—offender, or put any from the Communion, who are not publikely known to be infamous for some notorious crime.
‖ or baptize in any bason—without Baptisme] *Omitted*, 1641.
¶ or in times prohibited—consent unto him] *Omitted*, 1641.
** *The following additional Article is inserted in* 1641, *before Art.* 6:—Do you know of any Parson, Vicar, or Curate, that hath introduced any offensive Rites or Ceremonies into the Church, not established by the Laws of the Land; as namely, that make three courtesies towards the Communion-Table, that call the said Table an Altar, that enjoyn the people at their coming into the Church to bow towards the East, or towards the Communion-Table, that call upon them to stand up at the *Te Deum*, *Benedictus*, *Magnificat*, the *Gloria Patri*, or at other times then at the Creed and the Gospel, that refuse to give the Communion to any that will not come up and receive it at the Rails, that never pray before their Sermons, but bid the people pray, or use any other new and voluntary Rite or Ceremonie not warranted by Law? You are to present them by vertue of your offices and places.

* according to the Canons] *Omitted*, 1641.
† Or whether doth he—he did it] *Omitted*, 1641.
‡ *Article* 8 *omitted*, 1641.
§ according to the Canons] with a preaching Minister. *Substituted*, 1641.
‖ or how long hath he forborn to do so] or what provision doth he make otherwise for them? 1641.
¶ onely] *Omitted*, 1641.
** *Articles* 12—14 *omitted*, 1641.
†† *Articles* 17—21 *omitted*, 1641.

excommunications, or suspensions, or doth he every half yeare denounce in his parish-church, all such of his parish, as are excommunicated and persevere therein, without seeking to be absolved? or doth he wittingly and willingly keep company with such as are excommunicate? And hath he admitted into your church any person excommunicate, without a certificate of his absolution from the Ordinarie, or other competent judge?

18. Doth your Minister carefully look to the relief of the poore, and from time to time call upon his parishioners, to give somewhat as they can spare to godly and charitable uses, and particularly to the mother and cathedrall church of Lincoln, especially when they make their Testaments?

19. Whether your Minister, or any having taken holy orders, being now silenced or suspended, or any other person of your knowledge, or as you have heard, hold any conventicles, or doth preach in any place, or use any other form of divine service, then is appointed in the book of Common-prayer. If yea, then you are to present their names, and with whom.

20. Whether is your curate licensed to serve, by the Bishop of the diocesse, or by any other, and by whom?

21. Doth your Minister use such decencie and comelinesse in his apparell, as by the 47 Canon is enjoyned? is he of sober behaviour, and one that doth not use such mechanicall or servile labour, as is not seemly for his function and calling?

22. Is your Minister noted or defamed to have obtained his benefice or his orders by simony, or any other way defamed to be a simoniacall person, or any way noted to be a schismatick, or schismatically affected, or reputed to be an incontinent person, or doth he table or lodge any such in his house? or is he a frequenter of taverns, innes, or alehouses, or any place suspected for ill rule? or is he a common drunkard, a common gamester, or player at dice, a swearer, or one that applies himself not to his study, or is otherwise offensive and scandalous to his function and ministry? especially is he one that useth uncharitably to curse, scandall and revile his own parishioners, in his heats and choler?*

23. † Doth your preacher or lecturer reade divine service, before his sermon or lecture, and minister the Sacraments twice a yeare at least in his own person, according to the Canons?

24. When any person hath been dangerously sick in your parish, hath he ‡ neglected to visit him? and when any have been parting out of this life, hath he omitted to do his last dutie in that behalf, being sent for and desired?

25. Doth your minister, curate, or lecturer in his or their sermons deliver such doctrine as tends to obedience, and the edifying of their auditorie in faith, religion, and good life, without intermedling with particular matters of State, not fit to be handled in the pulpit, but to be discussed by the wisdome of his Majestie, and his Councel? And if you finde any faultie herein, you shall present them. Or doth he spend most of the houre in points of controversie, and new start-up questions § debarred by ‖ authoritie from the pulpit?

26. Whether doth your Minister misbehave himself in preaching or praying, so that the congregation are offended thereat? and whether doth he teach publickly opposite doctrine against any other minister, or any other minister against him?¶ or doth he make any personall invectives in the pulpit, to the offence of particular men, and the scandall of the parish? Declare the points as neare as you can. And whether doth your minister observe the late orders and articles appointed by the Kings Majesty?**

27.†† Whether do you know, or have heard of any married in your Church at the times prohibited, or not being thrice asked in the church, or without a lawfull license, or in an unlawfull place, or houre, that is, not between eight and twelve of the clock in the forenoon; or where the parties or one of them under one and twentie yeares of age, had not the consent of their parents? And who were those parties? The time prohibited is from the saturday next before Advent-sunday, untill the 14 of Januarie; and from the saturday next before Septuagesima sunday, untill the Munday next after Lowsunday; and from the sunday before Rogation week, until Trinitie sunday.

28. Whether doth your minister use canonicall, modest, and decent apparell according to his abilitie, and that without curiositie or newfangledness? and doth he wear in his journeyes a cloak with sleeves, commonly called a priests cloak, without gards, long buttons, or cuts, according to the Canon?

29. Whether hath the form of commination against impenitent sinners, been read in your church to the people, according to the book of common prayer?

Concerning Schoolmasters.

Doth any in your parish openly or privately take upon him to teach school without license of the Ordinary; and is he conformable to the religion now established? And doth he bring his scholars to the church to hear divine service and sermons? And doth he instruct his scholars in the grounds of the religion now established in this Church of England? and is he carefull and diligent to benefit his scholars in learning?

2. Doth your schoolmaster teach and instruct his youth* in any other Grammar, Accidence, or any other Catechisme then is allowed by publick authoritie? and what Grammar, Accidence, or Catechisme is it that he so teacheth?

3†. Is any living or means given towards the erection or maintenance of any school, withholden back, or otherwise imployed, and by whom?

4†. Doth any keep school in the chancell or church, by which means that holy place and the communion table are many wayes profaned, and the windows broken?

5†. Doth your schoolmaster teach his scholars to carrie themselves awfully and reverently in the church, not passing at any time through, or continuing in the same, with their hats on, nor playing at any time in that holy place? And doth he teach them all reverence towards their betters, their parents, their elders, and especially towards all in holy Orders? And if he do not, present the same without fail.

Parish Clerks and Sextons.

1. Have you a fit parish-clerk, aged twentie yeares at the least, of honest conversation, able to reade and write? Whether are his and the sextons wages paid without fraud, according to the ancient custome of your parish? if not, then by whom are they so defrauded or denied? by whom are they chosen? and whether is the said clerk approved by the Ordinarie? and hath he taken an oath, as in such cases is fit and required? Is he diligent in his office, and serviceable to the minister, and doth he take upon him to meddle with any thing above his office, as churching of women, burying the dead, or such like?‡

2. Doth your clerk or sexton keep the church clean, the doores locked at fit times? Is any thing lost or spoiled in the church through his default? Are the communion table, font, books, and other ornaments of the church kept fair and clean? doth he suffer any unseasonable ringing, or any profane exercise in your church? or doth he (when any is§ passing out of this life) neglect to toll a bell, having notice thereof?‖

Concerning the Parishioners.

1. Whether do any of your parishioners being sixteen yeares of age or upwards, or others lodging or commonly resorting to any house within your parish; wilfully absent themselves from your parish church, upon sundayes and holydayes, at morning and evening prayers; or who come late to church, and depart from church before service be done upon the said dayes; or who do not reverently behave themselves both in their entrance into the church and¶ during the time of divine service, devoutly kneeling, when the generall confession of sinnes, the letanie, the ten commandments, and all prayers and collects are read, and using all due and lowly reverence (if they be not upon their knees at that time) when the blessed name of the Lord Jesus Christ is mentioned, and standing up when the articles of the belief are read; or who do cover their heads in the church during the time of divine service, unlesse it be in case of necessitie, in which case they may wear a night-cap or coif; or who do give themselves to babbling, talking, or walking, and are not attentive to heare the word

* If yea, then present it. *Added*, 1641

† *Article* 23 *omitted*, 1641, *and the two following additional Articles inserted:*—

14. Do you know any Minister that doth perform, or any other person that doth hear Divine service otherwise performed then as it is now appointed by the Acts of Parliament of this Realm. And do you know or any that hath or doth disturb that wholsom Order so appointed by the Law to be observed in Divine service? If you do, you must present their names.

15. Do you know of any persons that deny Archbishops, Bishops, Priests, and Deacons, consecrated according to the Order prescribed by the Statute, to be rightly, orderly and lawfully consecrated and ordered? If you do, you are to present their names.

‡ he] your Minister. 1641.

§ questions] of Arminianisme. *Added*, 1641.

‖ by] the Kings. *Added*, 1641.

¶ against any other—against him] against the Articles and Homilies prescribed by Law in the Church of *England?* Doth he preach and maintain, or palliate with distinctions and limitations, any points of Poperie? Declare the points as neer as you can. *Substituted*, 1641.

** Declare—Majesty] *Omitted*, 1641.

†† *Articles* 27, 28, *omitted*, 1641.

* in the Catechisme or grounds of Religion? And doth he instruct them. *Added*, 1641.

† *Articles* 3—5, *omitted*, 1641.

‡ by whom are they chosen—such like] *Omitted*, 1641.

§ weak and assured him to be. *Added*, 1641.

‖ having notice thereof] to give notice thereof to all devout Christians. *Substituted*, 1641.

¶ both in—and] *Omitted*, 1641.

preached or read? *whether any of your parish, being of sixteen yeares of age or upwards, do not receive the holy communion in your church thrice every yeare, whereof once at Easter: and whether do not they devoutly kneel at the receiving thereof?† And whether any having divers houses of remove, do shift from place to place on purpose to defeat the performance of their Christian duties in that behalf.‡

2. Whether any of your parishioners, being admonished thereof, do not send their children, servants and apprentices, to the minister, to be catechised upon such sundayes and holidayes as are appointed; or whether any of them do refuse to come; or if they come, refuse to learn those instructions set forth in the book of common prayer, together with the sense and meaning of the same, as they are expounded by the minister?

3. Whether any of your parish do entertain within their house any sojourner, common guests, or other persons, who refuse to frequent divine service, or receive the holy communion, as aforesaid: present their names, their qualities, and conditions.

4. What recusant Papists are there in your parish, or other sectaries?§ present their names, qualities, or conditions. Whether keep they any schoolmaster in their house which cometh not to church to heare divine service and receive the communion? what is his name, and how long hath he taught there, or elsewhere?

5. Whether do any of the said popish recusants, or other schismaticks labour to seduce and withdraw others from the religion now established; or instruct their families or children in popish religion; or refuse to entertain any, especially in place of greatest service, or trust, but such as concurre with them in their opinions?

6. How long have the said popish recusants abstained from divine service, or from the communion as aforesaid?

7. Is there any in your parish that retain, sell, utter, or disperse any popish books, or writings, or other books, libraries, or writings of any sectaries, touching the religion, state, or government Ecclesiasticall of this kingdome of England, or keep any monuments of superstition uncancelled or undefaced?

8. Whether have you any in your parish, which heretofore being popish recusants or sectaries, have since reformed themselves, and come to church to heare divine service, and receive the sacraments? If yea, then who are they? and how long since have they so reformed themselves? and whether remain they still and abide in that conformitie?

9. Is there any in your parish that refuse to have their children baptized, or themselves to receive the communion at the hands of your minister, taking exception against him, and what causes or exceptions do they alledge? or have any married wives refused to come to church according to the book of common prayer, to give God thanks after their childe-birth, for their safe deliverance? and whether do they come to this thanksgiving with a vail, or in the grave and ancient habit heretofore used?‖ And whether do any of, or in your parish, refuse to have their children baptized in your parish church, according to the form prescribed in the book of common prayer?

10.¶ Do any of your parish usually go to other parish churches to heare divine service or sermons? or do they communicate, or baptize their children in any other parish?

11. Whether be there any in your parish who will come to heare the sermon, but will not come to publike prayers appointed by the book of common prayer, making a schisme or division (as it were) between the use of publike prayer and preaching?

12. What persons within your parish, for any offence, contumacie, or crime of Ecclesiasticall cognisance, do stand excommunicate? present their names, and for what cause they are excommunicated, and how long they have so stood, and what person or persons do wittingly and usually keep them companie?

13. Whether any not being in orders do execute any priestly or ministeriall office, in your church, chappell, or church-yard, and what be their names? and what licenses have they so to do, and from whom?

14. ** Whether any in your parish, that have heretofore taken upon him the order of priesthood or deacon, hath since relinquished the same, and lives as a lay-man neglecting his vocation?

15. Hath any person in your parish quarrelled, or stricken, or used any violence to your Minister, or stricken or quarrelled with any other person within your church or church-yard, or demeaned himself disorderly in the church, by filthy or profane talk, or any other base or immodest behaviour, or disturbed the Minister in time of divine Service or Sermon, or libelled, or spoken slanderous words against your Minister, to the scandall of his vocation, or defamed any of his neighbours, touching any crime of Ecclesiasticall cognisance?

16. * Whether any of, or in your parish, without consent of the Ordinarie, or other lawfull authoritie, have caused any to do penance, or to be censured or punished for any matter of Ecclesiasticall cognisance, by any Vestry-meetings, or otherwise by their own authoritie; or have taken any money, or commutation for the same. Present their names that have done it. And who have been so punished? In what manner, and upon what cause?

17. Whether any person in your parish do exercise any trade or labour, buy or sell, or keep open shops or warehouses upon any Sunday or Holiday, by themselves, their servants, or apprentices, or have otherwise profaned the said dayes, contrary to the orders of the Church of England: And whether there be any Inne-keepers, Alehouse-keepers, Victuallers or other persons, that permit any persons in their houses to eat, drink, or play, during the time of divine Service or Sermon, or reading the homilies in the forenoon or afternoon upon those dayes.

18. Whether the fifth day of November be kept holy, and thanksgiving made to God, for his Majesties and this states happy deliverance, according to the ordinance in that behalf.

19. Whether any of your parish † hold or frequent any conventicles, or private congregations, or make or maintain any constitutions, agreed upon in any such assemblies; or any that do write, or publikely, or privately speak against the book of Common-prayer, or any thing therein contained, or against any of the Articles of Religion agreed upon, in Anno 1562. or against the Kings supremacie in causes ecclesiasticall, or against the oath of supremacie, or of allegiance, as pretending the same to be unlawfull, and not warrantable by the word of God; or against any of the rites and ceremonies of the Church of England, now established; or against the government of the Church of England, under the Kings most Excellent Majestie, by Arch-bishops, Bishops, Deans, Arch-deacons, and other officers of the same:‡ affirming, that the same is repugnant to the word of God, and that the said Ecclesiasticall officers are not lawfully ordained. Or whether there be any Authours, Maintainers, or Favourers of heresie or schisme, or that be suspected to be Anabaptists, Libertines, Brownists, of the family of Love, or of any other heresie or schisme: present their names.

20.§ Whether any of your parish have married within the degrees by law prohibited, and where and by whom; and whether any couple in your parish being lawfully married, live apart one from the other, without due separation by the law; or any that have been divorced, which keep company with any other at bed or at board.

21.§ Whether do any persons administer the goods of the dead without lawfull authoritie, or suppresse the last will of the dead? or are there in your parish any wills not yet proved, or goods of the dead (dying intestate) left unadministred? by authority in that behalf, you shall not fail to present the executors, and all others faultie therein.

22. Whether any withhold the stock of the church, or any goods or things given to good and charitable uses.

23. Whether your hospitalls, almes-houses, and other such houses and corporations, founded to good and charitable uses, and the lands, possessions, and goods of the same, be ordered and disposed of as they should be. And do the masters, governours, fellows, and others of the said houses and corporations, behave and demean themselves, according to the godly ordinances and statutes of their severall foundations?

24.‖ Whether have you any in your parish to your knowledge or by common fame or report, which have committed adultery, fornication, or incest; or any which have impudently bragged or boasted, that he or she have lived incontinenently with any person or persons whatsoever; or any that have attempted the chastitie of any woman, or sollicited any woman, to have the carnall knowledge of her body; or which are commonly reputed to be

* and using all due—preached or read] *Omitted*, 1641.
† as by Law they are bound. *Added*, 1641.
‡ And whether—behalf] *Omitted*, 1641.
§ or other sectaries] *Omitted*, 1641.
‖ And whether do they come—heretofore used] *Omitted*, 1641.
¶ *Articles* 10—12 *omitted*, 1641, *and the following additional Article inserted*:—

10. Are all the steps raised up in the Chancell towards the Altar (as they call it) within these fifteen yeers last past levelled? or whose fault is it they are not so? Are all Crucifixes and scandalous Pictures of any the Persons of the Trinity abolished in your Churches? Are the Images of the Virgin *Marie* introduced within these twenty yeers likewise abolished or not? You are herein to declare the truth.

** *Article* 14 *omitted*, 1641.

* *Article* 16 *omitted*, 1641.
† (otherwise then fathers and mothers in their own families). *Added*, 1641.
‡ by Arch-bishops—the same] by Bishops. *Substituted*, 1641.
§ *Articles* 20, 21, *omitted*, 1641.
‖ *Articles* 24—29 *omitted*, 1641.

common drunkards, blasphemers of Gods holy name, common swearers, common slanderers of their neighboours, and sowers of discord, filthy and lascivious talkers, usurers, simoniacall persons, bawds, or harbourers of women with child, which be unmarried, or conveying, or suffering them to go away before they have made satisfaction to the church; or any that having heretofore been presented, or suspected of any the aforesaid crimes, have for that cause depapted your parish, & are now returned again; or any which have used any inchantments, sorceries, incantations and witchcrafts, which are not made felony by the statutes of this realm; or any which have committed any perjury in any ecclesiastical court, in an ecclesiastical cause, or which have committed any forgery, punishable by the ecclesiasticall laws, and the procurers and abettours of the said offences? You shall truely present the names of all and singular the said offenders, and with whom they have committed the said offences, in case they have not been publickly punished to your knowledge for the same crimes.

25. Whether have you any common resorters to your church being not of your parish? or do any such receive the communion with you?

26. Whether do any in your parish wittingly converse with excommunicate persons? what excommunicate persons have been buried in your church or churchyard?

27. Whether do any of your parishioners accustome to go to other churches, and leave their own?

28. Whether be your Parishioners conveniently placed and seated in your church? and whether do any contend touching their places? and do any servants or youth prevent the householders of their seats?

29. If you have any chappels of ease in your parish, whether do the inhabitants resort once a yeare at the least to the parish church, to receive the communion?

30. Whether have any inkeepers, alewives, victuallers, or tiplers, received, harboured, or suffered any person to eat, drink, stay, or play in their houses in time of common prayer, sermon, or homily, on sundayes or holidayes? And what persons were so received, harboured, or suffered? and have they sold forth any drink or victualls at the like time? and have any of your parish loytered, or been gaming abroad at the same time?

31. Whether have any laboured, wrought, or gone to cart on the sunday or holiday? and have any artificers, shoemakers, chandlers, mercers, butchers, and the like, set open their shop-windows or doores, or used their trade, or any manuall occupation upou any of those dayes, or sold any wares or goods belonging to their trade, in the time of prayer, sermon, or homilie, upon any sunday or holiday? and who were the same that did so?

32.* Whether have you in your parish any water-mills, winde-mills, fulling mills, or other mills which have been suffered to grinde or go upon the sabbath-day in prayer time, or any other time or part of the day? and by whose sufferance do they so grinde or go?

Physicians, Chirurgeons, and Midwives.

How many physicians, chirurgeons, and midwives have you in your parish? how long have they used their severall sciences or offices, and by what authoritie? and how have they demeaned themselves therein? and of what skill are they accounted to be in their profession?

Touching the Churchwardens and Sidemen.

Whether you, and the churchwardens, questmen, or sidemen, from time to time do and have done their† diligence, in not suffering any idle person to abide either in the churchyard or churchporch in service or sermon time, but causing them either to come into the church to heare divine service, or to depart, and not disturb such as be hearers there. And whether they have, and you do diligently see the parishioners duely resort to the church every sunday and holiday, and there to remain during divine service and sermon. And whether you or your predecessors, churchwardens there, suffer any playes, feasts, drinkings, or any other profane usages, to be kept in your church, chappel, or churchyards; or have suffered to your and their uttermost power and endeavour, any person or persons to be tipling or drinking in any inne or victualling house in your parish, during the time of divine service or sermon on sundayes and holidayes.

2.‡ Whether, and how often have you admitted any to preach within your church or chappel, which was not sufficiently licensed? and whether you together with your minister, have not taken diligent heed and care, that every parishioner being of sixteen yeares of age or upwards, have received thrice every yeare, as aforesaid; and also that no stranger have usually come to your church from their own parish church.

3. Whether hath there been provided against every communion, a sufficient quantitie of fine white bread, and of good and wholsome wine, for the communicants that shall receive? And whether that wine be brought in a clean and sweet standing pot of pewter, or of other purer metall.

4. Whether were you chosen by the consent of the minister and the parishioners? And have the late churchwardens given up a just account for their time, and delivered to their successours by bill indented the money, and other things belonging to the church, which was in their hands? And are the almes of the church faithfully distributed to the use of the poore?

5. Whether do you see the names of all preachers which are strangers and preach in your parish churches, to be noted in a book for that purpose; and whether doth every preacher subscribe his name, and of whom he had his license?

6. Whether any man do trouble or molest you for doing your duties; or are any of the ecclesiasticall judges or their surrogates over easie to receive frivolous complaints against you for doing your duties, and to hold you in long and tedious suits concerning the same? If so, you must present, and by what judge, surrogate, proctour, or apparitour you have been so* troubled.

7. Whether be there any legacies withholden given to the church or poore people, or to the mending of highwayes, or otherwise by the Testatours? In whose hands is it, by whom was it given, and by whom is it withholden?

8.† Do you know of any thing that hath been complained of that is not yet redressed?

9.† Whether do the churchwardens about the midst of divine service, usually walk forth, and make search for such as are then abroad in the streets, or in taverns, or alehouses, suspected to harbour idle companie?

Concerning Ecclesiasticall Magistrates and Officers.

Whether do you know or have heard of any payment, composition or agreement, to or with any ecclesiasticall magistrate, judge or officer, for winking at or sparing to punish any person for any offence of ecclesiasticall cognisance, or for suppressing or concealing of any excommunication or any other ecclesiasticall censure, of, or against any recusant, or any other offender in the cases aforesaid? What summe of money or other consideration hath been received or promised, by, or to any of them, in that respect, by whom, and with whom?

2. Hath any person within your parish, paid or promised any summe of money or other reward either of late, or heretofore for commutation of penance, for any crime of ecclesiasticall cognisance? if so, then with whom, when, and for what summe of money? and how hath the same been imployed? you are to present these particularly.

3. Are your ecclesiasticall judges and their substitutes Batchellours of the laws, or masters of arts at the least, learned and practised in the civile and ecclesiasticall laws, men of good life and fame, zealously affected in religion, and just, upright, and diligent in executing their offices? Have they heard any matter of office privately in their chambers, without their sworn registers, or their deputies presence?

4. Do you know or have you heard, that any ecclesiasticall judge, officer, or minister hath received or taken any extraordinarie fees or other rewards or promises, by any wayes or means, directly or indirectly, of any person or persons whatsoever, either for the granting of the administration of the goods and chattels of those that have died intestate, to one before another, or for allotting of larger portions of the goods and chattels of those that have died intestate, to one more then to another; or for allowing larger and unreasonable accounts, made by executors or administratours; or for giving them *Quietus est*, or discharges, without inventory or account, to defraud creditours, legataries, or those who are to have portions? And what summes of money do you know, or have you heard, that any ecclesiasticall judge or officer hath taken out of the state of any dying intestate, upon pretence to bestow the same in pious uses either of late or heretofore, and how have the same been bestowed?

5. Hath any ecclesiasticall magistrate, judge, officer, or any other exercising ecclesiasticall jurisdiction within this diocesse, or any advocate, register, proctour, clerks, apparitours, or other ministers belonging to the same ecclesiastical courts, exacted or taken by any wayes or means, directly or indirectly, extraordinary or greater fees then are due and accustomed? And whether is there a table for the rates of all fees set up in their severall courts and offices?

* *Article* 32 *omitted* 1641.
† their] your. 1641.
‡ *Articles* 2—5 *omitted*, 1641.

* so] *Omitted*, 1641.
† *Articles* 8, 9, *omitted*, 1641.

And whether have they sent, or suffered any processe to go out of the ecclesiasticall courts, otherwise then by law they ought; or have they taken upon them the offices of informers or promoters to the said courts, or any other way abused themselves in their offices, contrary to the Law and Canons in that behalf provided?*

6.† What number of apparitours hath every severall judge ecclesiasticall? and wherein, and in what manner is the countrey overburdened by them? and wherein have they caused or summoned any to appeare in the said courts, without a presentment or citation first had? or whether have they threatned any to prosecute them in the said courts, if they would not give them some rewards, and what bribes in that behalf have they taken? and whether are they drunkards and debauched people, and such as have scandalized the jurisdiction ecclesiasticall?

7.† If you know of any other default or crime of ecclesiasticall cognisance, you are to present the same by vertue of your oathes. The Minister of every parish may and ought to joyn in presentment with the church-wardens and side-men; and if they will not present, the Minister may and ought himself present the faults and crimes aforesaid: and there must be severall presentments, made to every severall article: and the Minister, church-wardens and side-men, are to meet and conferre about the said presentments, and answering of every of the aforesaid articles.

8. Whether hath any ecclesiasticall judge or his surrogates, without the allowance of the Bishop, lately taken upon them to set up any new consistories, or courts, and to keep courts of concurrencie in peculiars, and others, and more places then heretofore hath been accustomed; and to call the people to those concurrent courts unduely without presentments, or other just cause, but onely to trouble the countrey, and to get unjust fees to their own purses? And have they in those new concurrent courts cited the people into peculiars, and out of the jurisdiction, and for matters whereof they were dismissed by their ordinary judge before, so that they have been troubled in severall places for one and the same thing contrary to the law? And whether are the same late erected consistories to the grievance of the people, and by whom have the said new courts been lately set up, and by what authoritie, and where, and in what place? declare the same particularly.

Lastly,‡ the church-wardens are required specially and particularly to warn their parsons and vicars to set down in writing under their hands, and deliver it up to the Lord Bishops principall register upon the visitation day, what and how much the said parsons and vicars have contributed towards the repairs of the cathedrall church of S. Pauls in London, according to the directions in that behalf from his Majestie, and the Lords of the Councel; and who hath not been called upon, nor as yet contributed at all.

FINIS.

[*The three following Orders of Parliament are added to the Articles of* 1641.

Die Mercurii, 9 Sept. 1641.

Upon signification this day unto the House, by the Lord Bishop of *Lincoln*, that his Lordship was determined between this and the next meeting of Parliament to visit his Diocese in his own person,

It is ordered by the Lords in Parliament, That the said Lord Bishop of *Lincoln* shall in his said Visitation take order to put in practise two severall Orders of this House, the one dated the 16. of *January* 1640, and the other dated the first of *March* last past, and hereunto annexed.

Die Sabbati, 16. *Januarii,* 1640.

It is this day ordered by the Lords Spirituall and Temporall in the high Court of Parliament assembled, That the Divine Service be performed as it is appointed by the Acts of Parliament of this Realm; And that all such as shall disturb that wholesome Order, shall be severely punished according to the Law: And the Parsons, Vicars, and Curates in the severall Parishes shall forbear to introduce any Rites or Ceremonies that may give offense, otherwise then those which are established by the Laws of the Land.

Die Lunæ, 1. *Martii,* 1640.

It is this day ordered by the Lords Spirituall and Temporall in the high Court of Parliament assembled, That every Lord Bishop in his severall Diocese shall give directions and take care that the Communion-table in every Church in his Diocese do stand decently in the ancient place where it ought to do by the Law, and as it hath done for the greater part of these threescore yeers last past.

FINIS.]

* offices, contrary—provided] places? You are by your office to present the same. *Substituted,* 1641.
† *Articles* 6, 7, *omitted,* 1641.
‡ *This last Article omitted,* 1641.

WREN, BISHOP OF NORWICH, 1636.

ARTICLES to be inqvired of within the Dioces of Norwich: In the first Visitation of the R. Reverend Father in God, Matthew, Lord Bishop of Norwich.

Printed at *London*, by *Richard Badger*, 1636.

[From a copy among the Tanner MSS., having MS. references added in the margin to other Visitation Articles.

Collated with the Articles issued by Wren in 1662 as Bishop of Ely.]

The Tenour of the Oath to be Ministred to the Church-wardens; and any other of every Parish, that shall be sworne to make Presentments.

You shall sweare, that you, and every one of you, shall and will duly consider, and diligently enquire of every one of these Articles here given you in charge, and of all the branches thereof, and make true answer to al particulars therein demanded; and that all affection, or favour, or hatred, or hope of reward and gaine, or feare of displeasure, or malice of any person, and all other pretences set aside, you shall and will present every such person of your Parish, or within it, as hath committed any offence or fault, or made any default mentioned in any of these Articles, or which is vehemently suspected, or otherwise defamed of any such offence, fault, or default; wherein you shall deale uprightly and fully according to the truth, neither presenting, nor sparing to present any contrary to the truth: Having in this action God before your eyes, with an earnest zeale to maintaine truth and vertue, and to suppresse vice, and to discharge your owne consciences. So helpe you God, and the Holy Contents of this Booke. J.C. 1581. E.C. 1580. M.C. 1567. J.L. 1583. R.E. 1570. T.L. 1571. R.L. 1605. R.C. 1605. L.C. 1606. L.E. 1609. G.C. 1616. J.N. 1619. D.P. 1632. W.C. 1633. R.W. 1635. B.C. 1638. R.N. 1638. J.P. 1639.

*God save the King.**

ARTICLES to be inqvired of in the Dioces of Norwich, at the Visitation, holden in the yeere of our Lord, 1636.

Chap. 1.—*Concerning Religion and Doctrine.*

Are there any abiding in your Parish, or resorting to it, who haue wilfully maintained any heresies, errours, or false opinions, contrary to the faith of Christ and holy Scripture? Or that do impugne† any of the 39 Articles of Religion, agreed upon in *Anno* 1562. and stablished in the Church of England? And is the declaration, which the Kings Maiesty‡ prefixed before those 39 Articles, concerning the settling of the questions late in difference, duly observed by all within your Parish, according to his Maiesties commandement? R.L. 5, 3. J.N. 1. 1.

2. Be there any in your Parish that have denied, or perswaded any other to deny, withstand, or impugne the Kings Maiesties authority, and supremacy, in causes Ecclesiasticall within this Realme?§ R.L. 5. 1./2. C. 4. J.N. 1, 4.

3. Is there in your Parish any that hath beene, or is vehemently suspected to haue beene present at any vnlawfull assemblies, conuenticles, or meetings, vnder colour or pretence of any exercise of Religion? Or doe any affirme and maintaine such meetings to be lawfull? A.C. 42, 44. R.L. 5, 7, 43 G.C. 3. 18. J.W. 2. 29. J.N. 1. 3.

4. Be there any abiding in, or resorting to your Parish, that are commonly reputed to be ill affected in matter of the religion professed in our Church, or taken to be Recusant Papists, or factious‖ separatists, refusing to repaire vnto the Church, to heare diuine Seruice, and to receiue the holy Communion? Or that haue or do publish, sell, or disperse,¶ any superstitious, seditious, or schismaticall A.C. 8. 17. R.L. 5. 36. L.C. 11. G.C. 3. 7. 18. J.N. 1. 5. J.L. 5. 3. 6.

* *The followiny key to the M.S. marginal references is here subjoined in the Tanner copy:*—

Ric. London.	R.L.	Jões. London.	J.L.
Ric. Cantuar.	R.C.	Ric. Elien.	R.E.
Lancel. Cicestr.	L.C.	Tho. Lincoln.	T.L.
Lanc. Eli.	L.E.	Anton. Cicestr.	A.C.
Georg. Cantuar	G.C.	Jacob. Winton	J.W.
Decan. Paul.	D.P.	Tho. Winton.	T.W.
Wm Cantuar.	W.C.	Jões. Norvic.	J.N.
Robert White	R.W.	Matth. Cantuar.	M.C.
Brian. Cicest.	B.C.	Edm. Cantuar.	E.C
Ric. Norvic.	R.N.	Jões. Cantuar.	J.C.
Joh. Petriburg.	J.P.		

† who have wilfully—impugne] who (as far as you know, or have credibly heard from persons of deeper judgment) do at any time preach, teach, deliver, publish or maintain any heresie, or any erroneous and false opinion accounted to be contrary to the Faith of Christ, or any sentence, matter, or cause, which hath heretofore been determined, ordered or adjudged to be heresie by the authority of the Canonical Scriptures, or by the first four General Councels, or any of them, or by any other General Councel, determining the same to be heresie by the express words of holy Scripture? Or are there any which do deny or impugn—1662.

‡ Kings Majesty] blessed Martyr King Charles the First. 1662.

§ *The following article is added in Ely,* 1662:—

3. Be there any in your Parish that have affirmed that the Form of consecrating Bishops, and making Priests and Deacons, as it is used in the Church of England, is not holy, right, true, and lawful? Or that the Government of this Church under the Kings Majesty by Archbishops, Bishops, Deans, Archdeacons, and other Ecclesiastical Officers, is unlawful or Antichristian.

‖ Papists or factions] whether Papists or other factions. 1662.

¶ or conveigh to others. *Added,* 1662.

Bookes, Libels, or Writings, touching the Religion, State, or Ecclesiasticall gouernment of this Kingdome of England? Present their names, qualities and conditions, if you know or haue heard of any.

Chap. 2.—Concerning publike Prayer, and administration of the holy Sacraments, &c.

A.C. 12. 1. Haue any in your Parish spoken, or declared anything in derogation or deprauation of the forme of Gods worship, established in the Church of England, and the
R.L. 5. 2. 4. administration of the Sacraments, Rites * and Ceremonies set forth and prescribed in the booke of Common Prayer? Or do any preach, speak, and declare that the book of Common Prayer containeth any thing that is repugnant to
J.N. 2, 1. the holy Scripture, or not meet to be vsed? Or doe use any scornefull words against those godly Sermons, called, the Homilies of the Church?

A.C. 10. 2. Hath any in your Parish caused, procured or maintained any Minister, to say any common or publike prayer, or to administer the Sacrament of Baptisme, or of the Lords Supper, otherwise, or in any other manner, than is mentioned in the said booke of Common Prayer? Or hath any interrupted, hindered, let, or disturbed the Minister in reading of diuine Service, or administring the Sacraments in such manner as is mentioned in the said
J.N. 2. 2. booke? Or hath any interrupted him in his preaching, or
T.L. 2. 3. reading the Homilies?

R.L. 1. 8. 3. Is the Sacrament of Baptisme rightly and duly administred according to the forme prescribed in the booke of Common Prayer; with due observation of all Rites and
J.N. 2. 3. Ceremonies prescribed to be vsed in the same, without
J.N. 4. 4. adding or altering of any part of any prayers, or interro-
R.L. 1. 8. gatories? Is the signe of the Crosse euery time vsed, and the Surplice neuer but worne in the administring of it.

J.N. 2. 4. 4. Hath the administration of the Sacrament of Baptisme beene at any time deferred longer than till the next Sunday or Holiday, immediatly following the birth of the childe?†

J.N. 2. 5. 5. Hath the Sacrament of baptisme beene refused to be administred to any children borne in, or out of wedlock, their birth being made knowne to the Minister of the Parish, and they offered vnto him to be baptized? Or haue any such children died vnbaptized?

R.L. 5. 14. 6. Haue the parents of the childe baptized beene at any time admitted to be Godfathers or Godmothers to the
R.C. 20. same? Or haue any been admitted to be Godfathers or Godmothers to any childe, before they haue received the holy Communion?‡ Or haue any Godfathers or God-
L.C. 30. mothers vsed any other answers or speech in Baptisme,
J.N. 2. 6. then is by the Book of Common Prayer appointed? Or haue they giuen to the children baptized any name that is absurd, or inconuenient for so holy an action?§

R.C. 21. 7. Haue any children beene baptized in priuate houses,‖ or by any Lay-person, or Midwife, or popish Priest, or by any other than your owne Minister? And haue all children priuately baptized, if they liued, beene afterwards
J.N. 2, 7. brought to your Church, that the Congregation and the Minister of the Parish (in case they were not baptised by him) might be certified, whether they, or any of them¶ were lawfully baptized or no?

J.N. 2. 8. 8. Haue the children that haue beene borne to any popish Recusant** in your Parish, beene publikely baptized in your Parish Church, by your owne Parson, Vicar, or Curate? Or by whom else were they baptized, or where, to your knowledge, or as you haue heard?††

R.L. 1, 4. 9. Hath the blessed Sacraments of the Lords Supper been dulie and reuerently administred in your Church or Chappell, so often, and at such conuenient times, that, at least thrice euery yeere (whereof once at Easter) euerie
J.N. 2, 9. parishioner within your Parish, being of the age of 16 yeeres or vpwards, might receiue the same?

R.L. 1, 4, J.N. 2. 10. 10. Hath the said blessed Sacrament been deliuered vnto any, or receiued by any the Communicants within your Parish, that did unreuerently either sit, stand, or leane; or that did not deuoutly and humbly kneele upon their knees, in plaine and open view, without collusion or hypocrisie? M.C. 5.

R.L. 1. 11. Haue any of your Parish, which are openly knowne to liue in notorious sinne without repentance; or any excommunicate persons or schismaticks, common and J.N. 2. 1 notorious deprauers of the Religion and Gouernement of this Realme (without vnfained sorrow shewed by them for R.E. 1, their impiety and wickednesse) beene admitted to be partakers of the holy Communion?

R.L. 1, 5 12. Hath any of your Parish been debarred from the said holie Communion without iust cause, or without intimation presently giuen to the Ordinarie or Bishop of the Dioces?* J.N. 2, 1

Chap. 3. Concerning the Church, the furniture, and possessions thereof.†

1. Haue you in your Church or Chappell, the whole Bible in the largest Volume, of the last translation, the Booke of Common Prayer‡ the two Bookes of Homilies, and R.L. 2. 1 Bishop *Iewels* Apologie§ all well and fairely bound? And J.N. 3. 1. haue you also in your Church the forme of the Diuine Seruice for the 5th day of November, and for the 27th day of March,‖ and the Book of Constitutions or Canons J.N. 7, 8. Ecclesiasticall?¶

A.C. 3. 2. Haue you in your Church or Chappell, a Font of stone set in the** ancient vsuall place, whole and cleane, and fit to hold water? A conuenient and decent Communion Table, R.L. 2, 3. with a Carpet of silke, or some other decent stuffe, continually laid vpon the Table, at the time of diuine Seruice; and a faire linnen cloth thereon laid, at the time of adminis- G.C. 1. 1 tring the Communion?†† And is the same Table placed conueniently, so as the Minister may best be heard in his J.W. 2, administration, and the greatest number may reuerently communicate? To that end end doth it ordinarily stand J.N. 3, 1 vp at the East end of the Chancell, where the Altar in former times stood, the ends thereof being placed North and South? M.C. 2. It is at any time vsed unreuerently, by leaning or sitting ibid. on it, throwing Hats or any thing else vpon it, or writing on it; or is it abused to any other prophane or common J.N. 3, 1 vse?‡‡ And are the ten Commandements set vp in your Church or Chappell, where the people may see and read them, and other chosen sentences also written vpon the wals of your said Church or Chappell, in places conuenient for the same purpose?§§

3. Haue you in your said Churche or Chappell a conuenient seat for your Minister to reade diuine Seruice in? A.C. 4. Where doth it stand? how farre from the Chancell? and R.L. 2, 4 which way doth the standing thereof cause the Minister to J.N. 9, 2 turne his face, when hee kneeleth therin at prayer? Haue you also a comely Pulpit set vp in a conuenient place, with a decent Cloth or Cushion for the same; a comelie large Surplice;‖‖ a faire Communion cup of siluer, and a couer agreeable to the same; a Flagon of siluer or pewter, with all other things, and Ornaments necessarie for the celebration of diuine Seruice, and administration of the Sacraments? And haue you a Chest wherein to put the almes for the poore, with three locks and keies vnto it; and another Chest for the keeping of the Bookes and the Communion Vessels and Ornaments of the Church? Or where are they kept?

4. In the said Chest, haue you a Register-booke in A.C. 4. Parchment, wherein to register the Christnings, Weddings, R.L. 2, and Burials? And is the same booke written and kept in R.C. 29. al points according to the ¶¶ Canon? And is the Christian W.C. 1, name of the mother, as wel as of the father, therin duly J.N. 3, registred? And is there a transcript thereof transmitted euerie yeere into the Bishops principall Regestry? Haue you also a faire Paper-booke, wherein euerie Preacher which is a stranger, *** is to subscribe his name, the day he

---

* worship—Rites] and the set form of Common Prayer prescribed and established in the Church of England, or in dislike of the Administration of the Sacraments, or of the rites. 1662.

† And do they all come to Church who bring a child to be baptized, at or about the beginning of divine Service? And is the baptizing performed immediately after the second Lesson? *Added*, 1662.

‡ communion?] Or haue there been admitted more (or less) than two Godfathers and one Godmother for a male child, and two Godmothers and one Godfather for a female? *Added* 1662.]

§ action?—] Or hath any child been baptized since the return of our gracious Soveraign, without Godfathers, or Godmothers? *Added*, 1662.

‖ houses] (except upon great necessity: and if so, what was the same?) *Added*, 1662.

¶ or any of them. *Omitted*, 1662.

** Popish Recusant] Popish or separatist Recusant. 1662.

†† heard?—] You are to giue all the notice you can, both of them, and of their Parents. *Added*, 1662.

* Diocese?—] Name euery such person, and the person that debarred him, or them. *Added*, 1662.

† *The following Article is added in* 1662:—

Haue you a Parish Church and Chancel now standing, or is the same prophaned, or demolished in part, or in whole?

‡ Prayer] of the last Allowance, and. *Added*, 1662.

§ and Bishop Jewels Apologie] *Omitted*, 1662.

‖ November—March] and for the 30th day of January, and for the 29th day of May. *Added*, 1662.

¶ Ecclesiasticall?—] and is the Table touching the Degrees of Affinity and Consanguinity (by Authority set forth Anno 1563) fixed in the Church for the publick view of all men? *Added*, 1662.

** and fastned. 1662.

†† Communion?] what did either of them cost? what be they now worth in value. *Added*, 1662.

‡‡ Are there any steps or ascents in your Chancel up to the Communion Table? Have you also a decent rail of wood (or some other comely inclosure covered with cloth or silk) placed handsomely above those steps before the holy Table, near one yard high, and reaching cross from the North wall to the South; (except by the order of the Diocesan it be made with the ends returning unto the East wall) with two convenient doors to open before the Table. And if it be a Rail; are the Pillars or Ballisters thereof so close, that dogs may not any where get in? *Added* 1662.

§§ And are the ten Commandments—for that purpose]. *Omitted*, 1662.

‖‖ Surplice] what cost it by the yard? and how long have you had the same? Have you also. *Added*, 1662.

¶¶ LXX. 1662.

*** stranger] and not your Parson, Vicar or Curate. *Added*, 1662.

preached, and by whose authority he is licensed? And haue you also a Table set vp in your Church, of the degrees, wherein by Law men are prohibited to marrie?*

A.C. 1. 3. C.L. 2, 5. T.W. 2, 15. G.C. 1, 3. J.N. 3, 3.

5. Is your Church or Chappell, with the Chancell thereof,† and your Parsonage-house or Vicarage-house, and all other houses thereto belonging, your Parish Almes-house and Church-house, in good reparations? And are they imployed to godlie and their right holy vses? And if any of them be ruinated and wasted, in whom is the default? And is your Church, Chancell, and Chappell, decently and comely kept, as well within as without? And are the seats in them well maintained,‡ the Steeple and Bels preserued, the windowes in no part stopt vp, but well glazed? the roofe and wals cleane, the whole floore kept paued, plaine and euen, and all things there in orderly and decent sort, without dust, straw or litter, or any thing that may be either noisome or vnseemely for the house of God? §

L.E. 6. 20. L.W. 5. 19.

6. Is there any in your Parish that hath or doth refuse to contribute towards the reparation of your Church, or towards the prouision of such things as belong thereunto?

A.C. 2. R.L. 5, 10. G.C. 1, 3. J.W. 2, 10. W.C. 1. 5. J.N. 3, 4. T.L. 2, 10, 11.

7. Is your Church-yard or Chappell-yard well fenced, and kept without abuse? and if not, whose is the default? Hath any person within your memorie, or that you haue credibly heard of, incroached upon the Church-yard, by setting vp any kinde of building or fence vpon it, or by opening any doore, gate or stile into it? Hath any vsed that place (consecrated to an holie vse) prophanely or wickedly? Hath any quarrelled,¶ or stricken one another, either in the Church or Church-yard? Hath any person behaued himself rudely and disorderly in either; or vsed any filthie or prophane talke, or any other rude and immodest behauiour in them?** Haue any Playes, Feasts Banquets, Suppers, Church-ales, Drinkings, Temporall Courts, or Leets, Lay-iuries, Musters, exercise of dancing, Stoole-ball, Foote-ball, or the like,†† or any other prophane vsage beene suffered to be kept in your Church, Chappell or Church-yard? Haue any annoied your Church-yard or the fences thereof, by putting in of Cattell, by hanging vp of cloathes, or by laying any dust, dung or any other filthinesse there?‡‡ When Graues are digged§§, are the bones of the dead piously vsed, and decently interred againe, or laid vp in some fit place, as beseemeth Christians? And is the whole consecrate ground kept free from swine and all other nastinesse? ‖‖

8. Are your Church-wardens carefull to take speciall order, that no Dogs be at any time suffred to come into the Church, to the disturbance of the diuine Seruice, and the polluting of that holy place of the Christian congregation? And doe any of the inhabitants (of what condition soeuer) or of their company, bring their Hawkes into the Church, or vsually suffer their Dogs of any kind to come with them thither, to the prophanation of the house of God, and his holy worship? ¶¶

G.C. 3. 22. J.W. 2. 33. J.N. 36.

9. What Legacies haue been giuen to the vse and benefit of your Church, and how haue they been bestowed? Who hath receiued and detained them without due imployment? Doth any detain or imbezell, or hath sold and made away any of the Church goods, or vsed or imployed them otherwise, than by law they ought to doe? ***

10. Is your Church full, or vacant of an Incumbent? And if vacant, who receiueth the fruits thereof, and who serueth the Cure, and by what authority? And is it a Parsonage, Vicarage,* or Donatiue?† J.N. 3. 5.

11. Is there in your Parish, or any where about you, (that you know or haue heard of) any Church, Chappell, or Oratory, now demolished, or likely to be ruined, or that is conuerted to any priuate or secular vse?

12. Hath any priuate man, or men, of his or their owne authority (for ought you know) erected any pewes, or builded any new Seats in your Church?‡ And what pewes or seats haue beene of late yeeres new built, by whose procurement, and by whose authority? And are all the pewes and seats in the Church,§ so ordered, that they which are in them may all conueniently kneele downe‖ in the time of prayer, and haue their faces vp East-ward, toward the holy Table? ¶Is the middle alley of the Church, or any of the other alleyes or Iles, or the body of the Chancell, built vpon (in any part thereof) for the setting vp of pewes or seats, or for the inlarging of any there adioyning? Are there also any kind of seats at the East end of the Chancell, aboue the Communion Table, or on either side vp euen with it?** L.W. 1, 9. 10. J.N. 3, 7.

13. Are there any priuie Closets, or close Pewes in your Church? Are any pewes so loftily made, that they do any way hinder the prospect of the Church or Chancell, or that they which are in them be hidden from the face of the congregation? What Galleries also†† haue you in your Church? How are they placed, and in what part of the Church? When were they built, and by what authority? Is not the Church large enough without them to receiue all your owne parishioners? Is any part of the Church hidden or darkned thereby, or any of the Parish anoyed or offended by them?‡‡

14. Hath any in your Parish defaced, or caused to be defaced, or purloined any Monuments or Ornaments in your Church, or any inscriptions of brasse, any Lead, or Stones there, or§§ the Glasse-windowes?‖‖ When was it done, and by whom? L.W. 6, 6. W.C. 1, 6. J.N. 3, 8.

15. Hath any popish Recusant,¶¶ being lawfully excommunicate, or any other excommunicated person been buried in your Church or Church-yard, before absolution from that censure and excommunication obtained? And if yea, then by whom, and when? J.N. 3. 9.

16. Be the profits, tithes, or any commodities Ecclesiasticall, belonging to the Parsonage or Vicarage of your parish, conuerted to the vse and benefit of the Patrons or of any other,*** and by them receiued any detained? And how long haue they beene so? And is there but a Curate or stipendary Priest kept in any place, where you haue heard or doe beleeue an Incumbent should be possessed, and what allowance hath he? A.C. 57. 84. W.C. 1, 4. J.N. 3, 10.

17. Is there any other Cure annexed to your parish, or any Chappell of ease belonging to the same? How are they serued, by whom, and vpon what allowance?††† Or haue you in your Parish any dwelling-house with a chappell therein; or in which any room‡‡‡ is ordinarily vsed for preaching, or saying the diuine Service, and administring the holy Sacraments?§§§

18. Haue you a true Terrier of all the Glebe-lands, Meadowes, Gardens, Orchards, Houses, Stacks, Implements, Tenements, and portions of Tithes, within your Parish, or without, belonging to your Parsonage or Vicarage, taken by the view of honest men in your said parish, G.C. 1, 4.

---

* And have you also a Table—to marrie.] *Omitted* 1662.

† thereof] as also the Vestry, and the Church Porch (if you have any). *Added* 1662.

‡ maintained] and the bottoms of them either boarded or paved? *Added* 1662.

§ God?—] The Parishioners using none but Pesses and fast Mats in their seats to kneel upon, or for warmth in winter? *Added* 1662, *together with the following Article*:—

Are there any armes and furniture for souldiers or other munition, ladders, buckets, timber, or any other implements for publick or private use, stored and kept in your Church, Vestry, Steeple, or any other part of the Church-buildings? How long hath it been so? And by whose authority or direction?

¶ Hath any quarrelled] used any chiding, brawling or quarrelling words. 1662.

** in them] Is there any ordinary passage used through the Church, or any common walking therein, or carrying of burdens, or playing of children? *Added* 1662.

†† the like] or any Fairs, or Markets, boothes, stalls or standings. *Added* 1662.

‡‡ filthinesse there?] or by making water therein, especially against the Church-wals? *Added* 1662.

§§ digged] are they made six foot deep (at the least) and east and west, and. *Added* 1662.

‖‖ *The following Article is added in* 1662:—

Doth your Clark or Sexton, or any Constable or Bayliff, or any other person (by occasion or pretence of any secular office or service whatsoever) at any time take upon him, within the Church or Church-yard to proclaim any Sessions, or any other appearance, or to warn any Courts or other Meetings, or business? or to cry any hawks, dogs or other cattel, or any thing else: or to publish any Precepts, or other writings or Orders, for any Lay-occasion, or business whatsoever? for such things should rather be done in the Market, or without at the Church-yard stile, unless by supreme authority it be otherwise commanded.

¶¶ holy worship?—] and to the great scandal of our Christian profession. *Added* 1662.

*** ought to doe?—] Have you any Stock or yearly revenew belonging to the Church? what is it? how is it imployed. *Added* 1662.

* Vicarage?] and Presentative. *Added*, 1662.

† Donative?—] Or have you but a stipendary Priest only? what is the common value and means of his place known or reputed to be? *Added*, 1662.

‡ or Chancel? *Added*, 1662.

§ Church] uniform therein, and. *Added*, 1662.

‖ together. 1662.

¶ And also that men and women do not sit promiscuously together *Added*, 1662.

** And is the Chancel fully divided from the body of the Church, and how, or in what manner? *Added*, 1662.

†† or scaffolds. *Added*, 1622.

‡‡ *This Article is added in* 1662:—

Are any Tombs or Monuments for the dead suffered to be erected within the Church, without the good licence and approbation of the Ordinary first shewed to the Church-wardens? Are there any so made that they cumber some room which may not well be spared; or trouble any seat or passage; or hinder the prospect of the Church or Chancel, or the light of any window; or be inconvenient to the Minister in executing any part of the divine Offices; or be so set up, as to give any scruple or offence to mens Christian devotions in their holy prayers and adoration? Are any other mean toyes and childish gew-gawes (such as the fonder sort of people prepare at some burials) suffered to be fastened up in your Church at anyones pleasure? or any Garlands and other ordinary funeral Ensigns to hang, where they hinder the prospect, or until they grow foul and dusty, withered and rotten? And is your Church yard pestered and cloyed with frames of wood, piles of brick, or stones laid over the graves? Do any take upon them (as they please) to set up, or lay great stones there at the head and foot of any grave, without the Incumbents leave and the licence of the Ordinary?

§§ any part of. *Added*, 1662.

‖‖ or the Organs? *Added*, 1662.

¶¶ Hath any Recusant, Popish, or other. Ely, 1662.

*** but the Incumbent. *Added*, 1662.

††† Is there any other kindof Chappel or Chappels within the precincts of your Parish? To whom do they belong? When were they erected? and when consecrated? *Added*, 1662.

‡‡‡ house—room] house or houses, whereof any room. *Added*, 1662.

§§§ Sacraments] Communion? How long hath it been so? and by what authority or licence? *Added*, 1662.

W.C. 1, 7. appointed by the Ordinary? And is it safely kept and preserued, and in whose hands? And hath there a true coppie thereof, vnder the hands of the Minister and Church-
J.N. 3, 11. wardens, beene transmitted and laid vp in the Bishops Regestry, there to continue for a perpetuall memory thereof? And if you haue no such Terrier yet made, you the Church-wardens and Side-men, together with your Parson or Vicar, or in his absence, your Curate, are now appointed to make diligent inquiry of the premises, and to make, subscribe, and assigne the said Terrier, and to bring in a true copie of it into the Bishops Regestry, as is aforesaid.*

Chap. 4. *Concerning the Ministers, Preachers, and Lecturers.*

Is your Minister, Parson, Vicar, or Curate, a Graduate in
J.N. 4. 1. either of the Vniuersities, yea, or no? And if he be a Graduate, then of what degree is he? and what kinde of Hood doth he vse to weare in the Church?†

2. Is your Minister a licensed Preacher, yea or na? And
A.C. 15. 18. 47. 48. if he be licensed, then by whom? Doth he preach vsually in his owne Cure, or in some other Church or Chappell
R.L. 1, 11. 14. neere adioyning, where there is no Preacher, once euery
W.C. 2, 7. Sunday? And how often hath he beene negligent in so doing? Doth he also preach standing, and in his Cassock and Gowne (not in a Cloak) with his Surplice and Hood also, if he be a Graduate, and with his head vncouered? And if he be not a licensed Preacher, doth he take vpon him in his owne Cure, or elsewhere, to expound any Scripture or matter of doctrine, or doth he keepe himselfe only
J.L. 1, 5. to the reading of Homilies published by authority; and
J.N. 4, 5. besides, procure Sermons to be preached amongst you, once euery moneth at least, by such as are lawfully licensed?
T.L. 1, 8. 14. And doth he or his Curate vpon euery Sunday when there is no Sermon, read some one of the Homilies prescribed by authority, and before the said Homilie, vse that forme of ‡
E.C. 12. prayer (only) which is prescribed in the fifty fifth Canon?§

3. Is your Minister resident with you vpon his benefice?
A.C. 51. or if absent, how long time hath he beene so? and where
R.L. 1, 9. is he resident for the most part? And doth he in his
J.N. 4, 10. absence make allowance to the poore, and what allowance
T.L. 1, 5, 6. doth he make? Hath he any other Benefice, and doth he supply his absence by a Curate ‖ that is licensed to preach, and what allowance doth he make to his Curate?¶

4. Is your Curate licensed by the Bishop of the Dioces?
R.L. 1, 13. And doth your Minister or Curate serue any more Cures
G.C. 2, 9. than one? If yea, then what other Cure doth he serue,
R.E. 1, 9. and how far are his Cures distant one from the other?

5. Hath any being no Minister, or Deacon, presumed at
R.L. 1, 23. any time** to read common prayers openly in your Church
J.N. 4, 18. or Chappell; or to serue the Cure of your Parish?†† Or hath
T.W. 1, 33. any Deacon not hauing receiued the full Order of Priest-
J.L. 1, 4. hood, taken vpon him alone to administer the Communion
M.C. 7. in your Church or Chappell; You are to present the names of any, that haue herein offended?‡‡

A.C. 45. 6. Doth your Minister, Preacher, or Lecturer§§ begin his
R.L. 1, 2. Sermon at any time, or part of the diuine Seruice, but imme-
J.W. 1, 11. diately after the Beliefe called the Nicene-creed? Doth he before his Sermon (or Homilie, if he reade one)‖‖ vse any forme of prayer which is of his priuate conceiuing or collecting, and of his owne inuenting or choosing, or doth hee containe himselfe within that briefe forme only, which is prescribed by the Church (in the 55. Canon) thereby to moue the people to ioyne with him in prayer for Christs holie Catholike Church, and for the Kings most excellent Maiestie (naming him and his roiall Titles) for the Queene,¶¶ the Prince, and the roiall Issue; for the Arch-bishops also and the Bishops; for the Councell, the Nobility, the Magistracie, and Commons of the land, and to giue thanks toGod for the faithfull departed out of this life? And*** doth he alwaies conclude with the Lords Praier? Doth the Preacher or Minister also after his Sermon, wholly forbeare to vse any kinde or forme of praier (not being prescribed) as also to pronounce the Blessing (out of the Pulpit) wherewith the Church vseth to dismisse the people? But doth he there conclude only with, Glorie to God the Father, the Sonne, and the holie Ghost: and then comming from the Pulpit (if the Sermon were made within the Church or Chappell) doth he, or whosoeuer then officiates at the same place, where he left before the Sermon, proceed to reade the remainder of the diuine Seruice, and at the close of all, to giue the Blessing?

7. Doth euerie Priest and Deacon in your Parish daily say the Morning and Euening prayer, either priuately or A.C. 35. 38.
openly, vnlesse he be vpon lawfull cause hindered? Doth R.L. 1, 3.
your Curate say the same daily in your Church or Chappell, with the tolling of a Bell before he begin? Especially doth your Minister or Curate doe it on euerie Sunday and Holiday and their Eues, and on the day of the conuersion of S, *Paul*, S, *Barnabies* day, and euery day of the holie Week next before Easter; as also on all Wednesdaies and Fridaies, at fit and vsuall times, according to the forme prescribed in the booke of Common Prayer, in a reuerent manner euer, and as audibly and distinctly as he vseth to preach? Doth he also reade all those Psalmes and Lessons, J.N. 7, 3.
and no other, with the Collect, Epistle, and Gospell, which are appointed for the day? At the end of euery Psalme, doe they stand and say, Glory be to the Father, &c. and doth hee leaue out* the Contents of the Chapters? After the Lessons, doth he vse any other Psalme or Hymne, but those which the booke of Common Prayer hath appointed? Doth he reade the Creede of S. *Athanasius* (called the *Quicunque vult*) on all those daies for which it is ap- J.L. 1, 2.
pointed, and the commination on Ash wednesday, and† A.C. 56.
the Letany on euery Wednesday and Friday?

8. Doth your Minister and Curate, at all times, as well
in preaching or reading the Homilies, as in reading the R.L. 1, 17.
Prayers and the Letany, in administring the holy Sacra- T.W. 1, 18.
ments, solemnization of Mariage, burying of the dead, G.C. 2, 1.
churching of women, and all other offices of the Church, J.W. 1, 14.
duly obserue the Orders and Rites prescribed, without J.N. 4, 2.
omission, alteration, or addition of any thing? And doth J.L. 1, 1. 31.
he, in performing all and euery of these, weare the Surplice J.N. 4, 3.
duly, and neuer omit the wearing of the same, nor of his Hood, if he be a Graduate.?

9. Doth your Parson or Vicar hauing a Curate vnder him,
notwithstanding read diuine Service himselfe vpon two M.C. 3.
seuerall Sundayes in the yeere,‡ publikely at the vsuall times, R.L. 1, 16.
both in the forenoone and afternoone, in the Church which he possesseth? and doth he also administer both Sacraments, as often in euery yeere in such manner, and with J.W. 1, 12.
the obseruation of all such Rites and Ceremonies, as are prescribed in the booke of Common Prayer in that behalfe?§

10. Doth your Minister, Preacher, and Lecturer, euery
yeere, of purpose and expresly, (yet not by way of dispu- A.C. 18.
tation but by plaine conclusion and determination) teach
and declare the lawfull authority which the King hath L.W. 2, 16.
ouer the State, both Ecclesiasticall and Ciuill; and the iust abolishing of all‖ forraigne power or iurisdiction ouer the same?¶

11. Doth your Minister** publish in his Sermons any doctrine, which is new and strange, and disagreeing from the Word of God, and from the Articles of Christian Faith and Religion, agreed on and published *Anno Domini* 1562. J.N. 4, 6.
And doth he teach any thing, which he would haue the people religiously obserue and beleeue, but that which is agreeable to the Scriptures, and that which the Catholike Can. Eliz.
Fathers and ancient Bishops haue gathered out of that 13. 1571.
doctrine, according to the Canon?††

12. Doth your Minister goe to the administration of holy
Baptisme, euer immediately after the second Lesson? Doth A.C. 11, 19.
he alwayes (at first) aske, whether the childe be baptized or
no? Afterward, doth he euer vse and neuer omit, both to T.W. 2, 11.
take the childe in his hands, and also to make the signe of the Crosse, so as to touch the childs forehead in making
the same? Doth he at any time ‡‡ baptize but in the J.N. 4, 4.
Font, or with, any Bason or Paile, or other vessell set into the Font? Hath he ever deferred or willingly neglected
or refused to baptize any infant within the Parish, being in M.C. 5.
danger of death, notice thereof hauing beene giuen to him? And hath any childe died without baptisme, by his default?

13. Doth your Minister or Curate often admonish the
people, that they defer not the baptisme of their infants A.C. 19.
any longer, after they are borne, than is prescribed, unlesse rubrick.
vpon a great and reasonable cause, declared to the Minister

---

* within three moneths after the receit of this book of Articles? *Added*, 1662.
† and what kinde—Church? Omitted, 1662. What is his Christian and Sire-name? *Added*.
‡ exhorting to. *Added*, 1662.
§ and no other prayer of his own, either before or after it. *Added* 1662.
‖ settled and dwelling in your Parish. *Added*, 1662.
¶ and how often in the year comes he thither himself? *Added*, 1662.
** (under pretence of being a Graduate, or a Scholar of the University) *Added*, 1662.
†† or to preach there? *Added*, 1662.
‡‡ as far as you know or believe? *Added*, 1662.
§§ duly read the Communion Service, commonly called the second Service, at the Communion Table? Doth he. *Added*, 1662.
¶¶ (or Homilie, if he reade one)]. *Omitted* 1662.
‖‖ the Prince, and the roiall Issue]. *Omitted* 1662.
*** And] then (this moving to prayer being done, as briefly as conveniently may be). *Added*, 1662.

* and] *adding*, 1662.
† vpon—yeere] frequently and. 1662.
‡ and not read. *Added*, 1662.
§ and how oft in the year hath he done it? *Added* 1662.
‖ Popery and. *Added* 1662.
¶ And hath he made that Abrenuntiation of the late Scottish Covenant, as by Law is required to be made. *Added* 1662.
** or any Preacher among you. *Added* 1662.
†† as you conceiued, or haue been informed by others of better judgemen ? *Added* 1662.
‡‡ publickly. *Added* 1662.

or Curate, and approued by him; nor that they procure them to be baptized at home without great necessity.

Rubrick. 14. Hath your Minister admitted any person to answer as Godfather or Godmother, at the christening of a childe, that hath not before receiued the holy Communion, and is not able to recite the Lords Prayer, the ten Commandements, and the Articles of Beliefe, and to answer to the same, being required? And doth he at the Font, as soone as he hath baptized any childe, admonish them to bring the childe to the Bishop to be confirmed, as soone as he hath learned the Catechisme?

R.L. 1, 18. 15. Doth your Minister, euery Sunday and Holiday before euening prayer, where no Sermon was wont to be,* halfe an houre, or more, catechise and instruct the youth and ignorant persons of your Parish,† in the ten Commandements, the Articles of Beliefe, and the Lords Prayer? R.C. 33. And doth he vse for that purpose, the Catechisme set forth J.N. 4, 11. in the booke of Common Prayer, and diligently heare, instruct, and teach them in the said Catechisme? Or what other Catechisme doth he vse either in publike or priuate?

R.E. 1, 2. And be the youth and ignorant persons of your parish, sent in due time vnto your Church, by them that ought to send them, to be catechized and instructed by the Minister? And if not, you are to present the names of those that make default in sending them, and of all those that vse not to come?‡

W.C. 1, 2. 16. Are your afternoone-sermons (if there were wont to be any) turned into catechizing by question and answer, where and whensoeuer there is no great cause apparent to the contrary? And is this truly and sincrely (*sic*) performed, without mockery, or in shew only?§

17. Doth your Minister vse to administer the holy Com-

R.L. 1, 4. munion, at least thrice in the yeere (whereof once at Easter) to euery parishioner in your Parish, that is sixteene

T.W. 1, 5. yeeres of age and vpwards; and first to receiue the same himselfe kneeling, on euery day that he administreth it to others;

J.N. 4, 4. and to administer it to none but to such as doe kneele at the receiuing thereof? And doth he alwayes vse the words of Institution, according to the booke of Common Prayer, without alteration, at euery time, that the Bread and Wine is renewed? Doth he also vse to deliuer the Bread and Wine to euery Communicant seuerally, and with his owne hand, repeating to euery one, all the words appointed to be said at the distribution of the holy Body and bloud of our Lord JESVS, and upon no pretence‖ omitting any part of the words, or saying them all but now and then to many at once? And is there warning giuen by him, to the parishioners, publikly in the Church, at morning prayer the Sunday before euery time of his administring of the Holy Communion, for their better preparation thereunto?

R.L. 1, 5. 18. Hath your Minister admitted into the holy Communion any of his cure or flocke, which be openly knowne to liue in sinne notorious, without Repentance, or any that

T.W. 1, 7. haue maliciously and openly contended with their neighbours, before they be reconciled; or any Church-wardens, or Side-men, who hauing taken their oathes to present to their Ordinary all such publike offences, as they are particularly charged to inquire of in the Parish, haue not and doe notwithstanding, wittingly and irreligiously incurre the horrible crime of periurie, either in neglecting or refusing to present such publike offences, as they themselues know, or haue heard to be committed within your Parish?

A.C. 41. 19. Hath your Minister at any time admitted vnto the Communion any that refuse to be present at publike

T.W. 1, 8. prayers, or who are notorious deprauers of the Booke of Common Prayer, and administration of the Sacraments, or of the Orders, Rites, or Ceremonies therein prescribed; or of any thing contained in the thirtynine Articles, or in the Booke of ordaining Priests and Bishops? Or who haue spoken against, or depraued his Maiesties Soueraigne Authoritie in causes Ecclesiasticall, vnlesse they and euerie of them do first acknowledge their repentance for their sin,

Rubrick. and promise to do so no more?

T.L. 1, 15. 20. Doth your minister or Curate admit any to the Communion, before they can say their Catechisme, and be confirmed?

R.E. 1, 5. 21. Doth your Minister together with the Church-

R.L. 1, 6. wardens and Quest-men, take diligent heed and care, not only that all and euery one of your owne Parishioners do receiue thrice euerie yeere; but also, that no strangers of any other Parish, do come often and commonly to your Church, from their owne Parish Church, or do there receiue the Holy Communion?

A.C. 40. 22. Doth your Minister, before the seuerall times of administration of the Lords Supper, admonish and exhort his Parishioners, if any of them haue their Conscience troubled and disquieted, to resort vnto him, or to some other learned Minister, and open their griefe, that they may receiue such ghostly counsell and comfort, as their conscience may be relieued, and by the Minister they may receiue the benefit of Absolution, to the quiet of their Con- J.N. 4, 21. science, and auoiding of all scruple? And if any man confesse his secret and hidden sinnes, being sicke or whole, to the Minister, for the vnburthening of his conscience, and receiuing of spirituall consolation or ease of minde from him, Doth he the said Minister (or hath he at any time) by word, writing, or signe, openly or couertly, directly or indirectly, reueale and make knowne to anie person whatsoeuer, any Crime or Offence, so committed to his trust and secresie?

23. Hath your Minister solemnized the Mariage of any person vnder the age of twenty one yeeres, without the consent of their Parents or Gouernours; or hath he maried Vide cap. 5, 4. any, which doe not audibly say and answere in all things appointed by the Liturgy; or any without a Ring, or in times prohibited; or without the Banes first published three seuerall Sundaies or Holydaies, in time of diuine Seruice, in the seuerall Churches or Chappels of their seuerall abodes, without* a speciall license from the Arch-bishop, or Bishop of the Diocesse, or his Chancellor, or the Commissary, first had and obtained?† And doth hee begin in the bodie of the Church, and then goe vp to the Table, as is appointed? Also doth your Minister, so oft as Rubrica. there is any mariage, appoint to haue a Communion? After the Gospell doth he say a Sermon (if he be licensed to preach) wherein to declare the office of man and wife, according to holy Scripture; Or else doth he read that which the Church hath appointed to be read at Matrimonie.

24. Doth your Minister vse the forme of thanksgiuing for women after childebirth immediately before the Com- R.L. 1, 32. munion Seruice? Or hath hee admitted thereunto any R.C. 63. women begotten with-childe in Adultery or Fornication, L.C. 32. without license of his Ordinary?

25. Doth your Minister carefully looke to the reliefe of the poore, and from time to time call vpon his Parish- A.C. 28. 31. ioners, to giue somewhat according to their abilities, to J.N. 4, 12. godly and charitable vses; especially doth he inforce it J.L. 1, 14. vpon them with earnest exhortation (as is prescribed) at the time of the oblation or offering before the Communion, and vpon their sick beds, or when they make their wils?

26. Doth your Minister or Curate resort vnto such as be dangerously sicke in your Parish (if he be sent for, or T.W. 1, 22. notice thereof‡ be giuen to him) to instruct or comfort them in their distresses, according to the order of the Booke of Common Prayer, not omitting then especially, to moue them earnestly to liberality towards the poore?

27. If any being sick doe desire the prayers of the Congregation, is it done according to the forme in the Liturgie, J.W. 1, 26. at the time of diuine Seruice, or is it done only§ by R.N. 6, 18. giuing their names to the Preacher, and mentioning of them in the Pulpit, before or after Sermon?

28. Hath your Minister euer refused to bury any which ought to be interred with Christian buriall? Or hath he de- A.C. 32. ferred the same longer than he should? Doth he go before G.C. 2, 4. the Corps to the Graue, and there say the whole seruice appointed, not omitting the Lesson or any other part? Doth he deuoutly kneele, when he saith the prayers, and the Collect at buriall? or hath hee admitted any to christian buriall, which by the Lawes of the holy Church of this Realme, ought not to bee so interred? J.N. 4, 15.

29. Doth your Minister being a Preacher,‖ and hauing any Popish Recusant or¶ Recusants in your Parish, labour diligently with them from time to time, to reclaime them R.L. 1, 25, 26. from their errours? Or otherwise is he ouer-conuersant with them, or suspected to fauour them?

30. Hath your Minister, (or any other taking vpon him the calling of a Minister) preached, baptized children R.L. 1, 27. (except in case of necessity) solemnized marriage, churched any women, or ministred the holy Communion in any J.N. 4, 17. priuate house or houses? If yea, then where, when, and how often hath he done it?

31. Do you know, or haue heard of any which are reputed to be Ministers (or of any other of the Laity, either Male R.L. 4, 5. or Female) that presume to make matters of Diuinity J.L. 1, 14. their ordinary Table-talke? Or that vnder pretence M.C. 18. of holinesse and edification, take the liberty at their E.C. 23. Trencher-meetings, or where seuerall company (not being J.C. 25. all of the same family) are assembled, rashly and prophanely to discourse of holy Scripture? Or amidst their cups, to dispute or determine any Articles of Faith and

---

* where no Sermon was wont to be.] *Omitted*, 1662.
† both male and female. *Added*, 1662.
‡ or care not to learn. *Added*, 1662.
§ and so without any long or large discourse (Sermon-wise) upon the said questions and Answers? but only to explain the same in few and brief passages easie to be remembred. *Added*, 1662.
‖ (till the Church appoint otherwise). *Added*, 1662.

* without] except they brought him. 1662.
† or the Commissary—obtained] so to do. 1662.
‡ thereof] of their sickness. 1662.
§ done according—only] at the time of divine Service after the three Collects? And according to the form in the Liturgy for the Visitation of the sick? And not only. 1662.
‖ well studied in divinity. *Added* 1662.
¶ Popish Recusant, or Recusants] Popish Recusant, or other Recusant. 1662.

Religion, or touching any point of doctrine or Ecclesiasticall discipline, at their owne pleasure, and to their owne phansie? you shall name the persons, times, and places, as far as you know or haue heard, and can remember?

L. 1, 24. C. 36. 32. Doth your Minister euery six moneths, in your Parish Church, openly in the time of diuine Deruice (*sic*), vpon some Sunday, denounce and declare, excommunicate by name, such as doe perseuere in the sentence of excommunication, not seeking to be absolued? And hath he said diuine Seruice, whiles any excommunicate person hath beene present in the Church? Or hath admitted any person, that hath beene excommunicate, into the Church, without a Certificate of his absolution from his Ordinary?* Or hath he staied or forborne to denounce any excommunication, or suspension or absolution that hath beene sent him from his Ordinary?†

W. 2, 27. 33. Hath your Minister beene at any priuate meetings or conuenticles, to consult there, about the impeachment or deprauing of the doctrine of the Church of England, or of the book of Common Prayer, or of any part of the gouernment and discipline of the Church; or to practise any forme of their owne, either for worship or discipline?

C. 46. 34. Doth your Minister, vpon Sundayes at Morning Prayer, declare vnto the parishioners what Fasting-dayes and Holidayes are to be kept, the weeke following?

L. 1, 21. N. 4, 4. C. 50. L. 1, 22. C. 2, 11. N. 4, 6. L. 1, 22. 35. Doth your Minister in the Rogation dayes, go the perambulation of the circuit of your Parish, saying and vsing the Prayers, Suffrages, and Thanksgiuing vnto God, appointed by Law, according to his duty; thanking God for his blessings, and praying for his grace and fauour?

C. 52. 36. Doth your Parson or Vicar maintaine and keepe in due reparation the Mansion-houses, and all other edifices belonging to his Parsonage or Vicarage, without suffering them to grow into ruine or decay?

L. 1, 28. W. 1, 26. 27. 37. Hath your Minister taken vpon him to appoint, or to hold or continue any priuate or publike fasts, or meetings, for preaching or lecturing on any working-day, in his owne parish or else-where, or prophesies or exercises, or any other such thing, not approued by his Ordinary for the time being?

C. 56. L. 1. 30. E. 2, 28. 29. N. 4, 20. L. 1, 21. 38. Is your Minister studious in holy Scripture, and abstaineth from mechanicall trades, bodily labour, soliciting of causes in Law, common buying and selling of Horses or other Cattell, and all other imployments not befitting his calling and holy Function? Doth he vsually weare a Gown with a standing collar, and sleeues strait at the hands, and a square Cap? Doth he in iourneying vse a cloak with sleeues, commonly called a Priests-cloake, without guards, buttons, or cuts? Doth he at any time in publike weare any coife or wrought night-cap, but only a plaine cap of black silke, satten, or veluet ‡? Doth he at any time go abroad in his doublet and hose without a coat or cassock, or weare any light coloured stockings §? Or is he any way excessiue in apparell, either himselfe or his wife?

C. 54, 55. 82. L. 1, 32. C. 47. C. 21. C. 2. 21. C. 2, 22. L. 1, 4. C. 11. 39. Is your Minister suspected or knowne to haue obtained his Benefice ‖ by any Simonicall compact, directly or indirectly? Or is he reputed to be an incontinent person, or frequenter of Tauernes, Innes, or Ale-houses, a common gamester, or player at dice or cards, a common swearer or drunkard,¶ or otherwise faulty in any other kinde that is scandalous to his function?

N. 4, 2. L. 1, 1. 40. Hath your Minister publikly in your Parish Church or Chappell, once euery yeere read ouer the Constitutions and Canons Ecclesiastical agreed vpon by the Clergy of both Prouinces, *An. Dom.* 1603. in such manner as the same is commanded to be done?

L. 1, 31. C. 45. 1de Georg. ant. 36. 6. 18. C. 17. C. 2, 19. N. 4, 12. N. 4, 20. L. 1, 13. C. 7. 41. Is there any in your parish or resorting thereunto, who hauing taken holy Orders of Priest or Deacon, doth voluntarily relinquish and forsake his calling, and liues in the course of his life as a Lay-man? Or any that hauing beene silenced or suspended by authority, so remaineth without conforming himselfe in due obedience to the Church? And how doth he imploy his time; and where or whence hath he his maintenance, as you know or haue heard?

L. 1, 15. E. 2, 15. W. 2, 15. 42. Are any admitted to preach in your Church, who doe not before the Church-wardens subscribe their names in your book prouided for that purpose, and the day when he or they preached, and the name of the Bishop or Bishops of whom they had license to preach?

E. 2, 14. 43. Doth any Preacher particularly impugne and confute any doctrine deliuered by any other Preacher in the same Church, or in any Church neere adioyning, before he hath acquainted the Bishop of the Dioces therewith, and receiued order from him, what to doe in that case? J.N. 4, 8.

44. Haue you any Lecturer in your Parish, and on what day is your Lecture? If any such be, doth he, twice at the least euery yeere, reade diuine Seruice both morning and euening, two seuerall Sundayes, publikely in his Surplice and Hood? And also twice in the yeere administer both Sacraments, with such Rites and Ceremonies as are prescribed by the Booke of Common-Prayer?* W.C. 2, 25. J.N. 4, 19.

45. Doth the Lecturer (whosoeuer he bee) reade the diuine Seruice according to the Liturgie printed by authority, in his Surplice and Hood before euery Lecture? W.C. 1, 2.

46. Doth your Preacher or Lecturer behaue himselfe in his Lectures and Sermons, as he ought to doe, teaching obedience, and edifying his auditory in matters of faith and good life, without intermedling with matters of State, or newes, or other discourses not fit for the Pulpit; and also without fauouring or abetting Schismaticks or Separatists (that are at home, or are gone abroad) either by speciall prayer for them, or by any other approbation of them?† A.C. 36. W.C. 2, 25.

47. Haue you any Lecture of Combination set vp in your Parish? And if so, is it read by a company of graue and orthodox Diuines, neere adioyning, and in the same Dioces? And doth euery one of them preach in a Gowne, and not in a Cloake? And when and by whom were they appointed? And what be their names? W.C. 2, 2.

48. Is any single Lecturer (maintained by your Towne or otherwise) suffered to preach, he not first professing his willingnesse to take vpon him the cure of soules, nor actually taking a Benefice or Cure, so soone as it may be fairely procured for him? What is his name, and what license hath he? And hath he a setled contribution affixed to the Lecturers place; or is it arbitrary, and for this Lecturer only? What summe doth it amount to ordinarily? By whom is it vsually paid or collected, or of late yeeres hath beene? W.C. 2, 2.

49. If any Psalmes be vsed to be sung in your Church, before or after the morning and euening prayer, or before or after the Sermons (vpon which occasions only, they are allowed to be sung in Churches) is it done according to that graue manner (which first was in vse) that such doe sing as can reade the Psalmes, or haue learned them by heart; and not after that vncouth (*a*) and vndecent custome of late taken vp, to haue euery line first read,‡ and then sung by the people? Præf. Calen.

a [uncouth 1662].

Chap. 5. *Concerning Matrimony.*

1. Be there any in your Parish, that haue married within the degrees of affinity or consanguinity, by the Law of God forbidden, as is expressed in a certaine Table published by authority in *Anno* 1563. And if any haue so maried, what be their names, and where were they maried, and by whom? R.L. 5, 27. J.N. 5, 1.

2. Hath any beene maried secretly in priuate houses, or without their Parents or Gouernours consent signified, being vnder the age of twenty one yeeres? R.L. 1, 20. J.N. 5, 2.

3. Haue any persons bin maried in your Parish, the Banes hauing not been thrice published, three seueral Sundayes or Holidayes, in time of diuine Seruice? who were the parties, and who were present at such mariages; and what Minister maried them? A.C. 22. 23.

4. Haue any persons by license or without, been maried in your parish Church, neither of them at that time dwelling in your town? or hath any mariage (that you know or haue heard of) bin made at any time, by license or without, but between the houres of eight and twelue in the morning? Or was not the diuine Service then openly and duly said, the Assembly being called together by the tolling or ringing of the Bels, as is at other times vsed? Or hath the Minister solemnized any marriage (without Banes published) by vertue of any license granted by the Arch-deacon or his Officiall, or by any other license then of the Archbishop or Bishop of this Dioces, or their Chancellors, Commissaries§ or Vicars generall, or the Commissary for faculties. And hath any License beene granted by any to such persons as were not of good state and quality? Name the persons and all particulars, as far as you know or can remember? R.L. 1, 19. R.C. 34. T.W. 1, 20. J.N. 5, 4. 5. J.N. 4, 4.

5. What popish Recusants, or their Children haue beene maried in your parish? In what sort was the matrimony solemnized? when? and by whom? J.N. 5, 6.

6. Doe any persons, being lawfully married, liue asunder? and in whom is the default?‖ L.E. 5, 12. J.N. 5, 3. T.L. 2, 17.

* under the seal of the office, and not by any note or Ticket only under the hand of the Register, or any other Clerk? *Added* 1662.

† further then the next Sunday or Holiday after receipt thereof under seal? *Added* 1662.

‡ and of a decent fashion, and proper for Divines? *Added* 1662.

§ long hair, deep bands, great ruffled boots, or any other undecent thing? *Added* 1662.

‖ bargaining by money or money-worth, or. *Added* 1662.

¶ a brabler or brawler, given to contention, usury, brocage, or common merchandizing. *Added* 1662.

* hath he twice—Prayer] hath he the first time he Preached your Lecture since the Feast of Saint Bartholomew last (before his Sermon) openly, publickly, and solemnly read the Common Prayers and Service, in and by the said Book appointed to be read for that part of the day; as is commanded by the late Act for Uniformity. 1662.

† and their schismatical courses. *Added* 1662.

‡ by one alone. *Added* 1662.

§ Commissaries. *Omitted* 1662.

‖ as far as you know or believe? *Added* 1662.

R.L. 5. 28. R.C. 62. 7. Doe any (heretofore diuorced, or not) keepe company at bed and board, with any other man or woman, then with the person that he or she were married to? what be their names? when and where were they maried, and how long haue they continued so together?

8. Haue you any in your Parish, which liue together as man and wife, and yet not knowne, by whom, where, or when they were maried?

Rubrick. 9. Haue all new-maried persons (the same day of their mariage) duly receiued the holy Communion? If not, by whose default was it, as you conceiue?*

Chap. 5. *Concerning the Church-wardens and Side-men.*

A.C. 63. R.L. 5, 24. J.N. 6, 1. Be the Church-wardens chosen by the Minister and Parishioners yeerely in Easter-weeke, according to the 89. Canon? And hath any taken vpon him to be Church-warden, not being so chosen? Or hath any continued aboue one yeere in his office, without a new choise?

A.C. 64, 65. J.N. 6, 2. 2. Haue any of the Church-wardens retained any of the Church-goods in their hands, and not made a iust account at their going out of their office, of what they haue receiued and expended; or not deliuered to their successors, by Bill indented betweene them, whatsoeuer money or other things belonging to the Church, that remained in their hands?

Canon. 3. Are there in your parish yeerely, two, three, or more discreet persons, either chosen by the Minister and Parishioners in Easter-weeke: or if they cannot agree, appointed by the Ordinary to be Sidemen, or Assistants in ioynt office with the Church-wardens?

4. What rates or leuies (as you know or haue heard) are yeerely or commonly made in your parish for Church-uses? What is the usuall summe thereof ordinarily? and what are the particular vses? or where are they written down, to which the same are for the most part imployed?

R.L. 5, 12. 5. Do the Church-wardens and Side-men or Assistants, diligently see, that all the Parishioners doe duly resort to the Church, vpon all Sundayes and Holydayes, and there continue the whole time of diuine Seruice and Sermon; suffering no idle persons to walke, or talke, or stand idle, either in the Church, Church-yard, or Church-porch, during the time of diuine Seruice or Sermon; but causing them either to come into the Church, or else to depart? And haue they the said Church-wardens and Side-men forborne either for reward, fauour, or affection, to present them, that haue beene, or are negligent in comming to Church, or that vse to walk or talk therein, or that haue bin found by them standing idle, or talking abroad, either in the Church-yard or streets in the time of diuine Seruice or Sermon, or Sundaies or Holidaies; or that haue not receiued the Communion yeerly, at the Feast of Easter, or within one moneth† after?

A.C. 68. 6. Doe you know of any Church-wardens, which within forty dayes after Easter, in their yeere, did not exhibit to the Bishop or his Chancellor, the names and sirnames of all

R.L. 1, 7 5, 19. the parishioners, as well men as women, (which being of the age of 16. yeeres and vpward) receiued not the Communion the Easter before? And haue you, this last yeere exhibited a bill of them? or are you ready now so to doe?

R.L. 5, 13. R.W. 7, 3. 7. Doe the Churchwardens against euery Communion, aduise with the Minister, about the prouiding of a sufficient quantity of fine white-bread, and of good and wholesome wine, for the number of Communicants that are to receiue? And is the wine brought in a cleane and sweet standing pot of pewter, or of other finer metal? Vpon the Communion daies, do your Church-wardens (immediately after the Sermon or Homilie, and the Ministers exhortation to remember the poore) gather the deuotion of the people in a faire and solemne manner, and put the same into the poore mans box?‡

R.L. 5, 17. R.C. 51. T.W. 2, 20. 8. Haue the Church-wardens suffered the Church, Church-yard, or Chappell, to be prophaned by Playes, Games, Feasts, Banquets, Suppers, Church-ales, Drinkings, Temporall-courts, or Leets, Lay-iuries, Musters, &c.,§ at any time acted, kept, or held in them?

9. Hath any man that you know or haue heard of, by speech or writing, or vpon the assertion of any other man affirmed; that men ought not to take the office or the Oath of a Church-warden, or of presenting at the Bishops Visitation? Or that the said oath is vnlawfully giuen them; or that being taken, it is but of course, and binds them not, nor need to be regarded; or that (the said Oath notwithstanding) it is free for them, neither to make inquiry, nor to answer; but to do what they list, and to leaue out and passe by whom they will, and what they will, in their Presentments?*

Chap. 7. *Concerning the Parishioners.*

A.C. 70, 7 R.L. 5, 8. 39. T.W. 2, 2 J.N. 7, 1. Doe any in your Parish prophane any Sunday or Holiday, by any vnlawfull gaming, drinking, or tipling in Tauernes, Innes,† or Ale-houses, in the time of Common Prayer or Sermon; or by working, or doing the worke of their Trades and Occupations? Doe any in your Parish buy or sell, or keepe open their Shops, or set out any wares to be sold on Sundayes, or Holidayes, by themselues, their seruants, or apprentices, or haue they any other wayes prophaned the said dayes? And hath the Kings Declaration concerning the lawfull sports and recreations beene published among you, yea or no? If so, when was it done, in what manner, and by whom?‡

G.C. 3, 1 W.C. 5. 1 J.N. 7, 8. 2. Is the fifth day of Nouember obserued and kept in your Parish, with Prayer and Thanksgiuing vnto God, in such forme, as is by publike Authority appointed for the day?§

R.L. 5, 5 R.C. 7. L.C. 3. J.N. 7, 2. 3. Is there any in your Parish that hath been heard to impugne or speake against the Rites and Ceremonies of the Church of England, or the lawfull vse of them; or to affirme by word or writing, that the forme of Making and Consecrating Bishops, Priests, and Deacons, or any thing therein contained, is repugnant to the word of God; or that the Gouernement of this Church vnder his Maiesty by Archbishops, Bishops, and other Ecclesiasticall Officers, is Antichristian? Or hath spoken reproachfully, or disgracefully of the Kings Maiesties Courts Ecclesiasticall, or of the proceedings thereof?

A.C. 76. 7 R.L. 5. 11. L.C. 36. L.E. 5, 6. G.C. 3, 1. J.N. 1, 2. J.N. 7, 3. 4. Haue you any in your Parish, that do come to the Sermon only, and not to diuine Seruice; or which vse to come late to Church, and to depart from Church before the Blessing be giuen, wherewith they are to be dismissed at the end of Seruice? Or that doe not reuerently behaue themselues, entring into the Church, and during the time of diuine Seruice? Do all (both men and women) deuoutly kneele, when the Generall confession of sins, the Letany, the ten Commandements, and all Prayers and Collects are read, as well as at Baptismes, Mariages and Burials, as at other parts of the diuine Seruice? Do all vse due and lowly reuerence, when the blessed name of the Lord JESVS is mentioned: and stand vp when the Articles of the Creed are read? Do any men couer their heads in the Church, (vnlesse it be for infirmity, in which case they may only weare a coife or night-cap,) or then and there giue themselues to babling, talking, or walking, and are not attentiue to the Prayers and Hymnes, and to heare Gods word read and preached? Do all say Amen audibly, and make such other answers both in the Letany, and all other parts of diuine Seruice, as by the rule of the Common Prayer booke, are to be made by the people?

J.L. 4, 3.

A.C. 7. R.L. 5, 25 5. Doth any within your Parish, men or women, being sixteene yeeres of age and vpwards, or any other, lodging or commonly resorting to any house in your Parish, wilfully absent themselues, from your parish Church or Chappell, vpon Sundayes and Holydayes and other dayes appointed, at morning and euening prayers, or refuse to receiue the Communion, or perswade others from comming to Church, or receiuing the holy Communion?

R.L. 5, 21 J.N. 1, 2. 6. Haue you any popish or puritanicall‖ Recusants in your parish, that be of insolent behauiour, not without publike offence; or that do boldly busie themselues in¶ seducing or withdrawing others, either abroad, or in their owne families, from the Religion established in the Church of England? And how long haue the said popish or puritanicall Recusants** obstinately abstained, either from diuine Service, or from the Communion? Whether of any long time, or of late only?

7. Are there any in your Parish, who doe absent themselues at any time from your owne Church, and do resort

---

* *This Article added in* 1662:—
10. When any Marriage is solemnized in your Parish Church, is there any thing accustomed to be said or done (in the Church, or Chancel, at the Church door, or in the Church-yard; either by the parties themselves, or any other that accompany them, or that are then and there present) which is not prescribed by the Rubricks of the Book of Common Prayer, or the Canons of the Church, and which is impertinent or uncomely for that holy business, and not befitting the reverence of that sacred place, in which they are assembled? specifie what it is, and present the parties.

† before or. *Added* 1662.

‡ *This Article added in* 1662:—
8. Do the Church-wardens suffer any one to read divine Service in your Church at any time (whatsoeuer he pretend himself to be) till sufficient notice be taken, by themselues or some other credible person) not only of his being in holy Orders, but also of his Licence to read there. Or do they suffer any man to preach, till he have subscribed his name in their Paper book, and the day wherein he preached, and by whose authority he is licenced?

§ Lay-juries—&c.] Coroners inquests, Parish accounts, Musters, Wrestlings, Waslers, Dancings. 1662.

* Or do you know of any that haue abused the Church-wardens or other Sworn-men in your Parish, or given them evil words for executing of their office, or to dishearten or deter them from executing it, as by oath and duty they are bound? *Added* 1662.

† Tobacco-shops. *Added* 1662.

‡ And hath—by whom? *Omitted* 1662.

§ Is the thirtieth day of January also, and the twenty ninth of May well and duly obserued? Are the Bels orderly rung for a due observance of them? Do any in your Parish take upon them (in such publick manner) to observe any other daies in the year but these three? *Added*, 1662.

‖ puritanicall Recusants] puritanical and schismatical Recusants. 1662.

¶ persuading. *Added*, 1662.

** said popish or puritanicall Recusants] said Recusants. 1662.

to any other parish or place to heare other Preachers? Or are there any in your parish, that do communicate, or that do baptize their children in any other parish?*

8. Is their within your parish† in any house or family, any one that is called or reputed a Cnaplaine, or that is knowne or supposed to haue entered into holy Orders? Or any that liue there in imployment as a scholler? Present there names if there be any such, and how long they haue beene there?‡

9. Is there any in your Parish, who doe refuse to haue their children baptized, or themselues to receiue the Communion, at the hand of your Minister, because he is no Preacher, or doth not edifie in their phansie?

10. Doth any maried woman within your parish, after childe-birth neglect to come to Church according to the booke of Common Prayer to giue thankes to God for her safe deliuerance, vailed in a decent manner, as hath beene anciently accustomed? And doth she then kneele§ in some conuenient place nigh to the Communion Table,‖ while the Priest (standing¶ by her) giueth thanks for her? And if there be a Communion, doth she then offer her accustomed offerings, and receiue the holy Communion?

11. Are there within your Parish or thereunto resorting, any players on Stage, or with Puppets, or any Musitians, Fidlers, Rimers, or Jesters, which do vse any prophane or filthy passages, in their songs, speeches, or gestures, to the dishonour of God, abuse of Scripture, or the corrupting of good manners; or which do publish any thing scandalous to the State,** or reproachfull to the holy Clergie?

12. Haue you any in your parish that are commonly knowne, or reputed to be blasphemers of Gods holy Name, common and vsuall swearers, drunkards, vsurers, filthy speakers, adulterers, fornicators, incestuous persons, bawds, concealers of fornicators or adulterers? Haue any in your parish beene detected of such notorious crimes, and what penance haue they done for the same?

13. What corporall punishment for any such ††offence, hath beene commuted and changed into a pecuniary mulct or sum of money, by any Ecclesiasticall Judge exercising iurisdiction within this Dioces, by vertue of any Graunt or Commission?‡‡ What was the sum of money by any of them so receiued and taken, and to what vses was the same imployed? And vpon such Commutations, was the vnfained repentance of the delinquent published in the Church?§§

14. Doe all Fathers, Mothers, Masters, and Mistresses, cause their children, seruants, and apprentises to come to the publike catechizing on Sundayes and Holidayes, to be instructed and taught therein? And those that doe not their duties herein, in not sending them to it, or not comming, or not learning and answering you shall present their names.

15. Haue any in your Parish receiued or harboured any women gotten with-childe out of wedlock, and suffered her to depart without punishment first inflicted on her by the Ordinary? You shall truly present as well the party harbouring, as harboured; and who is suspected to be the father of the childe?

16. Is any person or persons suspected or detected heretofore of incontinency, and therefore departing out of your parish for a season, now returned againe? Or in what place else is he or she now abiding to your knowledge, or as you haue heard? You shall not faile to present the whole truth in that behalfe?‖‖

17. Doe all your parishioners, of what sort soeuer¶¶, according as the Church expresly them commandeth, draw neere, and with all Christian humility and reuerence come to the Lords Table, when they are to receiue the holy Communion?*** And not (after the most contemptuous and vnholy vsage of some, if men did rightly consider) sit still in their seats or pewes, to haue the blessed Body and Bloud of our Sauiour goe vp and downe, to seeke them all the Church ouer?

18. Are there any lately deceased in your parish, whose last Wils and Testaments haue not yet beene proued? or did they dye intestate? And if so, who hath taken vpon him the administration of their goods, and whether by lawfull authority from the Ordinary, or without? What be the names of such deceased, and of their Executors or Administrators?

19. What persons be excommunicated in your parish, and for what cause to your knowledge? And how long haue they stood excommunicate? And do any of them, not being absolued, presume to be present in the Church at diuine Seruice? And doe any familiarly vse the company of such as doe obstinatly stand excommunicate, knowing the same; and what be their names?

20.* Doe you know of any that haue abused the Churchwardens, or other sworne-men of your Parish, or giuen them euill words for executing their office, or to disharten and deter them from executing it, as by oath and duty they are bound?

Chap. 8. *Concerning Schoole-masters, Physitians, Chirurgions, Midwives, and Parish-clarkes.*†

Haue you any Schoole-master in your Parish, that teacheth publikely, or in priuate houses?‡ Is there any teaching of Schollars to reade or write in the Chancell, or in any part of the Church? Doth any papist keepe a Schoole-master in his house, who commeth not to Church to heare diuine Seruice, and to receiue the holy Communion? What is his name, and how long hath he taught there or elsewhere? Doth your Schoole-master teach any papists or sectaries children, that come not to Church? Doth he bring his schollars to Church, and duly instruct them all to learne the Catechisme in the book of Common Prayer, at the least once euery week; or what other Catechisme doth he teach? Is he of honest and sincere life, and religion, and conuersation? Is he a Graduate, and sufficient to teach, and diligent in teaching and bringing vp of youth?

2. Is any thing with-holden and otherwise imployed, that hath beene giuen to the vse of a schoole in your parish? What is it? by whom is it imbezelled?

3. What Physitian or Chirurgion haue you in your parish, who not being a Doctor of Physick, or otherwise sufficiently licensed in either of the Vniuersities, doth notwith-standing practise physick? what other persons haue you among you, either male or female, who take vpon them to professe§ physick or chirurgery? And who be Midwiues in your parish?

4. Haue you a fit parish-clarke (aged 20 yeeres at least)‖ of honest life, able to reade and write? Are his and the Sextons wages duly paid without fraud or diminution, according to the ancient custome of your parish?¶ By whom is he chosen? Is hee** diligent in his office, and seruiceable to the Minister? Doth hee keepe the Church cleane and the doores locked? Is there any thing lost or spoiled, by his default?

5. Doth your Clarke or Sexton take vpon him to haue, or suffer any superstitious or any vnseasonable ringing of the bels at any time, or any ringing without good cause, such as the Minister and Church-wardens haue not allowed? When notice is giuen of any Christian passing out of this life, within the parish, doth he neglect to toll a passing-bell, or to ring after the departure?††

Chap. 9. *Concerning Ecclesiasticall Officers.*

What peculiar or exempt Jurisdictions know you of, within the compasse of this parish?

2. Are there any Ecclesiastial (*sic*) Officers exercising Ecclesiasticall Jurisdiction within this Dioces, or any Ministers or Clarkes vnder them, who do take or exact any extraordinary fees, for any cause that you know of?‡‡

3. Haue any Church-wardens and Quest-men concealed and not presented any abuses or offences punishable in the Ecclesiasticall Court? Or haue any such offences, being

A.C. 79. R.L. 9, 33. J.N. 7, 11.

A.C. 71. R.L. 5, 23. J.N. 7, 13.

L.E. 5, 25. L.W. 5, 24.

A.C. 98. J.N. 1, 5.

R.L. 4, 1. W.C. 3, 4. J.N. 8, 1.

W.C. 3, 3.

A.C. 69. G.C. 3, 20. J.N. 8, 2.

A.C. 6. R.L. 5, 24. L.E. 4, 3. W.C. 4, 2. J.N. 8, 3.

A.C. 33, 34. L.E. 4, 4. G.C. 2, 25.

J.N. 9, 1. R.L. 3, 6. R.C. 72.

J.N. 9, 1. R.L. 3, 1, 2.

* Or do the Parishioners of any other Parish resort unto your Church? how long haue they done so? and upon what occasion or licence? *Added* 1662.

† or in any Parish near you that you know of. *Added* 1662.

‡ and his name in whose house they keep. *Added* 1662.

§ And doth she then kneele] doth she also come to Church at or near the beginning of divine Service that day, and when the thanksgiving for her is to be said, doth she go and kneel. 1662.

‖ (but without the inclosure). *Added* 1662.

¶ within. *Added* 1662.

** State] Church, 1662. *The following Article is inserted before Art.* 12, *in* 1662:—

12. Do you know of any man or woman, that hath abused their Parson, Vicar, or Curate, or any other that is in holy Orders with contumelious words, or unciuil gestures or deeds, or behaued themselues rudely towards them? Or that haue reproached either the marriage or the single life of Priests, or haue said, or done any thing else that did redound to the scorn or dishonour of their persons or of their holy function and calling?

†† or any other. 1662.

‡‡ by vertue—Commission]. *Omitted*, 1662.

§§ and hath Commutation been granted to one and the same party aboue once, for any crime of the same kind? *Added* 1662.

‖‖ as far as you know. *Added* 1662.

¶¶ receive the blessed Sacrament, thrice every year at least, and when they do receive it, do they all. *Added* 1662.

*** when they—Communion]. *Omitted*, 1662.

* *This Article omitted in* 1662.

† and Sextons. Added Ely 1662.

‡ and if so, what is his name, and how long hath he been there? *Added* 1662.

§ or practice. *Added*, 1662.

‖ and a Sexton? Is your Clark or Sexton. 1662.

¶ What are the said wages by the year? *Added* 1662.

** is he] are the said Clark or Sexton. Is he] are both or either of them. 1662.

†† passing-bell—departure] whereby good people (remembring their own mortality, and all our Christian society) may recommend their estate unto Gods mercy with an holy intercession for them to the throne of grace; or to ring a knell presently after the departure, that notice may be taken by all to give God thanks for that parties deliverance out of this vale of misery. 1662.

The following Article is also added:—

6. Doth your Parish Clark or Sexton or any other of your Parish exactor require more then the ordinary and accustomed Fee for any service done by him or them, in or at Marriages, Christnings, and Burials; or for anything else concerning the same? or haue they refused to do their duties therein, until they haue received what they demanded?

‡‡ or by way of gratuity for expedition? *Added* 1662.

by them presented to the Chancellor, Arch-deacon, Commissary,* Officiall, or any other vsing Ecclesiasticall iurisdiction within this Dioces, been suppressed, or left vnpunished, for bribe, reward, pleasure, friendship, feare, or any other partiall respect? M.C. 26.

4. Are any assemblies, called Vestry-meetings, held in your parish? when and how often are they? In what place, and by whom? Hath any thing (that you haue heard of) beene proposed, treated, or concluded therein, touching the diuine Seruice, or the doctrine and discipline of the Church? Or any thing medled with for the gouernment of the Church or parish, which belongs to the Ecclesiasticall cognition and Jurisdiction? J.W. 2, 26.

5. Doth the Arch-deacon once in three yeeres, visite and suruey your Church, touching the repaire of the same, and vpon any defect found, hath he made certificate of it, as far as you know or haue heard?

6. Are there placed by the Registrar, two Tables containing the seuerall rates and summes of all fees due to the Judge, and other officers of your Courts; one in the vsuall place or Consistory, where the Court is kept; the other in the Regestry; in such sort as euery man may come to view the same without difficulty? and doth the Chancellor, Arch-deacon, Commissary* or Officiall, or any other Minister of the Court, exact or extort any other greater fees or sums of money, than in the said tables are contained? J.N. 9, 2. W.C. 7, 5.

7. Doth any Arch-deacon, Officiall, or Surrogate vnder him, make commutation of any penance; or doth the Chancellor, or any Commissary,* or any Surrogate vnder any, commute or change any penance or corporall punishment, for any money, without the consent of the Bishop? And what money haue they or any of them receiued for such commutation, and of whom? when, and what was the offence, for which any such sum of money was receiued, or appointed to be paid? W.C. 7, 2.

8. Doth the Chancellor, Arch-deacon, Commissary,* or Officiall, or any other person vsing Ecclesiasticall iurisdiction, speed any act in any cause, priuately of themselues, and not in the presence of some publike Notary or Actuary?† J.N. 9, 3. R.L. 3, 4.

9. Is the number of Aparitors increased in this Dioces? And wherein, and in what manner is the Countrey ouerburthened or grieued by them? Hath any of them vnder pretence of authority, cited or summoned any person vnlawfully; or hath any of them taken any reward for the concealing of any offence or sin, or that the offenders might escape punishment? Who be they that haue so done? Or doe any of them take any fees that are not vsuall? Haue they threatned any to prosecute them, if they had no reward giuen them? Or do any of them cause any party to appeare in any Ecclesiasticall Court within this Dioces, without a citation first obtained from the Judge of the Court? J.N. 9, 4. R.L. 3, 7.

10. Hath any Ecclesiasticall Judge or Officer whatsoeuer, Aduocate, Register, Procter, Clerke, or other such Ministers, any way abused themselues in their Offices, contrary to the Lawes and Canons in that behalfe prouided?‡ J.N. 9, 5.

11. §Were there any particular or speciall iniunctions giuen (as you know, or haue heard) by the Vicar generall or any other Commissioner, at the last Metropoliticall Visitation of the most Reuerend the Lord Arch-bishop of Canterbury his Grace? And how haue the same been performed or obserued by the Minister or any other of the Parish, whom they concerne?‖

12. Lastly, haue you and euery of you, by your selues, read, or haue caused to be read to you, all these Articles? Haue you well examined and inquired into euery particular therein intended? Haue you sincerely, vprightly, and without any partiall affection or concealement, presented and made knowne al and euery of the offenders in any of the particulars, either as they are taken in truth to be, or by common fame reported?¶ L.C. 3, 26. J.N. 9, 6.

If you know any other matter of Ecclesiastical cognisance, worthy the presentment in your iudgement, and fit to be reformed by Ecclesiasticall censure, though it be not expressed in these Articles, yet you shal likewise present the same by vertue of your oaths. R.L. 5, 45. R.C. 76. J.N. 9, 6.

The Minister also of euery parish may and ought to ioyne with the Church-wardens or other Sworne-men, for the presenting of offences; and if they be so irreligious as not to doe it, the Minister of himselfe may and ought to present the offences, or the Church-wardens and Quest-men, for not presenting,* and is required in his Canonicall obedience so to doe. G.C. 5, 8 J.W. 2, 3 J.N. 3, 8

There must be distinct answer made to every Article, and to every branch thereof, as far as they know, or haue heard of any offence.† T.W. 2, G.C. 5, 8 J.N. 9, 9

And if (their Oath and all this‡ aduertisement notwithstanding) any Church-wardens or other Sworne-men, shall follow the customary manner, and be carelesse in inquiring and presenting as they ought, then shall they not be able hereafter to say, that they had not faire warning to the contrary giuen them in the spirit of meeknes; or to complaine that they are hardly dealt with, if (vpon information and proofe otherwise had) they be called to answer their willful periury in some other§ course of iustice, for neglecting to inquire and present to all the particulars herein proposed.

And to the intent that all things aboue mentioned may (by the helpe of God) as wel be kept, as set in good order, the Chancellor of the Dioces and all the Commissaries‖ are hereby required, that so far as to them in their seuerall places it shall appertaine, when the Synods and Generals are holden respectiuely,¶ they do faithfully inquire after al these things, and in al places of their Jurisdictions exact a due observance of the same.

The Parson, Vicar, or Curate of this Parish is required to receiue this booke, and vpon the Sunday next after the receipt hereof, immediately after the Morning Seruice** to publish the contents of the Processe which is sent forth. That all Preachers and Lectures (if there be any in the Parish) together with the Church-wardens both of this present yeere, and of the last yeere,†† and two or three of the chiefest parishioners beside,‡‡ as also all Physicians, Schoolemasters, Chirurgions, Midwiues, and Sequestrators,§§ may take notice of the day and place specified in the said Processe, for appearance at the Lord Bishops Visitation: and after publication so made, this book of Articles is to be presently deliuered to some of the said Church-wardens, for the vse of themselues and the rest that are to make Presentment.

MA. NORVICEN.

FINIS.

Particular Orders, Directions and Remembrances given at the Dioces of Norwich vpon the primarie visitation of the reuerend father in God Mathewe Lord bishopp of that Sea, 1636.

[*These Orders are added in MS. at the end of a copy of the Articles printed in* 1636.]

1. First that the whole divine service be read (boeth the first and second service) on Sondaies and holydayes, Lecture dayes (yf they have any), and the Communion service (called the second service) be audibly and distinctly reade [at the] Communion table vnto thend of the Nicene Creed before the Sermon or Homilie, yet soe, as in very larg Churches the Minister may come nearer to read the Epistle and Gospell; and after the Sermon or Homilie the praier for [the] whole estate of Christs Church, and one or more of the appoynted Collects att the Communion table likewise, and there dismisse the people with the peace of God, etc.

2. That the praier before the Sermon or Homilie be exactly according to the 55th Cannon (mutatis mutandis), only to move the people to pray in the words there prescribed, and noe otherwise, vnles he desires to enterpose the names of the two Universities and of a Patron, and no praier to be vsed in the pulpett after the sermon, but the sermon to be concluded with Glorie be to the Father, and soe come downe from the pulpett.

3. That the Communion table in everie Church doe alwayes stand close vnder theast wall of the Chancell, the ends thereof north and sowth, vnles the Ordinarie give particular directions otherwise. And that the Raile be made before it according to the Archbishops late Injunctions, reaching crosse from the north wall to the south wall, above one yard in height, and soe thick with pillers that doggs may not gett in.

4. That the Lettany be never omitted on Sondaies, Weddensedaies, and Fridaies. And that at all tymes the Minister be in his Surplesse and Hoode whensoever he is

---

* Commissary]. *Omitted* 1662.

† Or (for want of them) in the presence of (two or more) sufficient witnesses, and then cause the same act to be registred? *Added* 1662.

‡ that you know of. *Added* 1662.

§ *This Article is omitted in* 1662.

‖ *This Article is added in* 1662:—

11. Do the Register or any of the Clarks in Ecclesiastical Office, when they obtain Absolution from the Judge, neglect to send forth the same under the seal of the office, or doth any of them presume to give signification unto the Minister of the Parish, only by a Note or Ticket under their hand, to the intent that notice thereof should be taken, or the same be published in the Parish by him?

¶ And haue you used the help of your Parson, Vicar, and Curate, for the reading, understanding, examining, and answering these Enquiries? *Added* 1662.

* the same. 1662.

† otherwise the presentment will not be admitted. *Added* 1662.

‡ punctual direction and. *Added* 1662.

§ Court or. *Added*, 1662.

‖ and all the Commissaries] and the Official, and all their Surrogates. 1662.

¶ when the Synods—respectively]. *Omitted* 1662.

** before the Congregation depart. *Added* 1662.

†† both of—last yeere]. *Omitted* 1662.

‡‡ if they be summoned. *Added* 1662.

§§ and all other whom it doth concern. *Added*, 1662.

in publick to performe any part of his preistly function. And that in reading the Chapters he leave out the Contents, and after the lessons doe vse noe psalmes or hyms but those that are appoynted in the Communion (*sic*) prayer Booke.

5. That the Gloria Patri be said after everie psalme, all standing vpp, and that all the people doe awdibly make all answers in the lettany and all other parts of the service as is appoynted in the booke of common praier, and to that end, to lead the comon people therein, that there be a Clerk in everie parrish that can reade sufficiently and have competent allowance from the parish, and where there is none, that there be one forthwith apoynted and chosen according to the Cannon.

6. That the Quicunque vult, or Creede of Athanasius be vsed on daies by the Rubrick apoynted instead of the Appostles Creed, and that the Minister forgett not to read the Collects, Epistles and Gospells apometed for the Conversion of St. Pawle, and for all the holy weeke before Easter, and for St. Barnabies day, and for Ash-Weddensday with the Communion (*sic*) on that day: and also to vse the praiers and suffrages in going the perambulacõn which is yerely to be observed in every parish vpon the Rogacõn dayes, videlicet, the Monday, Tewseday and Weddensday before Ascention day, and at noe other tyme; att which itt is awntiently enioyned that the Ministers att some convenient places doe (in a word) admonish the people to give thankes to God, beholding his l [ove] in the frutes of the earth, saieng the 103 psalme, and as tyme and place shall admitt, the 115 [psalme], and att especiall bound markes repeating this or such holy Sentences of Scripture, Cursed [be] he which removeth away the marke of his Neighbours land, and that retourning att last to the Church there they say the divine Service.

7. That noe man presume to have his hatt on his head in the tyme of Service and Sermon in the Church, and that due and lowly reverence be visibly done by all persons present when the blessed name of the Lord Jesus is mencõned, and that every one of the people doe kneele devowtly when the Confession, Absolution, Commandments, or any Collect or other praier is read boeth at the tyme of the common Service in the Church, as also at Christnings, Burialls, Marriages, etc.

8. That warning be given by the Minister for holy dayes and fasting daies of the weeke following, ymmediately after the Sermon or Homilie, and that the Communion for the Sonday following be warned the Sonday before ymmediately after the praier for the whole estate of Christs Church, and that assoone as such warning is given, the second of those ii. exhortacõs (which next after that praier for the vniversall Church are sett downe in the service booke) be treatebly pronownced; after which to followe some of the Collects apoynted; and then to dismisse the people with the peace of God, etc.

9. That (when any need is) the Sick (by name) be praied for in the reading desk, and noe where ells, att the close of the first service (except itt be in the afternoone, and then to be done ymmediately after the Creed) vsing only those twooe Collects which are sett downe in the service booke for the visitacõn for the sick. That next after that, the Marriage (yf there be any) be begonne in the boddie of the Church, and finished att the table. That the Churching of women begyn assoone as the Minister comes vpp to the Communion table before the second Service, vnles there be a Marriage the same day, for then the Churching is not to begyn till those praiers apoynted to be saied att the Lords table for the marriage be ended.

10. That women to be Churched come and kneele at a side neare the Communion table without the Raile, vailed according to the Custome, and not covered with a hatt, or otherwise not to be churched, but presented at the next Generall by the Minister and Churchwardens or any of them.

11. That they goe vpp to the holy table at Marriages at such tyme thereof as the Rubrick soe directeth, and that the new married persons doe kneele withowt the Rayle, and doe at their owne charge (if the Communion were not warned the Sonday before) receive the holy Communion that day, or ells to be presented by the Minister and Churchwardens at the next Generall for not receiving.

12. That noe Minister presume to marrie any persons whereof one of the parties is not of his parishe, vnles itt be otherwise expressly mentioned in the licence, not that he marrie any by vertue of any facultie or licence, wherein the authoritie of the Archdeacon or official is mentioned, *sub pæna suspentionis.*

13. That the parishioners be warned by the Minister and Churchwardens to bring their Children to Church for Baptisme in due tyme, and if any Child be not browght before the second lesson, that then the parents be presented for that defawlt, and that noe Baptisme be administred (excepting in case of great necessitie) butt on the Sonday or holydaye.

14. That the font (att Baptisme) be filled with cleane water, and noe dishes pail es or basons be vsed in itt, and that the Minister admitt; but twooe Godfathers for a male child and one Godmother and twooe Godmothers and one Godfather for a female; and then at the first doe aske them whether the child be yett baptized or not, and doe take itt into his armes, and signe itt with the signe of the Crosse when he baptize itt, and after all doe admonishe them to bring itt to Confirmacõn when tyme thall serve.

15. That all Communicants come vpp reverently and kneele before the Rayle to receive the holie Communion, and that the Minister repeat to every Comm unicant severally all the words that are appoynted to be said att the distribution of the holy Sacrament.

16. That noe wicker Bottles or Taverne potts be browght vnto the Communion table, and that the Breade be browght in a cleane Cloeth or Napkyn, and that the words of Consecracõn be awdibly repeated agayne if any Bread or wyne be to be vsed which was not at the first Consecrated.

17. That the Minister and Churchwardens of greate parishes to avoid Confusion or overlong wearieng boeth of the Minister and of the parishioners, doe take order that there doe not come above 300 or att the most 400 Communicants to one Communion, for which occation they are warned to have the ofter Communions.

18. That the holy oblations (in such places where itt pleased God at any tyme to putt into the hartes of his people by that holy action to acknowledg his gift of all they have to them, and their tenure of all from hym, and their debt of all to hym) be received by the Minister standing before the table at their comyng vp to make the said Oblation, and then by hym soe reverently presented before the Lord, and sett vpon the table, till the service be ended.

19. That the Minister doe cathechize in the afternoone half an hower at least, ymmediately after the last ringing or tolling of the Belles for the evening praier, according to the questions of the Catechisme only, and standing in the reading deske.

20. That the Ministers reading deske doe not stand with the Back to the Chancell, nor to remote or farr from itt.

21. That the Chancells and Allies in the Church be not encroched vpon by buylding of Seates, and if any be soe built, the same to be removed and taken away, and that noe Pewes be made over-high, so that they which be in them cannot be seene how they behave themselves, or the prospect of the Church or Chancell be hindred, and therefore that all Pewes which (within) doe much exceede a yard in height be taken downe neere to that scantlyng, vnles the Bishoppe by his owne inspection, or by the veiwe of some especiall Commissioners shall otherwise allowe.

22. That none of what ranck soever doe keepe any Chapleynes, Schoolemasters, Ministers, or Schollers in their howses to reade praiers and expownd Scriptures, or to instruct their famylie, vnles they be therevnto enabled by lawe.

23. That whereas Sermons are required by the Church of England only vpon Sondaies and holydaies in the forenoone and att Marriages, and are permitted att Funerals, That none presume to take vpon them to vse any preaching or expownding, or to hold any such lecturing at any other tyme withowt expresse allowance from the Bishoppe.

24. That every one allowed to be a Lecturer doe reade the divine service fully in his Surplesse and hoode before every Lecture in the same manner as is apoynted on Sondaies, and that all Lecturers behave themselves modestly in their Sermons, preaching faith, obedience, and good workes, in all things observing his Majesties declaracõn prefixed before the 39 articles, and his Majesties Injunctions, withowt intermedling with matters of State, Newes, or questions late in difference, nor favouring or abbetting any Schismatickes or Seperatistes eyther by especiall praier for them, or otherwise approving of them.

25. That the Churchwardens suffer noe men (but their owne Parson, Vicker, or Curate) to preach vpon any occacõn in their Church, till he shewe his licence, and subscribe his name in their paper booke for that purpose appoynted, and the name of the Bishoppe whoe licensed hym.

26. That there be the same manner of ringing and tolling of Belles to Church on holydaies which is vsed on Sundayes, and that there be no difference of ringing to Church when there is a Sermon more then when there is none, excepting the knell for Funeralles.

27. That noe Church-windowes or Chancell wyndowes be stopped vpp in any part, nor the flore in any part vnpaved or vncleanely kept, nor the Churchyarde any wayes abused or prophaned.

28. That all defawltes contrarie to the premisses hereof be faithfully enquired into by the Officialls from tyme to tyme at their Generalls, of whome the Bishoppe will require an exact accompt concerning the same.

MATT. NORWICH.

KINGSLEY, ARCHDEACON OF CANTERBURY, 1636.

ARTICLES to be enqvired of by the Churchwardens and Sidemen of every Parish; within the Archdeaconry of Canterbury: Whereunto, by vertue of their Oathes, they are to make Answere severally to every Article.

Printed at London by Richard Badger, 1636.

The Tenor of the Oath of the Church-wardens and Sworn-men.

You shall sweare, that you and every of you shall duly consider and diligently enquire of all and every of these Articles, given you in charge: and that all favour, affection, hatred, feare of displeasure, or hope of reward set aside: you shall faithfully present to this Court all, and every such person, which now or lately was in your Parish, that have committed any Crime or offence, or omitted any Duty mentioned in these Articles, or which are vehemently suspected, or defamed of any such crime, offence, or negligence. So helpe you God, and the Contents of His Holy Gospell.

God save the King.

Concerning the Church and Church-yard.

Whether your Church or Chappel with the Chancel therof be sufficiently maintained in all manner of needful reparations both within and without; the wals and couering thereof strong and close; the Bels in your steeple vnbroken, and their frames strong and safe from falling, and fit for vse; the windowes well glazed; the floores paued plaine and euen; the seats decent, and all things there kept without dust or noisomenesse, in such orderly and decent manner, as becommeth the house of God?

2. Whether your Church-yard be well and sufficiently repaired, fenced, and maintained, with wals, railes, or pales, as hath beene accustomed: and if not, what the defect is, and by whose default that is not done?

3. Whether haue you a Font of stone in your Church or Chappell, and the same set in the ancient vsuall place?

4. Whether haue you a conuenient seat made for your Minister to reade Seruice in; and also a decent Pulpit set in a conuenient place, and there seemely kept for the preaching of Gods word, with a decent Cushion or cloth for the same; and a decent and comely Surplice with wide sleeues for your Ministers vse?

5. Whether haue you in your Church or Chappell the Booke of Common Prayer, and the Bible of the largest Volume, well and fairely bound; and also the Booke of Homilies allowed by authority?

6. Whether haue you a decent Communion Table placed as it ought to be, so as may be most conuenient for the due celebration of the holy Communion, and of that part of diuine Seruice there appointed to be said: and also haue you a Carpet of Silke or other decent stuffe for this Table: and is that couered therewith in time of diuine Seruice; and also a faire linnen cloth, and is the said Table couered therewith at the time of the administration; and whether haue you a Communion-cup with a couer of siluer, and a flagon of pewter, or some purer metall to be vsed at the Communion?

7. Whether are the ten Commandements set vpon the East end of your Church, or Chappell, where the people may both see and read the same, and other chosen sentences written vpon the wals of the said Churches or Chappels in places conuenient?

8. Whether haue you set vp or fixed in your Church or Chappell a Table of the degrees within which it is forbidden to marry, set forth by authority in the yeere of our Lord 1563?

9. Whether haue you in your Church or Chappell a Parchment-booke, for the registring of all the christenings and burials, within your Parish: and also a sure Coffer with three locks and keyes, for the safe keeping of the said booke, the one key remaining with the Minister, the other two keyes with the Church-wardens, seuerally; and is the same register kept duly according to the seuenty Canon?

10. Whether haue you in your Church or Chappell a Booke of Canons or Ecclesiasticall Constitutions?

11. Whether haue you in your Church or Chappell a strong chest with a hole in the vpper part of it, hauing three keyes; the one remaining in the custody of the Parson, Vicar, or Curate; the other two with the Church-wardens: and is this chest set or fastened in the most conuenient place to receive the Almes of the Parishioners? And doe the keepers of these keyes, as often as need requireth, distribute the said almes amongst their most poore and needy neighbours?

12. Whether is your Parsonage or Vicarage-house with all edifices thereto belonging, kept in good reparation?

Concerning the Minister.

13. Whether your Minister in reading publique prayers, administration of the Sacraments, and other Rites of the Church, do weare a Surplice; and if he be a Graduate, do vpon that Surplice weare such a Hood as by the Orders of the Vniuersities is agreeable to his degree?

14. Whether doth your Minister, either Parson, Vicar, or Curate, vpon euery Sunday and Holiday, and vpon the Eues of them, and vpon euery Wednesday and Friday in the place appointed, and at conuenient and vsuall times of those dayes, in a reuerent and distinct manner say diuine Seruice, according to the booke of Common Prayers: whether doth he read the Letany as it is there appointed; and in reading the holy Scriptures, saying of Prayers, and administration of the Sacraments, doth he obserue the Forme, Orders, Rites, and Ceremonies, prescribed in the booke of Common Prayer, without adding anything in matter of forme; and without omitting or shortning any of those prayers appointed to be read, or diminishing any thing vpon any pretence whatsoeuer, either of preaching, or any other respect?

15. Whether your Minister doe publiquely baptise in any sort of Vessell, and not in the Font only: and whether he do alwayes signe the childe baptized with the signe of the crosse in the forehead; and whether he admit any parent, Godfather to his owne childe; or any either Godfather or Godmother, to any childe, who haue not before receiued the holy Communion; or suffered any Godfather or Godmother to make any other answer, than by the booke of Common Prayer is prescribed; and whether he refuse or delay to christen any childe, according to the forme of the booke of common prayer, that is brought to the Church to him vpon Sundayes or Holidayes. Or whether doth your parson or Vicar where there is no Curate. And where there is a Curate, whether doth this Curate being duly informed of the weaknesse and danger of death of any infant vnbaptized in the Parish, wilfully refuse [being desired] to go to the place where the same infant remaineth, and to baptize it; or of purpose or grosse negligence hath so deferred the same, as that through his default any childe hath died vnbaptized; or whether your Minister doe at any time baptize the children of parents dwelling in any other parish, who for that their Minister is not a Preacher, refuse to haue their children baptized by him?

16. Whether your Minister doe publikely in the Church at morning prayer the Sunday before each time of the administration of the holy Sacrament of the Lord's Supper, giue warning thereof to his parishioners? And whether hee doth administer the holy Communion, so often, and at such times that euery parishioner may communicate at the least thrice in euery yeere, whereof the Feast of Easter to bee one; and whether any bread and wine brought to the Communion Table bee vsed before hee rehearse the words of institution without alteration, the said bread and wine being present vpon the Communion Table: and whether the Minister so often as he administreth the holy Communion, doe first receiue the Sacrament himselfe: and whether he doth deliuer both the bread and the wine to euery Communicant severally; and also whether he hath administred the holy Communion to any but such as kneele, or to any offenders which be openly knowne to liue in any notorious sin; or to any malitious person, who hath openly contended with his neighbour, before reconciliation; or to any Church-wardens who wittingly & wilfully refuse to present notorious offences, though vrged to discharge their consciences; or to any that refuse to be present at publike prayers, according to the orders of the Church of England; or to any notorious deprauers of the booke of Common Prayers, administration of the Sacraments, and the Orders, Rites and Ceremonies therein prescribed; or of any thing contained in the Articles agreed vpon in the Conuocation, *Anno* 1562. Or of any thing contained in the booke of ordination of Deacons, Priests, and Bishops. Or who hath spoken against his Maiesties soueraigne authority in causes Ecclesiasticall; or hath administered the holy Communion to any in any priuate house, except in case of necessity, or impotency, or dangerous sicknesse; or to any strangers that be not of his owne parish; and whether he hath reiected any from the Communion who is not by law forbidden to come.

17. Whether any Deacon hath consecrated and administered the holy Communion in your Church, not hauing first receiued the full order of Priesthood?

18. Whether your Parson, Vicar or Curate, hauing knowledge thereof doe resort to such as be dangerously sick in your Parish, to instruct them in their distresse; and whether do they refuse to bury any corps, that is brought to the Church or Church-yard, conuenient warning being giuen according to the forme of the book of Common Prayer; or do they inter any excommunicated person, who died so, not hauing sought to be absolued; or any who by law ought not to haue Christian buriall?

19. Whether your Minister in Churching of women, doe vse the forme prescribed in the booke of Common Prayer, and no other?

20. Whether your Minister haue Churched any woman deliuered of a childe vnlawfully begotten, before she haue acknowledged her fault openly, according to the order inioyned by the Ordinary?

21. Whether your Minister haue maried any person in any priuate place whatsoeuer or within your Churches or Chappels without either a faculty or license first granted to marry there, or the banes of matrimony first published three seuerall Sundayes, or Holydayes, in the time of Diuine Seruice, in the Parish Church or Chappell where the said parties dwell: and in this case where the Banes haue beene thrice published, whether he haue married any in any other Church or Chappell, but of that parish where one of them dwelleth: or hauing no license, without the consent of the parents or gouernours sufficiently testified to them, if any of the parties to be married bee under the age of one and twenty yeeres. Also whether hee hath married any within the times prohibited for marriage, without licence; or at any vnseasonable times of the day, but only betweene the houres of eight and twelue in the forenoone, in the time of diuine Seruice. Or whether your Minister haue vsed any other forme in marriage than is directed by the Booke of Common prayer, or omitted any part of that. And lastly, whether your Minister vnder colour of any peculiar liberty or priuiledge claimed to appertaine to certaine Churches or Chappels; haue celebrated mariage betweene any. contrary to the constitution of the Church?

22. Whether your Minister being not a licensed Preacher, doe take vpon him to expound in his owne cure, or else where, any Scripture or matter of doctrine; and whether in this case he doth not procure Sermons to be preached in his Cure once euery moneth at the least by a licensed Preacher; and vpon those Sundayes when there is no Sermon, doth not he or his Curate reade some one of the homilies prescribed?

23. Whether your Minister being a beneficed man, and allowed Preacher, and residing on his benefice, hauing no lawfull impediment, do either in his owne Cure, or some other Church or Chappell neere adioyning, where no Preacher is, preach one Sermon euery Sunday in the yeere; and in case he be licensed not to reside vpon his Benifice, is his Cure supplied by a sufficient licensed Preacher, if the worth of the Benefice will beare it?

24. Whether your Minister hauing two Benefices doth maintaine a Preacher licensed in the Benefice where he doth not reside; except he preach himselfe at both of them vsually?

25. Whether your Minister doe not reside vpon his Benefice, being not lawfully licensed to be absent?

26. Whether the Curate of your Parish if you haue any, be legally licensed to serue in that place; and whether he serue more than one Church or Chappell in a day, the said Chappell being not a member of the parish Church, nor vnited thereunto?

27. Whether your Minister doe at any time preach in any priuate house contrary to law?

28. Whether your Ministers, and Preachers, before their Sermons, Lectures, and Homilies, obserue the order of praying set forth and commanded in the 55. Constitution?

29. Whether your Parson, Vicar, or Curate, foure times at the least in a yeere, teach, open, manifest, and declare, in his or their Sermons, Collations, and Lectures, that all vsurped and forraigne power is for most iust cause taken away and abolished?

30. Whether any Minister preaching in your Parish Church, particularly, or namely of purpose, haue impugned or confuted any former doctrine, there before deliuered, or in any other Church neere adioyning, whereby vpon such publike dissenting and contradicting, there hath or might grow offence, and disquietnesse to the people?

31. Whether such Ministers who are strangers, and haue preached in your Church or Chappell, haue not first shewed their license to preach, and then subscribed their name to a booke where their name is noted by the Church-wardens, and the day when they preached, and the name of the Bishop of whom they had license to preach?

32. Whether your Parson, Vicar, or Curate, vpon euery Sunday and Holyday, for halfe an houre before Euening prayer, do examine and instruct the youth, and ignorant persons of his Parish, in the ten Commandements, the Articles of Beliefe, and the Lords Prayer, and diligently instruct, and teach them the Chatechisme, set forth in the book of Common Prayer?

33. Whether your Parson, Vicar, or Curate, do solemnely euery Sunday declare to the people what Holydayes or Fastingdayes there be the weeke following?

34. Whether hath your Minister read all the Booke of Canons in your Church or Chappell, once the last yeere?

35. Whether your Parson, Vicar, or Curate, haue refused or deferred to publish any excommunication, against any of your parish, sent from his Ordinary, the next Sunday after the receipt of it, in your Church or Chappell: and whether your Minister do openly in time of diuine Seruice, vpon some Sunday, in the parish Church once euery six moneths, denounce and declare excommunicate, all such who for notorious contumacy or other notable crimes, stand lawfully excommunicate?

36. Whether your Minister doe diligently call vpon, and exhort, their neighbours from time to time, especially when they make their Testament, to giue as they may well spare to the reliefe of the poore?

37. Whether your Minister hath appointed, or kept any solemne Fasts either publikely, or in priuate houses, other than such which are by law, or publike authority appointed, or hath wittingly beene present at any of them; and also whether your Minister, with any other person whatsoeuer, haue met together in any priuate house or elsewhere to consult vpon any matter or course, tending to the deprauing of the doctrine, or discipline of the Church of England, or the booke of Common prayer?

38. Whether is there a common fame in your parish, that your parson or vicar, hath obtained his benefice by Simony, or any other vnlawful meanes; and also whether he doth at any time, otherwise than for his honest necessity, resort to Tauernes, or Alehouses, or doth bord and lodge in any such places; or doth he giue himselfe to any base, or seruile labour, or to drinking or riot, or to playing at dice, cards, tables, or other vnlawfull games, or doth he spend his time idely, or liue scandalously?

38. (*sic.*) Whether your Minister doe vsually weare a gowne with a standing collar; and in their iourneys vsually, cloaks with sleeues, without welt or guard; and both abroad and at home, habit themselues in such a decent manner, as is ordered in the 74. Canon?

Concerning the Parish-Clarke.

40. Whether you haue a Parish-clarke chosen by the Parson, Vicar, or Minister of that place for the time being: is he of twenty yeeres of age at the least, of honest conuersation, and sufficient for his reading, and otherwise to discharge that place?

42. (*sic.*) Whether hath the said Clarke receiued his ancient wages, without fraud or diminution, according to the most ancient custome of the parish, and whether any refuse or neglect to pay the Clarkes wages and who they be?

Concerning Schoole-masters.

42. Whether haue you any Schoolemaster in your Parish, that teacheth either in publike Schoole, or in priuate house, not allowed by the Ordinary vnder his hand and seale, and whether is he of sober and honest conuersation?

43. Whether doth your Schoole-master teach the children the Catechisme set forth by publike authority, bring his Schollars to Church to heare Sermons vpon holy and Festiuall dayes; see that they behaue themselues there quietly and soberly; and vpon other daies so traine them vp, as shall be most expedient to induce them to all godlinesse; and teach them the Grammar set forth by King Henry the eighth, and continued in the time of King Edward the sixth, Queene Elizabeth, and King James of noble memory?

Concerning Physitians Chirurgions, and Mid-wives.

44. Whether any in your parish do practise physicke, or chirurgery, or that there be any Mid-wife there; or by what authority any of them doe practise, or exercise that profession?

Concerning the Parishioners.

45. Whether any in your Parish refuse to pay their assesse for the reparations of the Church or Church-yard, and of all other things within the Church, which are to be prouided and kept there for vse, or for any other charges which in relation to the Church or Church-seruice, are to be borne by the parishioners?

46. Whether any in your parish doth affirme, that the Church of England, established vnder the Kings Maiesty, is not the true Apostolicall Church, or doth impeach his royall Supremacy in causes Ecclesiasticall: and whether any of your parish doth affirme, that the forme of Gods worship in the Church of England established, by Law, and contained in the booke of common prayer, and administration of the Sacraments, is a superstitious or unlawfull worship, or containeth any thing repugnant to the Scriptures, or that the gouernement of the Church of England vnder his Maiesty, by Arch-bishops, Bishops, Deanes, Arch-deacons, and the rest, that beare office in the same, is repugnant to the word of God; or that the Rites and Ceremonies, are wicked and superstitious, and such as men zealously affected, may not with good conscience vse, or subscribe to? Or that the Articles of Religion agreed

vpon in the Conuocation, *Anno*, 1562. are erronious, and such as one may not with a good conscience subscribe to: or that the forme and manner of making and consecrating Bishops, Priests, and Deacons, is repugnant to the word of God; and whether any combine themselues in a new brother-hood, accounting those Christians who are conformable to the doctrine, gouernement, Rites, and Ceremonies of the Church of England, to be unmeet for them to ioyne with in Christian profession: or do affirme that within this Realme, there are other meetings, or congregations, of the Kings borne subiects, then such as by the lawes of this Land, are allowed, which may rightly challenge the name of true and lawfull Churches; and that it is lawfull for any sort of Ministers, or lay-persons to ioyne together to make rules, and constitutions in causes Ecclesiasticall, without the Kings authority, and to submit themselues to be gouerned thereby?

47. Whether all the people of your parish do diligently resort to your Church, vpon Sundayes and Holidayes, to Morning and Euening prayer, and there abide orderly, and soberly all the time of diuine Service, with their heads vncouered, except for some infirmity they weare a coife or night-cap: do they kneel vpon their knees when the Confession, Letany, and Prayers are read, and stand vp at the Beliefe, according to the Rules of the Booke of common Prayer? Doe they vse due and lowly reuerence, when in the time of diuine Seruice the *Lord Jesus* is mentioned; are any at such times otherwise busied in the Church, than in quiet attendance to heare and vnderstand what is read, preached and ministred? Do they in due places, and audibly say with the minister, the Confession, Lords prayer, and Creed, and make such other answers, as are appointed in the booke of Common Prayer?

48. Whether any disturbe the diuine Seruice or Sermon, by walking, talking, or in any other way, or depart out of the Church, during the time of Seruice or Sermon, without vrgent cause?

59. (*sic.*) Whether all persons within your parish, of sixteene yeeres of age and vpward, haue receiued the Communion thrice this last yeere at the least, and namely at Easter once?

50. Whether any person within your parish, refuse to receiue the holy Communion, at the hands of a Minister that is no Preacher; or to haue their children baptized by them in that respect, and doth therefore leaue his owne parish Church and communicate, or cause his children to be baptized in other parishes abroad, and will not reforme their errour?

51. Whether any doe keepe their childe or children vnbaptized, longer than is conuenient?

52. Whether any person haue beene married within your Church or Chappell, or in other places, and now dwell within your Parish, within the degrees forbidden in the Table of marriage; or that being separated for the same, do notwithstanding cohabit together?

53. Whether there be any that haue married two wiues, or two husbands, both liuing, or that being diuorced or separated asunder, haue married againe, the former diuorced wife not being first dead; or any that haue made secret contracts, and liue as man and wife, which haue beene secretly married out of the parishes where they dwell: or any couples who hauing beene lawfully maried, liue not together, but scandalously liue apart?

54. Whether any women within your parish after childebirth, refuse or contemne, to come to Church, to giue God thankes for their deliuery, according to the booke of common Prayer?

55. Whether the Masters and Mistresses of Families, within your parish, cause their children, seruants, and apprentises, to come to Church at the dayes and times appointed, to be catechized by their Minister, and whether any refuse to come, and obediently to heare and be instructed by their Minister?

56. Whether there bee any within your parish, which behaue themselues rudely and disorderly in your Church or Chappell, or which by vntimely ringing of the bels, by walking, talking, or otherwise, shall hinder or disturbe the Minister or Preacher?

57. Whether there be any preaching, reading of Lectures, expounding of Scriptures, Chatechising, or other like exercises in priuate places, and families, or administring of either of the Sacraments, whereto others not of the same families do resort, and what they be that maintaine such meetings, and who resort to their houses?

58. Whether any within your parish, is a hinderer of the word of God to be read, and sincerely preached, or a fauourer of any vsurped or forraine power, or a defender of popish and erroneous doctrine?

59. Whether there be within your Parish any popish, or sectarie Recusant, which for any cause whatsoeuer, refuse to come to Church, to Common prayers, or to heare Gods word preached?

60. Whether there be any within your Parish, or resorting therunto, that be knowne, or suspected to be Massing Priests, Iesuites, Seminaries, or other persons, who haue receiued Orders, or authority from the Romish Church, and who maintaineth them, or whether any keepe hidden or conceale any Masse bookes, or other bookes of Superstition?

61. Whether there be any in your Parish who standing excommunicated doth resort to your Church or Chappell, and who they bee?

62. Whether any person haue quarrelled, fought, or brawled in your Church, Chappell, or Church-yard, and what be their names?

63. Whether you haue any Playes, Feasts, Church-ales drinkings, or any other prophane vsage kept in your Church, Chappell, or Church-yard?

64. Whether there be any Inkeepers, Victuallers, or Tiplers, that suffer or admit any person in their houses, to eate, drinke, or play at any game, in the time of Common-prayer, or Sermon, vpon Sundaies, or holi-daies? who are they that suffer them, and they that are thus suffered, and admitted?

65. Whether any Lay person, being neither Priest nor Deacon, haue presumed to reade Diuine Seruice, or execute the office of a Minister or Deacon in your Church?

66. Whether any in your Parish doe sell any wares, or exercise any trade, vpon the Sundaies, or vpon holy-daies, especially, in the time of Diuine Seruice?

67. Whether any man or woman in your Parish, be witches, sorcerers, sooth-sayers, or coniurers; or there be any that resort to such for helpe? Also, whether there be any commonly noted, to be malitious, contentious, vncharitable persons, raylers, and sowers of discord, betweene neighbours; and especially raylers against Ministers? And also, whether there be any in your Parish that haue offended their brethren, by Adultery, Whoredome, Incest, or drunkennesse, or by blasphemy, swearing, ribaldrie, vsury, or any other vncleannesse, and wickednesse of life; or which by a vehement suspicion, and common fame, are reputed to haue cammitted any of these crimes, and faults, or the like; and whether any haue departed your Parish, leauing behinde them a scandall of any of these Crimes, or which by fame were reputed faulty in them while they were in your Parish, and where they now liue? And also whether any be come into your Parish, which by common fame, was reputed to haue liued in any of these faults before his comming to your Parish.

68. Whether any in your Parish haue suppressed the wils of any dying there, or elsewhere, or that with-hold legacies giuen to the poore, or from Orphants, or giuen to any godly vse?

69. Whether hath growne in your Parish any contention betweene the Parishioners, touching the placing or displacing any, in any Seat or Pew in the Church? And whether there haue beene any Pew built, or Gallery set vp in your Church or Chappell, or any Monument there erected, without the expresse leaue and consent of the Ordinary? If yea; Then in what place of the Church, Chappell or Chancell, and when, and by whom?

Concerning the Church-Wardens.

70. Whether the Church-wardens of the last yeare haue giuen vp a full accompt before the Minister and Parishioners of such money as they haue receiued, and how particularly they haue bestowed the same? Haue they deliuered ouer the money, and all other things of right belonging to the Church, or Parish (if there were any remaining in their hands) to the Parishioners; that it might by them be deliuered, by bill indented to the next Church-wardens.

71. Whether the Church-wardens doe before euerie Communion, with the aduice of the Minister, prouide a sufficient quantitie of fine white bread, and of good and wholesome wine for the number of the Communicants? And is that wine brought to the Communion Table, in a cleane standing pot of pewter, or purer mettall.

72. Whether the Church-wardens see that in euery meeting of the Congregation, peace be well kept; and that all persons excommunicated, and so denounced, be kept out of the Church.

73. Whether doe you euerie yeare in Rogation weeke, walke the Perambulation of the Circuit of your Parish, according as it is appointed by Lawe; and if it be not obserued, in whom is the fault?

74. Whether the Church-wardens of the last yeare, haue sold any goods of the Church, and what, and how the same haue beene imployed?

75. Whether you know any other matter against the orders and Constitutions of the Church, not comprised in these Articles, which is Presentable, or any matter which hath not beene yet called vpon, and corrected, though heretofore presented; you are now to present the same?

FINIS.

PEARSON, ARCHDEACON OF SUFFOLK, 1636.

ARTICLES to be enqvired of in the ordinay (*sic*) visitation of the Right Worshipfvll Master Doctor Pearson, Archdeacon of Suffolke,

Anno Domini. 1636.

London, Imprinted by Felix Kingston. 1636.

The Tenor of the Oath of the Church-wardens and Sworne-men.

You shall sweare, that after due consideration had of these Articles given you now in charge, that you will diligently enquire, and true presentment make of all and every such Person of or within your Parish, which you shall know to have committed any offence, or omitted any duty mentioned in the said Articles; or which are publiquely defamed or vehemently suspected of any such offence or negligence. So helpe you God, by the Contents of the holy Gospell.

Answere distinctly and severally to every Article.

The Minister [be he Parson, Vicar, Lecturer, Preacher or Curate] may joyne with the Sworne-men in their Presentments, and hee is to informe the Ordinary under his hand, of such faults as the Sworne-men shall leave unpresented.

It is lawfull for the Minister alone, or for the Sworne Officers, to present as often as occasion requireth: and it is meet that notorious offences should in due time be presented and punished.

ARTICLES to bee enqvired of by the Chvrch-wardens and Quest-men in the ordinary Visitation of the right Worshipfull M. Robert Pearson, Doctor of Divinity, and Arch-Deacon of Suffolke, or his Officiall. *Anno Dom.* 163 .

Articles concerning the Church, the Ornaments thereof, and the Churches Possessions.

Tit. 1. First, whether have you in your Church or Chappell, the whole Bible of the largest Volume, and of the last Translation, the Booke of Common Prayer lately set forth by his Majesties authority, the two Bookes of *Homilies*, and Bishop *Jewels* Apology, all well and fairely bound: a Font of stone set up in the ancient usuall place, with a hole in the bottome of it to convey away the water: a convenient and decent Communion Table, with a Carpet of silke, or some other decent stuffe continually laid upon the Table at time of Divine Service, and a faire linnen cloth, at the time of administring the holy Communion: and whether is the same Table placed conveniently as it ought: and whether is it so used, in, or out of the time of divine Service or Sermon, as is not agreeable to the holy use of it, as by sitting on it, or throwing hats thereon: or is it abused by any other prophane uses? Are the ten Commandements set up on the East end of your Parish Church, with other sentences of Scripture about them?

2. *Item*, whether have you in your Church or Chappell, a convenient seat for your Minister to reade Divine Service in, together with a comely Pulpit, set up in a convenient place, with a decent Cloth or Cushion for the same, a comely, large and faire Surplesse, a faire Communion Cup, a Flagon of Silver or pewter, with all other things and Ornaments fit and necessary for the celebration of Divine Service, and administration of the Sacraments? And whether have you a Chest for Almes, with the locks and keies, and another chest for keeping the Bookes and Ornaments of the Church, and the register Book, and have you a Register Booke in Parchment, for Christenings Weddings, and Burials, and is the same kept in all points according to the Canons; and have you a Table in your Church of the degrees wherein by Law men are prohibited to marry?

3. *Item*, whether is your Church or Chappell, with the Chancell thereof, and all your parsonage or Vicarage houses in good reparations, and are they imployed to godly and their right holy uses? if any of them be ruinated and wasted, in whom is the default? Is your Church or Chappell, or Chancell decently and comely kept, as well within as without; and are the seates well maintained, the windowes well glazed, the floore kept paved, plaine and even, and all things in decent sort, without dust, or any thing that is either noisome, or unseemely for the House of God, as is prescribed in a Homily to that effect, and the 85. Canon.

4. *Item*, whether bee your Church-yards well fenced and kept without abuse? If not, whose default is it? Hath any person encroched upon the ground of the Church-yard; have any used a place consecrated to holy use prophanely or wickedly; have any quarrelled or stricken another in the Church, or Church-yard: have any annoyed your Church-yard, or the fence thereof, by putting in of cattell, by hanging of clothes, or by laying there any dust, dung, or other filthinesse?

5. *Item*, what Legacies have beene given to the use and benefit of your Church, how they have beene bestowed, who received them, and detaineth them without due imployment? Doth any detaine or embezell any of the Church goods, or any other gifts given to charitable uses?

6. *Item*, whether is there any erecting of pues, or minuating of seates in your Church, by any private man of his owne authority, and what seates have beene so built, and by whose procurement, and by what authority?

7. *Item*, whether hath any popish Recusant, being lawfully excommunicated, beene interred or buried in the Church or Churh-yard, before absolution of the censure and excommunication? if yea, then by whom, and when?

Articles touching the Steeple.

Tit. 2. First have you a Steeple belonging unto your Church, and is it well covered with lead, or some other good and sufficient tecture, and are the walles thereof in sufficient reparations?

2. *Item*, how many Bels have you in your Steeple, and of what weight are they, and are they all well hanged up in frames in the Steeple; have they good ropes belonging to them, wherewith to ring them, and are they tuneable?

3. *Item*, are the frames and wheels of the said Bels sound and strong, and are the planchers of your steeple good, and not broken, and are there a good paire of staires or good ladders, wherewith to goe up readily into the said Steeple?

4. *Item*, whether have any of your Bels within this twenty yeares, or more last past, beene alienated or sold? If yea, by whom, and to whom, and of what weight were the said Bels, and of what value by common estimation?

5. *Item*, have your Bels or any of them beene made lesse upon the last yoating of them? If yea, by whose default, and what is become of the metall that was so saved out of them.

Articles concerning Religion and Doctrine.

Tit. 3. First, whether there be any abiding in, or resorting to your parish, that have, or doe maintaine or defend any heresies, errours, or false opinions, contrary to the faith of Christ and the holy Scripture?

2. *Item*, whether doth any in your parish being sixteene yeares of age and upwards, or others lodging, or commonly resorting to any house in your parish, absent themselves from the parish Church, Chappell, or Oratory upon Sundaies and Holy daies, and other dayes appointed, at Morning and Evening prayer? Or what person doth usually come late to Church, or depart from Church before Divine Service and Sermon bee ended? Or whether bee there any that perswade others to forbeare and abstaine comming to their parish Church to heare Divine Service and to receive the holy Communion, according to his Majesties Law in that behalfe enacted?

3. *Item*, whether be there any in your parish, that hath been or is vehemently suspected to have beene present at any unlawfull assemblies, conventicles or meetings under colour or pretence of any exercise of Religion, or doth any affirme or maintaine such meetings to be lawfull?

4. *Item*, whether be there any within your parish that deny or perswade any to deny or impugne the Kings Majesties authority and supremacy in causes Ecclesiasticall?

5. *Item*, whether be there any any abiding or resorting to your parish, that be, or are commonly reputed or taken to bee ill affected in matters of Religion professed in our Church or taken to be Recusant papists, refusing to repaire to Church to heare Divine Service, and receive the holy Communion, and disobedient to his Highnesse lawes in that behalfe established? present their names, qualities and conditions. Doth any papist keepe a Schoole-master in his house which repaireth not to your parish Church as is required, what is his name, and how long hath he so taught there, or elsewhere?

6. *Item*, is there any in your parish, who in the manner of preaching hath taken upon him to repeate any Sermon in any private house, in any assembling or meeting together of people?

Articles concerning publique Praier, and administration of the Sacraments.

Tit. 4. First, whether any of your parish hath spoken or declared any thing in derogation or depraving of the forme of Gods Worship in the Church of England, and administration of the Sacraments, rites and ceremonies set forth and prescribed in the Booke of Common prayer, by the Kings Maiestie authorized and confirmed? Doe any preach, speake or declare that it containeth any thing which is not agreeable to the Holy Scriptures?

2. *Item*, whether hath any in your parish caused, procured, or maintained any Minister to say any common or publique prayer, or to administer either of the Sacraments, of Baptisme and the Lords Supper, otherwise or in any other manner and forme than is mentioned in the said Booke of Common prayer? Or whether hath any interrupted, hindred, let, or disturbed the Minister to reade divine Service, and administer the Sacraments, in such maner and forme as is mentioned in the said Booke, or interrupted him in his Sermons?

3. *Item*, whether is the Sacrament of Baptisme rightly and duely administered, according to the prescript forme expressed in the Booke of Common Prayer, with due observation of all rites and Ceremonies prescribed in the administration of the same, without adding or altering any part or parcell of any praiers, interrogatories, or not using the signe of the Crosse in the administration of the same?

4. *Item*, whether is the administration of the Sacrament of Baptisme deferred longer than the next Sunday or Holyday immediately following the birth of the childe?

5. *Item*, whether is the Sacrament of Baptisme refused to be administred to any children borne in, or out of Wedlocke, their birth being made knowne to the Minister of the Parish, and offered unto him to bee baptized; or have any such children dyed unbaptized?

6. *Item*, whether be the parents of any childe to be baptized, admitted to be God-fathers and Godmothers to the same?

7. *Item*, whether have there any children beene baptized in private houses by any Lay person, or Midwife, or popish Priest, or by any other Minister, without urgent occasion, when the childe was in danger of death?

8. *Item*, whether have the children which have beene borne to any popish Recusants, or begotten by them, beene publiquely baptized in your Parish Church, by your Parson, Vicar, or Curate, or by whom were they so baptized, or where, to your knowledge?

9. *Item*, whether hath the blessed Sacrament of the Lords Supper beene duely and reverently administred every moneth, or thrice every yeere at least; whereof once at Easter, within your Parish Church to every Parishioner, being of the age of 16. yeares, or upwards?

10. *Item*, whether is the said holy Sacrament delivered unto, or received by any of the Communicants within your Parish, that unreverently sit or stand, and doe not devoutly and humbly kneele upon their knees at the time of the administration of the same?

11. *Item*, whether have any excommunicate persons or Schismatikes, common and notorious depravers of the Religion and governement of this Realme, without unfained sorrow shewne for their impiety and wickednesse, beene admitted to receive the holy Communion within your Parish? present their names.

12. *Item*, whether hath any of your Parish beene debarred from receiving the said holy Communion without just cause, and without intimation first given to the Ordinary, *viz.* the Bishop of the Diocesse, Chancellor, or Commissary, and by whose default?

13. *Item*, whether hath any affirmed, that any of the 39. Articles agreed upon by the Archbishop and Bishops in the yeere of our Lord God, 1562. for the avoiding of diversities of opinions, are in any part superstitious or erroneous, or such as hee may not with a good conscience subscribe unto?

Articles concerning Ministers and Preachers.

Tit. 5. First, whether doth your Minister distinctly and reverently say Divine Service upon Sundaies and Holy-daies, and other dayes appointed to be observed by the Booke of Common Praiers, at fit and usuall houres of the day: and doth your Minister duely observe the Orders, Rites, and Ceremonies, prescribed in the Booke of Common Praier, as well in reading all publique prayers and the Letany, as also in administring of the Sacraments, solemnization of Matrimony, visitation of the sicke, burying the dead, churching of women, and all other like Rites and Offices of the Church, in such manner and forme, as in the said Booke of Common Prayer is injoyned, without any omission or addition of any thing?

2. *Item*, whether doth your Minister alwaies, *viz.*, every Sunday and Holy-day, both Morning and Evening reading Divine Service, and administring the Sacraments, and other Rites of the Church, wear the Surplesse, according to the Canons, nnd doth hee never omit the wearing therof at the times aforesaid? If at any time he have omitted, specifie the times.

3. *Item*, whether doth your Minister bid Holy-dayes, and fasting dayes, as is appointed? Doth he administer the holy Communion every moneth, or thrice in the yeere at least, whereof once at *Easter*, to every parishioner? Doth he receive the same himselfe on every day that hee doth administer the same to others, and doth he use the words of institution, according to the Booke of Common Praier, without alteration at every time that the Bread and Wine is renewed: doth he use and never omit the Signe of the Crosse in Baptisme, or doth he ever baptize in any bason or any other thing but the usuall Font? If yea, then is the bason set within the Font, and doth he baptize out of the same bason standing in the Font? Doth he marry any couple without a Ring; or in times prohibited, or without the Banes three times published, without a speciall licence from the Archbishop, or the Bishop of the Diocesse, or his Chancellour or Commissary, first had and attained?

4. *Item*, whether doth your Minister, being learned and sufficient, confer with the popish Recusants of your parish [if any there be] and endevour to reclaime them from their errours, and present them being obstinate, for their recusancy.

5. *Item*, whether doth your Minister in the Rogation weeke goe the the perambulation of the circuit and bounds of your Parish, saying and using the praiers and suffrages, and thanksgiving to God, appointed by law, according to his duty? And did he give warning the Sunday before, when the Parishioners should meet to goe?

6. *Item*, hath your Minister, or any other Preacher within your parish made any Sermons in any private house, administred the Sacraments, or churched women in any private houses, otherwise than by Law is allowed?

7. *Item*, what Preachers and Curates doe reade prayers, or administer the Sacraments within your parish without lawfull licence from the Bishop of the Diocesse, his Chancellor or Commissary? Or doth any Lay man (not having holy Orders) presume to reade publique praiers in the Church?

8. *Item*, whether have you any Preacher or Lecturer in your Parish? If yea, whether doth he twice at the least every yeare reade himselfe Divine Service both Morning and Evening two severall Sundaies publikely in his Surplesse, and also twice in every yeare administer both the Sacraments, with such Rites and Ceremonies as are prescribed in the Booke of Common Praier, according to the 46. Canon.

9. *Item*, whether is your Parson, Vicar, Curate, or Preacher given to drunkennesse, or idlenesse of life, a hunter of Tavernes, Alehouses, or suspected places, a Dicer, Carder, Tabler, Swearer, given to base and servile labour, or otherwise giveth any ill example of life?

10. *Item*, whether is the Parson, Vicar, Curate, or Preacher of any other Parish, knowne to bee a frequenter of Tavernes, Innes, Alehouses which are situated within your owne, or any other Parish? Or is he publikely defamed of such resorting and frequenting, as is aforesaid?

11. *Item*, whether doth your Parson, Vicar, or Curate, upon every Sunday and Holy-day, before Evening praier halfe an houre or more, examine and instruct the youth, and ignorant persons of his parish, in the Commandements, the Articles of Beliefe, and in the Lords praier? And doth he usually upon the said daies diligently heare, instruct and teach them the Catechisme, set forth in the Booke of Common Praier and none other?

12. *Item*, whether have your preachers and Readers of Divinity Lectures, declared foure times at the least every yeare in their Sermons or other Collations and Lectures, that all usurped and forraigne power is, for most iust causes, taken away and abolished, and that therefore no manner of obedience or subiection within his Maiesties Realmes, is due unto any forraigne power?

13. *Item*, whether have your Ministers used continually before their Sermons and Lectures, the forme of prayer prescribed in the 55. Canon, especially in praying for the Kings Maiesty, and the Archbishops and Bishops, and in ending with the Lords prayer?

14. *Item*, whether hath your Minister, after that he had received any letters of Excommunication, under the seale of an Ecclesiasticall Judge, suffered the party excommunicated to abide in the Church or Chancell, in the time of Divine Service or Sermon?

15. *Item*, whether hath your Minister in any of his Sermons or Lectures preached against any of the Ceremonies commanded to be used by the Church of England, or hath so preached against Ceremonies in generall, that by common acceptation at the least of the weaker, his words might be taken to tend to the depraving of the Ceremonies established by the Church of England?

16. *Item*, whether hath any one in his Sermon or Lecture, declared, limited, or bounded out, by way of positive Doctrine, the power, prerogative, authority, and duties of Soveraigne princes, or otherwise intermedled with matters of State.

17. *Item*, whether hath any preacher in his Sermon used any undecent rayling speeches, or bitter invectives against the person of either Papist or Puritanes?

18. *Item*, whether hath your Minister when a dead body is brought to be buried, met the Corps at the Church doore; and when the Corps was making ready to be laid into the earth, Hath he stood by the Grave, or hath he read the Praiers or Psalmes appointed to bee read by the Booke of Common praier, standing or sitting in his Deske?

19. *Item*, whether hath your Minister churched any woman but when hee himselfe stood by the Communion Table, and she kneeled downe by the said Table or neere unto it?

Articles concerning Matrimony.

Tit. 6. First, whether bee there any in your Parish, that have married within the degrees of Consanguinity or Affinity, by the Law of God forbidden, and what be their names?

2. *Item*, whether have any within your Parish beene married secretly in private houses, or without their parents or governors consent signified, being under the age of one and twenty yeares?

3. *Item*, whether doe any married Couples live asunder unlawfully, and doe not cohabit together, as becommeth man and wife? And if yea, what be their names, and in whom is the default?

4. *Item*, whether any persons (the Banes not thrice published in the Church) have beene married without licence, who were present at such Marriage, and what Minister married them?

5. *Item*, what popish Recusants or their children have been married within your parish, in what sort was their matrimony solemnized, when and by whom?

6. *Item*, whether have there beene any persons married in your Church in the times prohibited by the Lawes, *viz.* from *Advent Sunday*, untill eight dayes after the *Epiphany*, from *Septuagesima* untill eight dayes after *Easter day*, from three dayes before the *Ascension* untill *Trinity Sunday*, without a lawfull licence or dispensation first obtained from the Bishop of the Diocesse, his Chancellor or Commissary?

7. Item, whether hath the Minister said all the Praiers and Psalmes appointed to be said by the Booke of Common Praier at the time of the solemnization of Marriage, and hath the Minister standing by the Lords Table (and the married couple kneeling) before the same, said those Praiers which follow next after the Psalme, *Deus miserere:* and hath he omitted any part of them, if yea, then specifie the parties betweene whom Marriage was solemnized, and the time when the Minister did omit any part of his said duty therein?

Articles concerning the keeping of Christenings, Weddings, and Burials.

Tit. 7. First is there in your parish Church or Chappell, a parchment Booke for the Registring of Christenings, Weddings and Burials?

2. *Item*, hath the said Booke beene kept in your parish Church or Chappell in a Coffer with three lockes and keies, and hath one of the said keies beene kept by the Minister, and the other two with the Church-wardens severally?

3. *Item*, hath the Minister without the Church-wardens, or have the Church-wardens without the Minister, at any time taken out the said Booke out of the said Coffer, or hath the Minister kept the said Booke in his private house?

4. *Item*, hath your Minister, in the presence of the Church-wardens upon every Sabbath day, immediately after Morning or Evening Praier, written and recorded in the said Booke the names of all persons Christened, together with the names and sirnames of their parents, and also the names of all persons married and buried in that Parish in the weeke before?

Articles concerning Schoole-masters.

Tit. 8. First, doth any in your Parish openly or privately take upon him to teach schoole without licence of the Ordinary, and is hee conformable to the Religion now established? and doth hee bring his Schollers to the Church to heare Divine Service and Sermons? and doth hee instruct his Schollers in the grounds of the Religion now established in the Church of England, and is he carefull and diligent to benefit his Schollers in learning?

2. *Item*, doth your Schoole-master teach and instruct his youth in any Catechisme than is allowed by publique Authority, and what Catechisme it is that he so teacheth?

3. *Item*, doth any keepe Schoole in the Chauncell or Church, by which meanes that holy place, and the Communion Table are many waies profaned and the windowes broken?

Articles concerning the Parishioners.

Tit. 9. First, whether doe any of your Parish or any other, that hath resorted, or doth resort to your Parish, prophane the Sabbath day or Holydayes, by drinking and tippling in Innes, or Ale-houses, or by playing at unlawfull games?

2. *Item*, is there any in your Parish that doe impugne or speake against the Rites and Ceremonies of the Church of England, or the lawfull use of them, and the governement of this Church under his Majesty, by Arch-bishops, Bishops and other Ecclesiasticall Officers?

3. *Item*, who in your parish doe come to the Sermon onely, and not to Divine Service, and who doe not reverently behave themselves during the time of Divine Service, kneeling when the generall Confession of sinnes, the Letany, the ten Commandements, and all Praiers and Collects are read, and using all due and lowly reverence when the blessed name of the Lord Jesus is mentioned in the time of Divine Service, and standing up when the Articles of the Beleefe and the Gospell are read? And who doe cover their heads in time of Divine Service, unlesse it be in case of necessity, in which case they may weare a night cap? And who doe give themselves to babbling, talking, or walking, and are not attentive to hear te (*sic*) Word read and preached?

[*Line cut off.*] 4. *Item*, is there any in your Parish that refuse to have their children bap- * * * * * * * * * * * ception against him, because he is no Preacher? Or have any wives refused to come to Church, to give thankes to God for their safe deliverance, in a decent habit, with a Rayle (*sic*), as hath beene anciently accustomed.

5. *Item*, have any of your Parish spoken slanderous and reprochfull words against your Minister, to the scandall of his Vocation, or against their marriage, or wives, or defaming him, touching any crime of Ecclesiasticall cognizance?

6. *Item*, whether doe any in your Parish exercise any trade or labour, buy, or sell, or keepe open their shops, or set out any wares to bee sold upon Sundayes and Holydayes, by themselves, their servants or apprentises, or have otherwise prophaned the Sabbath day, or Holy-dayes?

7. *Item*, is there any in your parish that be, or are commonly knowne, or reputed to be blasphemers of Gods holy Name, or accustomed swearers, or to use any ribaldry in their talke, or be drunkards, adulterers, fornicators, incestuous persons? And have any beene detected of any such notorious crimes and offences; and whether have they done penance for the same?

8. *Item*, is there any in your Parish who is publiquely defamed, or vehemently suspected of getting his, or their wives with childe before marriage?

9. *Item*, whether have any persons dyed within your Parish; whose Will and Testament (if any were made) is not proved, or administration of their goods taken, according to Law; and whether is there any in your Parish, who doe administer the goods of any person deceased, without lawfull authority, and before he or they have proved the Will and Testament of the party deceased, or have obtained Commission from the Ordinary, *viz.* the Bishops Chancellor or Commissary, to dispose the said moveable goods?

10. *Item*, what excommunicate persons bee within your Parish, and for what causes are they excommunicate, to your knowledge? And whether doe any such excommunicate persons repaire to your parish Church in time of Divine Service or Sermon, not being absolved?

11. *Item*, if there be any persons excommunicate within your parish, which is made notorious by denouncing them excommunicate in the face of the Church: who, and what person and persons doe keepe or frequent their company, eate or drinke, or have any thing to doe with any such excommunicate person? present their names, for it is not lawfull for them so to doe, so long as they remain under the sentence of excommunication.

12. *Item*, whether doe all Fathers, Mothers, Masters and Mistresses, cause their Children, Servants and Apprentises, both males and females, which have not learned their Catechisme to come to the Church upon Sundaies and Holy-daies, before Evening Prayer, obediently to heare, and to be ordered by the Minister, untill they have learned the same?

13. *Item*, is there any House-holder within your Parish, that doth not duly goe in perambulation with the Minister, and the rest of the parishioners, the circuit and bounds of

your Parish? What are the names of such as made or suffered default to be made therein * * * * * * * * * any other persons, that were [*Line cut off.*] * * * * * * * * Church-wardens, retaine any goods belonging to the Church, and have not made the just account of their receipts and expences about the executing of their office?

15. *Item*, what person or persons is, or are chosen Church-warden, or Church-wardens of your Parish for this yeere, 163 and when were they so chosen and by whom?

16. *Item*, whether is there a Booke in your Parish, wherein the name of every strange Preacher that preacheth in your parish, should subscribe his name, the day when hee preached, and the name of the Bishop of whom hee had licence to preach? And whether hath every Preacher that was a stranger, so subscribed before he preached in your Church?

17. *Item*, whether doth not every one dwelling within your Parish, observe all those dayes for fasting dayes, which are appointed by a Statute made in the fifth and sixth yeere of *Edw.* 6. or shall eate flesh upon those dayes?

18. *Item*, whether you the Church-wardens and Assistants have according to the 28. Canon, marked whether all and every of your parishioners in your parish come so often every yeere to the Holy Communion, as the Law and his Majesties Constitutions Ecclesiasticall doe require? And whether any stranger have come often and commonly from other parishes to your Church, and whether have you shewed your Minister of them, least they should be admitted there to the Lords Table? And whether such person or persons have beene forbidden and remitted home to his or their owne parish Church, there to receive the Communion? Or hath hee or they notwithstanding received the same in your Church? Declare their names, and who admitted them thereunto.

19. *Item*, whether doe the people say audibly with the Minister the Confession, the Lords Praier, and the Creed, and make such other answers to the publique Praiers as are appointed in the Booke of Common Praiers? Or who faileth therein?

20. *Item*, whether hath any one in your Parish answered as God-father for his owne child? Or hath any beene a God-father or God-mother, before he or she have received the holy Communion? Declare their names.

21. *Item*, whether there be any married women in your Parish who after Childe-birth have refused to come to the Church to give God thankes for their safe deliverance, and to have the praiers publiquely appointed on that behalfe by the Booke of Common Praier, to be used?

22. *Item*, whether hath any woman been churched sitting in her seat, and not kneeling downe in some convenient place nigh unto the place where the Communion Table standeth?

23. *Item*, How many haue you in your parish that doe practise as Physicians or Chirurgians, and by what authority? specifie their severall names.

FINIS.

PECULIARS OF CANTERBURY, 1637.

ARTICLES to be enqvired of by the Minister, Churchwardens, and Sidemen of euery Parish and Chappelry, within the Deanry of *

In the yeere of our Lord God, 16 and Presentment to bee made by them, containing a particular answer to every Article.

Printed at London by J. B. 16 †.

The forme of the Oath taken by the Church-wardens and Sidemen.

You shall sweare, that you, and euery of you shall diligently informe your selues of these Articles giuen you in charge, and that all fauor, hatred, hope, feare, or any other corrupt affection set aside, you shall Present all and euery such person now, or lately of your Parish, which haue committed any offence comprised in any of these Articles, or which are vehemently suspected, or defamed of any such offence, wherein you shall deale according to an vpright conscience, neither presenting, or sparing to present any person contrary to truth. So helpe you God, and his faithfull promises in Iesus Christ.

Concerning the Church.

Whether haue you in your Church or Chappell all things requisite for the Common Prayer, and dve administration of the Sacraments, and namely, a faire Bible, the booke of Common Prayer, lately ordained onely to be vsed, the booke of Homilies lately by authority printed, a Font of stone set vp in the ancient vsuall place, a decent Communion Table standing vpon a frame, with a Carpet of silke, or some other seemely stuffe, to be alwaies laid there in the time of Diuine Seruice, and a faire linnen cloth to lay thereon at the time of Communion, a faire Communion cup with a couer of Siluer, a Flagon or stoupe of Siluer or Pewter to containe the wine vpon the Communion Table, a decent Pulpit, with a Cloth and Cushion for the same, a conuenient seat to read Seruice in, a comely large Surplice, a strong chest for Alms for the poore, with three lockes and keies, and another chest for keeping the ornaments of the Church and Register booke.

2. Whether is the Communion Table placed in such sort within the Chancell or Church, as that the greatest number of Parishioners may most conueniently receiue? And whether in time of diuine Seruice, or at any other time it be vnreuerently vsed, as by sitting, leaning, throwing hats, or writing thereon, and whether the Parishioners make any assembly thereat which is not agreeable to the holy end for which it was ordained, or is it abused to any other prophane vse?

3. Whether are the ten Commandements set vpon the East end of your Church or Chappell, where the people may best read them; whether are the seats of your Church or Chappell well maintained, and the walls faire beautified and adorned with sentences of the Scripture written thereon?

4. Whether haue you a Register booke in Parchment of all Christenings, Weddings, and Burials, and whether is the same kept according to the Canons, and a Transcript thereof brought yeerely into the Office of principall Registry of the Lord Archbishop of *Canterbury*, and whether doth your Minister vpon euery Sunday read the names of such as haue beene christned, married, or buried the weeke before, and haue you a Table of degrees wherein marriage is prohibited?

5. Whether your Church, Chappell, Chancell, or Churchyard, be kept in good reparations, as wel within as without, whether any prophanation be, or haue beene vsed in them, by fighting, brawling, gaming, (*sic*) and playing by men or boyes, or by any other meanes, or whether any man hath incroached vpon them? And whether your Parsonage or Vicarage house, and all housing thereunto belonging, be likewise maintained in sufficient reparations, and employed to their right vses and ends?

6. Whether haue you a Terrier of all the Gleabelands, Meadowes, Gardens, Orchards, Houses, Stocks, Implements, Tenements, and portions of Tythes lying within or without your Parish, which belong to your Parsonage or Vicarage, and in whose hands it doth remaine: If not, you shall (together with your Minister) make diligent enquiry of all the premises, and exhibite with your next presentment a true note of them in Parchment, subscribed with your hands, specifying how they are buttalled or bounded, and in whose occupation at this present they are?

Concerning the Minister.

7. Whether diuine Seruice be said in your Church by your Minister distinctly and reuerently vpon Sundayes, and such Holidayes as are appointed to be obserued by the booke of Common Prayer, and their Eeues, and vpon Wednesdayes and Fridayes, at vsuall and conuenient times: whether doth he not often omit the Letany, and other parts of diuine Seruice; and whether doth he in ministring the Sacraments, solemnizing of Matrimony, visitation of the sicke, burying the dead, churching of Women, or any other Rites and Offices of the Church, vse the formes of prayers prescribed in the same booke, without any omission or addition: And whether doth he weare a Surplice according to the Canon?

8. Whether doth your Minister solemnly giue warning to his Parishioners for the holy Communion, and for all Holidayes, and fasting dayes: And whether doth he minister the Communion so often, and such conuenient times, that euery Parishioner may receiue thrice euery yeere; And doth the Minister receiue the same euery time that he administreth it to others, and vse the words of institution at euery time the Bread and Wine is renued; and whether doth hee admit to the holy Communion any notorious offenders, schismaticke, or strangers of other Parishes, or reiect any who are not by presentment or publike scandall infamous for some notorious crime?

9. Whether doth your Minister visit the sicke, when he is thereunto desired, to comfort and instruct them, and whether doth he offer to conferre with Recusants in your Parish, in case there be any?

10. Whether doth your Minister admit any Father to be Godfather to his owne childe, or any to bee Godfathers and

---

* Filled up with *Shorham*, in MS.
† Filled up with the date 1637, in MS.

Godmothers which haue not receiued the holy communion, or doth not vse the signe of the crosse in baptisme, or doth baptize in any Bason, or other vessel, and not in the vsuall Font, or doth baptize any children that were not borne in the Parish, or doth refuse to baptise, or doth deferre the same longer then he should, and whether by his default any childe hath dyed without baptisme in your Parish?

11. Whether doth your Minister marry any in any exempt place, or without Banes published three seuerall Sundayes, or Holidayes, or without a sufficient Dispensation or License, or without License in times prohibited, albeit the Banes were thrice published, or not betweene the houres of eight and twelue in the forenoone, or if the parties be vnder the age of one and twenty yeares before their parents haue signified their consent to him?

12. Whether doth your Minister refuse to bury any which ought to be interred in Christian buriall, or doth deferre the same longer then he should, or bury any in Christian buriall which by the Constitutions of the Church of *England* ought not so to be interred?

13. Whether doth he Preach, minister the Communion, baptise children, or church women (vnlesse in case of necessity) or in any case without a faculty solemnize Matrimony in priuate house, or doth hee keepe or suffer any Fasts, or Prophesies, Exercises, Exorcismes, without lawfull authority, or doth hold or suffer any priuate Conuenticles?

14. Whether doth he frequent Tauernes, Alehouses, or any place suspected for incontinency, or doth Table or lodge in any such house, or is he an vsuall gamester at Dice, Cards, Tables, or any other vnlawfull game, a swearer or drunkard, or one that doth not apply himselfe to his study, or doth not vse decency in his Apparell, or doth vse bodily labour not fit for his calling, or is otherwise offensiue or scandalous to his function and ministry?

15. Whether is he continually resident vpon his Benefice, and how long hath he beene absent from the same (in case he be licensed to be absent) whether doth he cause his Cure to be sufficiently supplied, and whether (if he be allowed a Preacher) doth hee preach one Sermon euery Sunday in your Parish, or in some other neere adioyning? Or (if not so allowed) doth procure monthly Sermons, and read Homilies, and whether (not being so allowed) doth he expound any Scripture, or suffer any man to preach in your Church, whom ye haue not knowne to haue beene sufficiently licensed, and who hath not first subscribed his name, together with the day when he did preach, and who was not soberly and decently apparelled?

16. Whether doth your Minister read diuine Seruice and minister the Sacraments twice euery yeere at the least in his owne person, and whether doth he vse the forme of prayer before his Sermons for the Kings most excellent Maiesty, exhorting the people to obedience to his Maiesty, and other Magistrates in authority vnder him?

17. Whether doth your Minister on Sundaies and Holidayes Catechize the youth and ignorant persons in your parish? And whether doth he admit any woman to be churched who were begotten with childe in Adultery, or fornication, without license from the Ordinary, and whether doth he in the Rogation-dayes vse the perambulation of the circuit of the parish?

18. Whether doth he euery six months denounce in his parish Church all such of his parish as doe perseuere in the sentence of Excommunication, not seeking to be absolued, and whether hath he admitted any such excommunicate person to the Communion, or to the Church without Certificate of his absolution, and whether doth he, or any of your parish, familiarly frequent the company of any such excommunicate person?

19. Whether is your Curate licensed to serue, if he be so, then by whom?

Schoolmasters.

20. Doth any of your parish take vpon him to teach Schoole without license of the Ordinary, and is he conformable to the Religion now established, is he of any base trade or occupation, or otherwise reproueable in life, and doth he bring his Schollers to the Church to heare diuine Seruice, and Sermons, and doth he instruct his Schollers in the grounds of Religion now established in this Church of *England*, & is he careful & diligent to benefit his schollers in learning?

Parish-Clarkes and Sextons.

21. Haue you a fit parish Clarke, aged twenty yeeres at least, of honest conuersation, able to read and write, whether are his Sextons wages payd without fraud, according to the ancient custome of your parish, if not, then by whom are they so defrauded or denied, by whom are they chosen, and whether the said Clarke be approued by the Ordinary, and hath he taken an oath as in such cases is fit and required and is he diligent in his office, and seruiceable to the Minister, and doth he take vpon him to meddle with any thing aboue his office, as churching of women, burying the dead, and such like?

22. Doth your Clarke or Sexton keepe the Church cleane, the doores locked, is anything lost or spoyled in the Church through his default, doth he suffer any vnseasonable ringing, or any prophane exercise in your Church, or doth he (when any is passing out of this life) neglect to tole a Bell hauing notice thereof?

Midwiues, Physicians, and Chirurgions.

23. How many midwiues haue you in your parish which exercise that office, how long haue they so done, and by what authority? Also, how many in your parish doe practice as Physitians or Chyrurgions, how long haue they so done, and of what skill are they reputed in their profession?

Touching Churchwardens, and Sidemen.

24. Whether haue the Churchwardens and Sidemen from time to time done their diligences in not suffering any idle person to abide either in the Church-yard or Church-porch in Seruice or Sermon time, and whether haue and doe they diligently see the Parishioners duly resort to the Church euery Sunday and Holiday, and there to remaine during diuine Seruice and Sermon, and whether haue they suffered any Playes, Feasts, drinkings, or any prophane vsages to be kept in the Church, Chappell, or Church-yard, or haue not diligently searched euery Sunday or Holiday, whether any person or persons be tipling or drinking in any Inne or Victualling house in your parish, during the time of diuine Seruice or Sermon?

25. Whether, and how often haue they admitted any to preach within your Church or Chappell, which was not sufficiently licensed, whether they together with the Minister haue not taken diligent heed and care that euery Parishioner being of the age of sixteene yeeres and vpwards, haue receiued thrice euery yeere, and also that no stranger haue vsually come from their owne parish Church to theirs?

26. Whether haue there beene prouided against euery Communion a sufficient quantity of fine white bread, and of good and wholesome wine for the Communicants that shall receiue, and whether that wine be brought in a cleane and sweet standing pot of pewter, or other finer mettall?

27. Whether haue the late Churchwardens giuen up a iust account for their time before the Minister and Parishioners, and deliuered to their Successours the money, and other things belonging vnto the Church which was in their hands, and are the almes of the Church faithfully distributed to the vse of the poore?

Touching Apparators.

28. What number of Apparators resort among you, and in what manner is the Country ouerburthened by them, & wherin haue they caused or summoned any to appeare in Court, and of their owne authority discharged them againe, or whether haue they threatned to persecute any of your Parish, if they would not giue them some rewards, and what bribes in that behalfe haue they taken?

Articles concerning the Parishioners and other of the Laity.

Whether is there any within your parish that hath or doth impugne the Kings Maiesties Supremacy, and Authority in causes Ecclesiasticall, or doth any way, or in any part impeach the same, being restored to the Crowne by the Lawes of the Realme established in that behalfe?

2. Whether is there any in your parish that denieth the Church of *England* by law established vnder the Kings most excellent Maiesty, to be a true and Apostolical Church, teaching and maintaining the doctrine of the Apostles?

3. Whether is there any in your parish, that doth impugne any of the Articles of Religion, agreed vpon in *Anno* 1562, and established in the Church of *England*?

4. Whether is there any in your parish doe impugne and speake against the Rites and Ceremonies established in the Church of *England*, or the lawfull vse of them? you shall present their names.

5. Whether is there any in your parish that doe impugne the gouernment of the Church of *England*, vnder the Kings most excellent Maiesty, by Arch-bishops, Bishops, Deanes, Arch-deacons, and the rest that beare office in the same affirming that the same is Antichristian or repugnant to the Word of God.

6. Whether is there any in your parish that impugne the forme of consecration & ordaining of Arch-bishops, Bishops, Priests, or Deacons, affirming, that the same is repugnant to the Word of God: or that that they, who are so ordered in the same form, are not lawfully made?

7. Whether is there any in your parish that doth hold or frequent any Conuenticles, or priuate meetings, and there doe conferre or agree vpon any priuate Orders, others then such as are by the Canons set forth by publike authority, to be by them, or any others in Church-gouernment obserued?

8. Whether any persons haue lurked or tipled in Tauernes or Alehouses on Sundayes, or other Holidayes, or vsed his, or their Manuall craft, trade, or mystery, or any bodily labour, or kept their shops open vpon the said dayes, or any of them, especially in the time of Diuine Seruice?

9. Whether are there any in your parish, that doe or haue prophaned (since his Maiesties generall pardon) the Lords day, called Sunday, or any other Holiday, contrary to the Orders of the Church of *England*, prescribed in that behalfe?

10. Whether hath any person in your parish quarrelled, stricken, or vsed any violence vnto, or with your Minister, or any other, in the Church or Church-yard, or vsed himselfe disorderly in the Church by filthy and prophane talke, or any other rude and immodest behauiour?

11. Whether is that due reuerence and humble submission vsed within your Church or Chappell in the time of Diuine Seruice, as by the 18. Constitution is prescribed? And whether each one in the Church or Chappell, doe apply and order himself there in the time of Diuine Seruice, as by the latter part of the same constitution is most commendably enioyned?

12. Whether the Churchwardens and Questmen doe euery Sunday and Holiday diligently search who absenteth himselfe, or her selfe from Church, or whether doe they suffer any to abide in the Church-porch, or Church-yard in the time of common Prayer or Sermon?

13. Whether the Churchwardens doe prouide against euery Communion, with the aduice of the Minister, a sufficient quantity of fine white Bread and of good and wholesome Wine, for the number of the Communicants that shall receiue, and that to bee brought in a cleane and sweete standing pot of Pewter, or other cleane mettall?

14. Whether haue any in your Parish beene Godfathers or Godmothers to their owne children; or whether your Minister, or any Godfathers or Godmothers haue vsed, or doe vse any other forme, answer, or speech in Baptisme, then is in the Booke of Common Prayer appointed; or whether any which haue not communicated, be admitted to be Godfathers or Godmothers, contrary to the 29. Canon?

15. Whether is there any in your Parish, that doe refuse to haue their children baptised, or themselues to receiue the Communion at the hands of your Minister, because he is no Preacher? You shall present their names: and if your Minister, sithence the publishing of the said Booke of Canons, haue receiued any such persons (being not of his owne Cure) to the Communion, or baptised any of their children, you shall likewise present him.

16. Whether doe all Fathers, Mothers, Masters and Mistresses cause their children, seruants, and apprentises, to come to the Catechisme vpon the Sundayes and Holidayes, before Euening Prayer, to heare, and to be instructed and taught therein? and those that doe not their duty herein, you shall present their names?

17. Whether haue you, or your predecessors Churchwardens there suffered, since the last Pardon, any Plaies, Feasts, Banquets, Church-Ales, Drinkings, or any other prophane vsages, to be kept in your Church, Chappell, or Church-yard, as Bels to be rung superstitiously vpon Holidaes at Euen, abrogated by the Booke of Common Praier contrary to the 68. Canon?

18. How many inhabitants within your Parish, men or women, aboue the age of sixteene yeeres, doe refuse to frequent diuine Seruice, established by publike authority of this Realme, or to receiue the holy Communion, or are negligent therein: what be their names, and what degree, or state or trade of life are they? you are to present them all of each sort?

19. Whether doe any of the Inhabitants within your Parish entertaine within their house any sojourners, lodgers, or any common resorters of Guests, who refuse to frequent Diuine Seruice, or refuse the holy Communion, as aforesaid, what be their names, and of what quality or condition are they?

20. Whether any of the said Popish Recusants be of insolent behauiour, not without publike offence, or doe boldly busie themselues in seducing, or withdrawing others either abroad, or in their owne families, by instructing their children in Popish Religion, or by refusing to entertaine any, especially in place of greatest seruice or trust, but such as concurre with them in opinion of Religion, and what be their names that doe so?

21. How long the Popish Recusants haue obstinately abstained either from Diuine Seruice, or from Communion as is aforesaid, whether of any long time, or onely since his Maiesties Reigne, and how long?

22. What persons aforesaid within your Parish, either for the offence aforesaid, or for any other contumacy or crime, doe remaine excommunicated: what be their names, and for what cause, and how long haue they so stood excommunicated?

23. Whether were you the Church-wardens and Questmen chosen by the consent of the Minister and Parishioners in Easter weeke according vnto the 89 and 90 Canons? And whether haue the Church-wardens before you giuen vp a just account for their time, and deliuered to you their successors, whatsoeuer money or other things of right belonging to the Church, which was in their hands, according to the 89 Canon?

24. Whether doe all persons aboue the age of sixteene yeeres, vsually resort to heare Diuine Seruice vpon Sundayes and Holidayes approued? And whether hath each one of your Parishioners (being aboue the age of sixteene yeeres, as aforesaid) receiued the holy Communion thrice this last yeere, chiefly once at Easter, in your parish Church kneeling? If no, then you shall present their names which haue not so done?

25. Whether haue you a fit Parish-clarke, aged 20. yeares at the least, of honest conuersation, and sufficient for reading and writing? and whether are his and the Sextons paid without fraud, according to the most ancient custome of your parish; If not, then by whom is he so defrauded and denied? And whether be he chosen by the Parson or Vicar: or by whom, according to the 91. Canon?

26. Whether doth your Clarke or Sexton keepe the Church cleane, the doores locked? is any thing lost or spoiled through his default, or doth he (when any is passing out of this life) neglect to tole the Bel, hauing notice thereof?

27. Whether haue any in your parish beene married within the prohibited degrees forbidden by Law, and expressed in a certaine Table published by authority, in *An.* 1563. If yea, then you shall present their names; And whether haue you the said Table publikely set vp in your Church, and fastened to some conuenient place?

28. Whether doth any, heretofore diuorced, or married, and not diuorced, keep company at bed and boord, as man and wife, with any other man or woman, then with the person that he or she was married vnto, and what be their names? If the parties now so liuing together say, that they be married, when and where were they married: and how long haue they so continued together?

29. Whether haue you in your parish, to your knowledge, or by common fame and report, any who haue committed Adultery, Fornication, or Incest, or any Bawds, Harbourers or Receiuers of such persons, or publikely suspected thereof, which haue not been publikely punished to your knowledge? If yea, then with whom? And whether are there any which are by common fame and report reputed, and taken to be common Drunkards, Blasphemers of Gods holy Name, common and vsuall Swearers, filthy Speakers, Raylers, Sowers of discord among their Neighbours, or speakers against Ministers marriages, Usurers contrary to the Statute made in the seuen and thirtieth yeere of King Henry the eighth, Symonicall persons, Fighters, Brawlers, or quarrellers in the Church or Church-yard: you shall not fail to present their names?

30. Whether haue any in your Parish receiued, or harboured any woman begotten with childe out of wedlocke, and suffered them againe to depart without penance first inflicted vpon them by their Ordinary? you shall truly present as well the party harbouring, as harboured, and who is suspected to haue committed Incontinency with her?

31. Whether any person or persons, suspected or detected of Incontinency, and therefore departing out of your parish for a season, is now returned againe: or in what place else is he or she now abiding to your knowledge, or as you haue heard? you shall not faile to present the truth in that behalfe?

32. Whether there be any person or persons Ecclesiasticall or Temporall within your parish, or elsewhere within the peculiars, that haue retained and kept in their custody or that read, sell, utter, disperse: carry or deliuer to others, any English or Latine Books, or Libels, set forth or printed, either on this side or beyond the Seas, by Papists or Sectaries against the Kings supremacy in causes Ecclesiasticall, or tending to Popery, Puritanisme, or any other Sect, errour, or heresie against true Religion, and Catholike doctrine, now publikely professed in this Church, or the government, or discipline of the Church of England, now within this Realme receiued and established by common authority, that you know, or haue heard of, what their names and sirnames are?

33. Whether there be any in your parish, who are knowne or suspected to conceale, or keepe hidden in their houses

any Masse-books, Portesses, Breuiaries, or other Bookes of Popery or Superstition, or any Challices, Copes, Vestments, Albes, or other Ornaments of Superstition, vncancelled or vndefaced, which is so conjectured that they doe keepe for a day, as they call it?

34. Whether any of your Parishioners, hauing a Preacher to their Parson, Vicar, or Curate, doe absent themselues from his Sermons, and resort to another place to heare other Preachers?

35. Whether there be any Inne-keepers, Ale-wiues, Victuallers, or Tiplers, that suffer, or doe admit any person, or persons into their houses, to eat, drinke, or play at Dice, Cards, Tables, Bowles, or such like Games, in the time of common Prayer or Sermons; on Sundayes or Holidayes: or any Butchers or other, that commonly vse to sell meat or other things in the time of common Prayer, preaching, or reading of Homilies: and whether in any Faires, or common Markets falling vpon Sundayes, there be shewing of any wares before Morning Prayer be done? And whether any Markets or selling of wares be used or suffered in any Church-yards on the Sabbath day, by common Packe-men and Pedlers going about, or any Butchers?

36. Whether your Minister or Churchwardens, or any of the Parish, without the consent or priuity of the Ordinary, haue caused any to doe penance, or to be punished either openly or otherwise, by any Vestry-meetings, or haue taken mony for any crime punishable by the Ecclesiasticall Lawes onely, and what be the names of the parties that haue beene so punished, and in what manner?

37. Whether there be any in your parish, who will come to heare the Sermon, but will not come to the publike prayer appointed by the Booke of common prayer, making a Schisme or diuision (as it were) betweene the vse of publike Prayer and preaching? And whether there be any, who being present at publike Prayer, doe not deuoutly and humbly kneele vpon their knees, at such times as by the Book of Common prayer they are appointed: to wit, when they make a generall confession of their sinnes: when all Prayers and Collects are read; in the time of the Latany: when the ten Commandments are read, and at the receiuing of the holy Communion, &c. And what be their names that haue at any time shewed themselues vndutiful and vnreuerent in that behalfe?

38. Whether there be any married women, or others within your parish, which after childbirth refuse, contemne, or neglect to come to the Church to giue God thanks for their safe deliuery, & to haue the praiers publikely appointed in that behalfe by the Booke of common prayer? And whether are they apparelled with a faire white vaile of linnen cloth, and accompanied with some of the honest Wiues of their parish, according to the ancient custome of our Church of England: and whether any Minister doe winke at such fantasticall women which refuse so to doe?

39. Whether any within your Parish, doe resort into Barns, Fields, Woods, priuate houses, or to any ordinary expositions of Scriptures, or conferences together, or that be drawers or perswaders of other to any such schismaticall Conuenticle?

40. Whether is there any in your parish being indifferently and iustly taxed to the repaire of your Church, or Churchyard fence, after due demand thereof, that doth neglect or refuse to pay the same: If yea, then you are to present them, setting down the just summe to which he or they were rated?

41. Whether any doe keepe their Children vnbaptized longer then is conuenient, vnless that it be for the sickness of the child, or other vrgent occasion? And whether any doe carry their child or children, from the parish they are borne in, to other parishes to be baptised, and so refuse their owne parish, and to what other parish? Or doe bring strange Ministers into their owne houses to baptise their Children priuately, according to their owne fantasies?

42. Whether doe you know, or haue heard of any within your parish, that haue presumed to entermeddle with the goods and chattels of any dead person, not hauing authority from the Ordinary, either by prouing the Will of the deceased, or by procuring of Letters of administration?

43. *Item* (setting downe the full summe of the Communicants within your parish) you shall present euery one who hath beene defectiue at this Feast of Easter last past, in receiuing the holy Communion, vpon neglect, contempt, or any other pretence and excuse.

44. Whether doe you know of any other matter of Ecclesiasticall cognizance worthy the presentment, in your judgment, heretofore in these Articles not expressed, and which is fit to be reformed in Ecclesiasticall censure? If you doe, you shall likewise present the same by vertue of your Oathes.

45. Whether doe your Parishioners obserue and keepe holy the Holy and Festiual dayes, which by the Lawes and Statutes of this Land are commanded to be kept holy, and namely, these Festiuall daies following; viz. The Birth day of our Lord God, the Feast of the Purification, and the Annunciation of St. Mary the Virgin, the Feast of the Ascension of our Lord God, the Natiuity of St. John Baptist, and the Feast of all Saints?

46. Whether the fifth day of Nouember be kept holy, and Thanksgiuing be made to God for the States happy deliuerance, according to the Ordinance in that behalfe?

47. Whether are there any in your parish which were married by the license of any Bishop other then by the license of the Lord Archbishop of Canterbury; and who (at the time of such marriage) did liue within any of the peculiars of Canterbury: If yea, then you are to present their names, the time when, and the place where they were so married, If you know of any other default or crime of Ecclesiasticall Conusance, you are to present the same by vertue of your oathes.

48. Lastly, you the Churchwardens are at the charge of of your parish, to prouide a conuenient large Sheet and a white wand to be had, and kept within your Church or Vestry, to be vsed at such times as offenders are censured for their grieuous and notorious crimes.

Admonition.

First, for that in great Parishes, where diuers doe come in great multitudes to receiue the Communion, whereof some doe stand excommunicate: To auoid this inconuenience in euery Parish, the Minister and Churchwardens shall keepe a Booke of all excommunications brought vnto them, and from what Court, and of the day, month, and yeere it was received; and of the parties names so excommunicated; and for what cause, and of the day, month, and yeere of the Denunciation, and likewise of the Absolution, to the end that all persons may be drawne to conformity, and none admitted to be partakers of Common Prayer and the Sacraments, who doe stand Excommunicate, when they offer themselues ready to receiue the same.

That in the time of Diuine Seruice and Sermons, all persons behaue themselues reuerently and attentiuely, and that all men doe sit and continue uncouered, with their Hats off, the whole time of Diuine Seruice and Prayers.

That from time to time diligent enquiry be made what children are borne in euery Parish, and where, when, and by whom euery childe is baptised: And if in case of necessity any child or children be found to be baptised priuately in any house, that vpon due certificate thereof, the same shall be published in their owne parish Church, whee (*sic*) the Childe or Children were borne, the next Sunday after notice thereof so taken, that vpon such necessity the said Child or Children were so baptised, and that rightly, that the Parish may take notice thereof.

At the deliuery of your two generall Bils of Presentment, you are in each Bill, at the root thereof, to set down the names of all such as haue beene buried at any time since the bringing in of the last generall Bill of the old Churchwardens vnto the day of giuing in your first generall Bill, and so from the same time vnto the time of exhibiting your last generall Bill, being men, maids, or widowes; and likewise you are at the same times, and after the same manner to set downe the names of all such as haue beene married in or without your parish or Chappelry by banes, license, or otherwise; and if by banes, then whether the same were thrice published on three seuerall Sundayes or Holidayes; or if by license, then from whom; or if without either banes or license, then by whom, when and where the same parties were married, and you are to present the persons who were present thereat.

The Minister of euery parish may and ought to ioyne in the presentment with the Churchwardens and Sidemen, and if they will not present, the Minister may and ought himselfe present the faults and crimes aforesaid, and there must be seuerall presentments made to euery seuerall Article, and the Minister, Churchwardens, and Swornemen, are to meet and conferre about the said presentments, and answering of euery of the aforesaid Articles?

You are charged to specifie the fault or crime, proper name and sirname, trade or addition, and place of dwelling of euery person presented, and the old Churchwardens are to appeare at the Visitation, both, or at least one of them, to make their Bils of presentment before the new Churchwardens are sworne.

And also the new Churchwardens are to bring in, or send by the Apparators an answer to their Booke of Articles ten dayes before Midsommer next after they are sworne. And likewise they are to bring or send in by the Apparator another Bill of presentment ten dayes before Christmas next following, or else they are to appeare personally in Newington Church in Surrey, the next Court day respectiuely happening after the said appointed dayes, to shew the cause of their default therein: Intimating further, that at

any other time they may present as they find occasion, and send the same in by the Officer of the Court for the time being.

Instructi-

[*one leaf lost.*]

DUPPA, BISHOP OF CHICHESTER, 1638.

ARTICLES to be inquired of, throughout the Diocesse of Chichester, In the first Visitation of the Rt. Reverend Father in GOD, Brian Duppa, Bishop of that Diocesse Anno Domini 1638 Anno Consecrationis suæ primo.

LONDON

Printed by *Richard Badger*, 1638.

The forme of the Oath to be ministred to the Church-wardens and Side-men.

You shall sweare that you, and every of you, shall duly consider and diligently inquire of all and every of these Articles given you in charge, and that without affection, malice, favour, feare of displeasure, or hope of gaine or reward, you shall present all and every such person that now is, or of late was abiding or inhabiting within your Parish, who hath committed, or is suspected to have committed any offence, or made any default mentioned in these or any of these Articles, wherein you shall deale uprightly, fully, plainly and truly, neither presenting nor sparing to present any contrary to truth, having God before your eyes, with an earnest zeal to maintaine truth, and to suppresse sinne and errour: So God you helpe, and the holy Contents of this Booke.

Articles concerning consecrated places, Churches, Church-yards, Chappels of ease.

1. What Church haue you for Diuine Seruice? what Chappels of ease belonging to them? is any part of such Church or Chappell demolished or put to any profane vse?

2. In what Repaire is your Church and Chappels, and every part of them? are the wals and roofe firme? the windowes fairely glazed and unbroken? the floores decently paued?

3. What kind of couering hath the Church or Chappell, is it of lead, or tiles? or how else defended from the weather? Hath lead beene taken from any part of it, and slats, tiles, or somthing else vsed in the place of it? if so, by whom?

4. Is your steeple furnished with Bels, or haue any of them beene taken downe, or sold away?

5. Is your Church swept and cleansed, at least once a weeke? the wals whited, the windowes and roofe kept cleane from cobwebs, the doores kept lock'd, the portall not made a lodging for beggers?

6. What galleries or scaffolds haue you in your Church, or to what vse? whether there be not conueniency of roome for the Parishioners to be present at Sermons, or diuine Seruice without them?

7. In what manner are your Pewes built? are they decent and vniforme? are not some so much higher than others, as may hinder their neighbours in hearing diuine Seruice?

8. Is your Chancell seuered with a Partition from the body of the Church, is it decently kept, not encombered with pewes or any other lumber?

9. What quantity of ground haue you consecrated for a place of Buriall? how is it fenced or mounded? hath there beene encrochment made upon any part of it?

10. Is the Church-yard kept cleane from feeding and dunging of cattell? especially from swine rooting vp the graues of dead bodies? or what other nusances are there from any houses that abutt vpon it?

11. Haue there beene kept in the Church, Chappell, or Church-yard, any playes, feasts, Suppers, Church-ales, temporall Courts, or Leet Lay-Juries, Musters, meeting for rates, taxations, leuies, especially at the Communion Table by the Parishioners?

Of Church Ornaments, Vtensils, Possessions.

1. Haue you a strong Chest or Boxe for almes for the poore, with three locks and keyes, on for the Rector or Vicar, the other for the Church-wardens?

2. What Font haue you for the Sacrament of Baptisme, of what materials is it made, where placed, whether towards the entrance of the Church or no, is it fixt or moueable, is it decently couered, cleanly kept, or is there any Bason, or vessell vsed instead of it?

3. Haue you a conuenient pew for him that officiates to read diuine Seruice in, a Bible of the largest Volume, a Common Prayer Booke in folio, the Bookes of Homilies allowed by Authority, a faire Surplice or two to be vsed by the Minister and him that shall assist him in the administration of the Sacrament?

4. Haue you a Pulpit so conueniently placed, as the Auditory may best heare? is it decently made and accommodated with a faire cloth and cushion?

5. Haue you a Register Booke in parchment for Christnings, Weddings, Burials, is the same kept in all points according to the Canons, is a true transcript thereof brought in yearely into the Bishops Registry within a moneth after our Lady day in March?

6. Is your Communion Table, or Altar, strong, faire, and decent? is it set according to the practise of the ancient Church, vpon an ascent at the East end of the Chancell, with the ends of it North and South? is it compassed in with an handsome Raile to keep it from profanation, according to an Order made in the Metropoliticall Visitation?

7. What couerings haue you for the holy Table? haue you one of silke or some good stuffe to couer it at all times, another of faire clean linnen for the time of celebration of the Sacrament?

8. Haue you a faire Communion Cup and Flagon, with a dish for the Bread, of what metall are they, pewter, tin, or siluer?

9. Are the ten Commandments set vpon the East end of your Church or Chappell, where the people may best see to read them, with other well chosen sentences of Scripture vpon the wals?

10. Haue any ancient monuments in your Church beene defaced, the brasse pull'd off, the stones taken away, or the Inscriptions rased, as also what Historicall representations in windowes haue beene defaced or broken?

11. Is there a dwelling house and Glebe belonging to the Parsonage or Vicarage? Is the House kept in good repaire, with all barnes, stables, out-houses belonging to it? Is there an exact Terrier made of all the Glebe lands, meadowes, gardens, orchards, houses, stocks, tenements, pensions or portions of tithes belonging to it? Is this Terrier made in parchment, and returned into the Bishop's Registry?

12. What timber trees grow in the Church-yard, or vpon the Glebe? hath any been fell'd, or by whom?

Concerning the Clergie.

1. Is your Minister a Parson, Vicar, or Curate? or haue you besides him any Preacher or Lecturer? and how authoriz'd?

2. If Parson or Vicar, doth he reside vpon his Benefice? If not, what reliefe doth he give to the poore? How long in the yeare is he absent? how dispensed withall? by whom is the place supplied?

3. If he be a Curate, is he allowed by the Bishop vnder his hand and seale? hath he an honest and sufficient salary? or doth he serue more than one Church or Chappell in one day?

4. Is your Minister of honest, sober, exemplary life? a maintainer and procurer of peace among those that are committed to his charge? or doth he giue any iust scandall or offence by haunting of Tauernes, Innes, Ale-houses, by vsing unlawfull games, frequenting of loose debauched company, or by going any other irregular way which may be a staine to his profession and is punishable by the censures of the Church.

5. Doth your Minister or Curate vse such decent and comely apparell as becommeth the grauity of his calling, and may distinguish him from the Laity? or doth he weare long haire, deepe ruffes, falling bands down to his shoulders, or any other vnseemly garments not proper to his Ministery?

6. Doth your Minister vse such seruile bodily labour as is not fit for one set apart by Imposition of Hands for diuine Imployments? Is hee a defamed Vsurer or Broker, a Chopper of Church-Liuings, a trader in Faires or Markets, doth he idly vague vp and downe, a fault so often censured in ancient Councels? or doth he any way els so entangle himselfe in secular affaires, as to neglect the duties of his calling?

7. Is your Minister so zealous of the good of his flocke, as diligently to labour the reclaiming of Recusants of all sorts within their Charge, whether they be such as with perill of their soules superstitiously adhere to the Church of *Rome*, or such in the other extreme, who hauing peruersly relinquish'd our Communion, finde nothing to adhere to but their owne priuate fancies?

8. Is diuine Service orderly perform'd in your Church by your Minister or Curate vpon appointed times as the Booke of Common Prayer prescribeth, without any kind of alteration, addition, or omission? particularly doth he read the Letany on Wednesdayes and Fridayes?

9. Is he entirely conformable to all Orders, Rites, Ceremonies of the Church, or vsing then onely for a shew, doth

he priuately or publikely speak any thing in derogation of them?

10. Doth he in celebration of diuine Seruice vse such vestments as are enioyned by authority, doth he constantly in performing that Duty weare a Surplice, and an Hood (if he be a Graduate) suitable to his degree?

11. Doth he before his Sermon vse such forme of Prayers as is prescribed by the Ecclesiasticall Canon, for the preuention of the indiscreet flying out of some in their extemporary Prayers?

12. Doth he preach in such a solemne habit as becomes him, in a long Gowne and Cassock not in a riding or ambulatory Cloake?

13. Doth he in his Sermons preach Christ, and him crucified, abstaining from those high points of speculation which haue in seuerall Ages rais'd combustion in Christian Churches; and therefore to preserue peace among vs forbidden by his sacred Maiestie in his late Declaration?

14. Doth he sometimes take occasion in his Sermons to teach obedience to the King as supreme, to all magistrates substituted vnder him, to all Lawes of the State, all Canons and Constitutions of the Church, which being lawfully enioyn'd we are to obey, not onely for feare, but for conscience sake?

15. Hath your minister at any time reueal'd the Confession of any made to him in secret, contrary to the 113 Canon, and so hath brought a scandall vpon that ancient Remedy of sinne and sinners.

16. Doth he at any time from the Pulpit point out particular men, damning some and sauing others; and in his inuectiues against vice doth he fall from the generall, and particularly designe such as hee thinkes delinquents?

17. Doth your Preacher or Lecturer read diuine Seruice before his Sermon or Lecture? doth he besides twice a yeare at least administer the Sacraments in his own person?

18. Doth he in Rogation weeke yearely vse the accustomed perambulation, informing his Parishioners not onely of the ciuill vse of that custome but also of the religious, to pray to God for his blessing on the fruits of the earth, and to deprecate his anger?

19. Hath your Minister taken vpon him to appoint any publike or priuate Fasts, Prophesies, or exercises not approued by Law or publike Authority? or hath he beene present at any Conuenticle where either the Doctrine or Discipline of the Church hath beene traduced?

20. Doth he in the time of diuine Seruice vse due and lowly reuerence at the mention of the blessed Name of JESUS, instructing others to doe the like, not as an adoration of the bare sound of the word, but as an humble acknowledgement that there is not either in heauen or earth any name by which we shall be saved, but that alone?

21. Is your minister a Preacher licensed by lawfull Authority or not? if he be, hauing no lawfull impediment, doth he preach ordinarily in his Cure? if he be not, doth he procure Sermons once a moneth at least to be preached by such as are lawfully licensed.

22. Doth your Minister vpon euery Sunday when there is no Sermon, read an Homily out of the Book appointed?

23. Doth he once in the yeare vpon some Sundayes or Holidayes read ouer the Booke of Canons before Euening Prayer, that euery one may the better know what the Church requires of them?

Of the Sacrament of Baptisme.

1. Doth your Minister or Curate in their Sermons or otherwise, or any other, teach or maintaine that Baptisme, in Gods ordinary dispensation with man is not the doore that lets vs into the Church, nor any way necessary to saluation? doth he not admonish you that are his parishioners not to deferre it beyond the accustomed time, least some suddain sicknesse should take away the infant without that seale of the new couenant?

2. Doth your Minister baptize the child at the Font the place assign'd for it, doth hee doe it in cleane pure water? Doth he take it in his armes, signe it with the signe of the Crosse, asking such Questions, and vsing such prayers as are enioyned?

3. Doth he baptize any without any Godfathers or Godmothers to answer for them? or doth he not giue to them such directions as are prescribed in the Rituall for the education of the child in true Religion?

4. In case of necessity where the child is in danger of death doth the Minister being sent for, refuse or delay to come to give it priuate Baptisme? or doth he priuately baptize where there is no necessity?

5. Haue any children in your parish died vnbaptized, how long remained they so before they died, and by whose default was it that they were depriued of that holy Sacrament?

Of Confirmation and Catechisme preparatorie to it.

Is your Minister carefull in examining and instructing the youth and ignorant Persons of the parish, by teaching them Principles and grounds of Christian Religion deliuered in that short Catechisme, approued by the Church, and inserted in the Common Prayer Booke?

2. Doth he, according to his Maiesties Instructions, conuert the popular afternoone Sermons on the Sunday into catechizing by Question and Answer?

3. When children by the benefit of thus catechizing are able to giue an account of their faith, doth he admonish their parents to bring them to the Bishop to receiue by prayer such confirmation as may strengthen them in Baptismall Grace receiued?

Of the Sacrament of the Lords Supper.

Is this blessed Sacrament administered in the Church euery moneth vpon the first Sunday or at least thrice in the yeare, whereof Easter to be one?

2. Is it administred in that reuerend and decent manner as becomes so high a mystery? are the words of Consecration solemnly pronounced? the Elements reuerently touched and handled?

3. Doth your Minister deliuer this Sacrament to any standing, or sitting, or in any other posture than vpon the knee? doth he first receiue it himselfe, and after deliuer it to the Communicants, not in grosse, but one by one, vsing all the words enioyned seuerally to each of them?

4. Doth he admit to this blessed Sacrament any person excommunicated or any publike notorious, scandalous offender, without satisfaction made vnto the Church, or doth he admit any vnder age who are not yet able to render an account of their faith?

5. Are the names of such as intend to receiue giuen in to the Minister ouer night, that he may before hand know who, and how many they are, and that the bread and wine may be proportionably prepared?

6. Is the Bread and Wine of the best sort, is a sufficient quantity of each prouided? or if either faile, are the words of Consecration renewed ouer them before they be distributed?

Of Marriage.

1. Are the Banes of marriage asked three seuerall times openly in the Church vpon three seuerall Sundaies at such time when the Church is fullest? or if not, hath there beene dispensation not onely obtained, but presented to the Minister before Marriage?

2. Is Marriage solemnized openly in the Church, not in priuate rooms, or chambers, at due times not prohibited, and due houres between eight and twelue in the forenoone?

3. Doth your minister vse in Marriage the ordinary Rites of the Church with the vsuall prayers, and blessing? and doth he performe this solemnity with a Ring and joyning of Hands?

4. Haue you a Table set vp in your Church or Chancell of the forbidden degrees, that incestuous Marriages may not haue the plea of ignorance?

5. Be there any in your Parish who are married within the degrees of affinity, or consanguinity by Law prohibited?

6. Are there any in your Parish being lawfully married who liue apart one from another without due separation by law, or who being legally diuorced keepe company with any other at bed or at boord?

Of Visitation of the sick.

1. Is your minister diligent in visiting the sick especially such as being vpon their death-beds, stand most in need of the worke of his Ministery? Doth he pray with them the Prayers of the Church, adding such deuotions of his owne as the necessity of the party doth require?

2. Doth he ouer-rigorously and vnseasonably presse to them at that time the heauy iudgements of the Law, without intermingling such words of comfort as may set forth the mercy of God to a departing soule?

3. Doth he exhort them at that time not to let any hainous sinne lie heauy on their conscience, but to disburthen themselues of it? Doth he vpon confession made, and all the signes of true repentance showne, pronounce the words of absolution prescribed by the Church?

4. Doth he excite the sick party to lay vp treasure for himselfe in heauen, by doing here charitable works, and disposing some part of his goods to the honour of him who hath giuen him all?

5. Doth he last of all seasonably administer to him the holy Sacrament of the Body and Blood of Christ, while he is yet sensible of the comforts of it, and before the extremity of his disease hath rendred him lesse capable?

6. In the meane time is there a passing-bell tolled, that they who are within the hearing of it, may be moued in their priuate deuotions to recommend the state of the

departing soule into the hands of their Redeemer, a duty which all Christians are bound to, out of a fellow feeling of their common mortality?

Of Burials.

1. Hath the Minister refused to burie any dying within the bosome of the Church, being required?

2. Hath he buried any in consecrated ground who haue been murtherers of themselues, or cast out of the Church by excommunication?

3. Doth he meet the corps at the Church-stile, conduct it to the Church, go before it to the graue, and vsing such prayers as are prescribed, commit it to the ground as becommeth the body of a Christian?

4. Are so many buried in the Church or Chancell, as may occasion digging vp of dead bodies not yet fully consumed, or as may breed annoyance to the liuing?

5. Are the graues digged deepe enough, and is the ground broken vp couered againe with stone or brick?

Of Churching of Women after child-bed.

1. Doth your Minister obserue the order of the Church in Churching of women? doth he do it in priuate houses when there is no vrgent necessity, or publikely in the Church?

2. Doth he go up into the Chancell, the woman also repairing thither, kneeling as neare the Communion Table as may be, and if there be a Communion, doth she communicate, in acknowledgement of the great blessing receiued by her safe deliuery?

3. Doth the woman who is to be churched vse the accustomed habit in such cases, with a white vaile or kerchiefe vpon her head?

Of Schoolmasters.

1. What Schoole haue you in your parish? is it a free Schoole endowed? what maintenance hath it? is any part of the maintenance kept back, or otherwise imployed? if so, how, or by whom?

2. Doth any openly or priuately in your Parish teach without a Licence of the Ordinary? is he conformable to the Religion established in the Church of England? and doth he endeauour to render his Schollers so?

3. Doth he to this end teach and instruct his youth in no other Catechisme than such as is allowed by authority?

4. Is there any who keep Schoole in the Chancell or Church, by which meanes that holy place is many waies profaned?

Of Physitions and Chirurgions.

What Physitions or Chirurgions haue you in your Parish? haue they been train'd vp in the study of Physick or Chirurgerie? at home or abroad? and by what licence do they practise?

Of Parish Clarks and Sextons.

Haue you a fit Parish Clark aged twenty yeares at least, of honest conuersation, able to read and write, diligent in his office, seruiceable to his Minister? is he approued by the Ordinary? hath he taken his oath as is required?

2. What wages hath your Clark and Sexton according to the ancient Custome of the Parish? are the wages duly payed, or by whom kept back?

3. Doth your Clarke and Sexton doe their duty in keeping the Church cleane, the doores locked, or is anything lost or spoyl'd in his Church through his default? doth he suffer any vnseasonable ringing, or any profane exercise in your Church?

4. Hath your Parish Clarke or Sexton taken vpon him to meddle with any thing aboue his office, as Churching of women, burying of the dead, or such like?

Of Church-wardens.

Are you the Church-wardens lawfully chosen according to the Canon? haue you taken your oath for performing the duties of your place?

2. Haue any who haue borne the same office before you fail'd in exhibiting their presentments to the Ordinary at the times appointed? haue they retained any of the Church goods without making a iust account? or haue they not faithfully distributed the Almes of the Church to the vse of the poore?

3. Is there decency and order kept in your Church in time of diuine Seruice? do you take notice of such as absent themselues on Sundayes, Holidayes, times of Letany? Do you diligently enquire of such as remaine in Tauernes, Innes, Ale-houses in the time of Prayers or Sermons? as also such as forbeare comming to the holy Sacrament thrice in the yeare, being above sixteene yeares of age?

4. Haue you suffered any strange Preacher to preach in your Church without seeing his licence, by which you might know how he is authorized? do you note the names of such strangers, as doe preach in a Booke for that purpose? and by whom they are licensed?

5. Is any Legacy with-holden being giuen to the Church or the poore, or the mending of high-waies, or otherwise by the Testators? In whose hands is it? by whom with-holden?

6. Doth any man trouble, threaten, or reuile you for doing your duty? Hath any gone about to tempt you to leaue vnpresented any offences committed contrary to the Articles giuen you in charge, or to perswade you that you may dispense with your oathes by vsing equiuocation, mentall reseruation, or double meaning in making your presentments?

7. Do you know of any thing complained of that is not yet redressed?

Concerning the Parishioners.

1. Do your Parishioners frequent the Church in all times of diuine Seruice? do they behaue themselues reuerently in that holy place, do they keepe their hats off? doe they deuoutly kneele, when the Confession, the ten Commandements, and all Prayers and Collects are read? do they stand vp at the reading of the Creeds, and the holy Gospell? and doe they vse due, and lowly reuerence, when they hear the blessed name of JESUS?

2. Do all the Parishioners aboue sixteene yeares of age receiue the blessed Sacrament of the Lords Supper in your Church thrice euery yeare, whereof once at Easter? and do they all (none excepted) deuoutly kneele at the receiuing thereof?

3. Do any of the Parishioners, being admonished thereof, neglect, or refuse to send their children, seruants, apprentises, to the Minister to be catechized on Sundayes and Holidayes at such times as are appointed? Do any so sent refuse to come, or being come, refuse to be catechized?

4. Do any of your Parish entertaine within their house any soiourner, common guest, or other persons who refuse to frequent diuine Seruice or receiue the holy Communion as aforesaid? present their names, their quality or condition.

5. What Popish Recusants are there in your Parish, or other Sectaries? how long haue they abstain'd from the diuine Seruice or Communion? present their names and their quality, and whether they be excommunicate or not.

6. Whether any of the said Recusants do labour to seduce, or withdraw others from the Religion professed in the Church of *England?* do they instruct their families or children in their own errours? or haue any of them, at any time being called to it refused to take the Oath of Allegiance?

7. Are there any in your Parish who hold or frequent priuate conuenticles? or who publikely or priuately speake against the book of Common Prayer, against the Rites and Ceremonies, against the Articles published and maintained by the Church of *England?* against the Church gouernment vnder his Maiesty by the Hierarchy of Bishops? Are there any authors, maintainers, or fauourers of heresie or schisme, or that be suspected probably to be Anabaptists, Libertines, Brownists, of the Family of Loue, or of any other heresie or schisme? present their names.

8. Are there any in your Parish who retaine, sell, vtter, or disperse any Popish books or writings, or other books, writings, defamatorie libels of any Sectaries touching the Religion, State and Gouernment either Ecclesiasticall or Ciuill of this Kingdome of *England?*

9. Do any of your Parishioners vsually go to any other Churches to heare diuine Seruice or Sermons or to receiue the holy Communion? do any of them procure their children to be baptized in another Parish? or do any strangers resort to your Church to diuine Seruice, to heare Sermons or to receiue the holy Communion?

10. Are there any in your Parish who will come to Church to heare the Sermon, but will not heare the publike Seruice, appointed in the Booke of Common Prayer, making a schisme or diuision betweene the vse of publike prayer and preaching?

11. What persons within your Parish for any offence, contumacy, or crime of Ecclesiasticall cognisance doe stand excommunicate? how long haue they so stood? do they presume notwithstanding that censure to be present with you in time of diuine Seruice? and what persons do wittingly and vsually keepe them company?

12. Hath any in your Parish exercised any trade, or labour, bought or sold, or kept open shops vpon any Sunday or Holiday, by themselues or their seruants, or haue otherwise profaned the said daies by gaming, drinking or dancing in time of diuine Seruice? you are to present the names of such delinquents, with the names of the parties in whose house the offence hath beene committed.

13. Is the fift of *November* kept holy according to the ordinance in that behalfe, that the memory may neuer die of

the great mercy shewed to this State and Church in that wonderfull deliverance?

14. Hath any of your Parish strucken or laid violent hands either vpon your Minister or vpon any other in your Church or Church-yard? hath any quarrelled or given opprobrious speeches within those precincts? hath any slandered your Minister to the scandall of his vocation, or defamed any of his neighbours touching any crime of Ecclesiasticall cognisance?

15. Are there any who not being in Orders, do exercise Priestly or Ministeriall Office in the Church, Chappell, or Church-yard? or on the other side are there any who hauing taken vpon them the order of Priesthood, or Deacon, haue since relinquished the same, vsing any other kind of life?

16. Haue any of your Parish suppressed the last Will of the dead, or administred the goods of the dead without lawfull authority? Are there any goods not administred, or any Wils vnproued? Faile not to present the Executors, with all others faulty therein?

17. Haue any in your Parish harboured any woman vnlawfully begotten with child, and suffered her to depart away before she hath beene punished for her offence.

18. Are there any in your Parish to your knowledge or by common fame or report, which haue committed incest, adultery, or fornication, or that haue attempted or solicited the chastity of any woman, or which are reputed to be common drunkards, swearers, blasphemers, bauds? or are there any in your Parish vehemently suspected for any of these crimes?

Of Ecclesiasticall Officers.

1. Hath any Ecclesiasticall Judge, Substitute or Surrogate, or any other exercising Ecclesiasticall Jurisdiction within this Diocesse, or any Register, Apparator, or other Officer belonging to the Ecclesiasticall Court exacted or taken any extraordinary or greater fees than are due and accustomed? And is the Table for the rates of all Fees set vp in their seuerall Courts and Offices?

2. Whether do you know, or haue you heard of any paiment, composition, to, or with any Ecclesiasticall Magistrate, Judge, or Officer, for conueyance, or sparing to punish any person for any offence of Ecclesiasticall cognisance or for suppressing or concealing of any excommunication of or against any Recusant, or any other offendor in the cases aforesaid? What summes of money haue beene thus received or promised, oy whom and to whom, deliuer your knowledge?

3. What number of Apparators haue you belonging to your Ecclesiasticall Courts? wherein or in what manner is your Countrey ouer-burdened with them? what reward or fees haue Apparators taken of any persons to saue them their iourneyes to the Ecclesiasticall Court? Wherein haue they caused or summoned any to appeare in the said courts without a Presentment or Citation first had? or whether haue they threatned any to prosecute them in the said courts, if they would not giue them some rewards, and what bribes haue they taken in that behalfe or other?

4. Hath any Apparator or any other offered to draw vp the presentments for you, and so haue made rather a matter of forme, than any serious businesse for correcting of vice and redressing what is amisse in the Diocesse? if any hath or shall make such attempt before your presentments be drawne, you are to reueale his offence and name, that he may receive condigne punishment for it?

If you know of any other default or crime of Ecclesiasticall cognisance not mentioned in these Articles, you are to present the same by vertue of your Oathes.

There must be a full and severall Answer made to every one of these Articles, els the presentment will be turn'd back againe, and the Church-wardens upon discoverie that they have wilfully or fraudulently conceal'd anything, call'd to strick account for breaking their oath in this case.

FINIS.

MOUNTAGU BISHOP OF NORWICH, 1638.

ARTICLES of Enquiry and direction for the Diocese of Norwich, in the first Visitation of the Reverend Father in God, Richard Mountaigu, Bishop of that Diocese.

Anno Dom. 1638,

Et translationis suæ primo.

¶ This Book of Articles, being extremely negligently printed at London, (which Impression I disavow) I was forced to review, and have it printed again at Cambridge.

R. Norv.

The tenour of the oath to be administred unto, and taken by the Church-Wardens and Side-men.

Swear you shall, that you shall duly consider, and diligently enquire of all and every one of these Articles given you in charge and tendred unto you; and that all affection, favour, hatred, hope of reward, gain, displeasure of great men, malice, or other sinister respect set aside, you shall faithfully discharge your dutie, and truly present all and every such person of and in your parish, as hath made any default, or committed any offence in or against these ensuing Articles, or that be vehemently suspected or defamed of any such offence, or crime; wherein you shall deal uprightly, truly and fully, presenting all the truth, and nothing but the truth, without partiality, having God before your eyes, and an earnest Christian zeal to maintain truth, order, and religion, and to suppresse the contrary: So help you God, and the holy contents of this Book.

Titulus I.

¶ Concerning the Church and Chancell.

Haggai I. 4.

Is it time for you O ye, to dwell in cieled houses, and the house of the Lord to lie waste?

1. Have you any Church for Divine Service, or hath it been, or is it demolished, the parishioners forced to repair unto their neighbours for Sacraments, and Sacramentals? if so; by whose default, usurpation, or impietie is it done?

2. Is your Church, though remaining, yet ruined or decayed in any part of the frame, fabrick, structure, walls, roof, or otherwise, within or without, if so; wherein? how much? by whose fault is it?

3. Is your Church leaded, tiled, slated, not shingled, or thatched with straw or reed, all through, or in part?

4. Have you a steeple of stone, brick, or timber adjoyning to your Church, in good state and reparations? wherein have you any Bells hanging, and how many? or do they hang in some low shed, under a roof of boards and timber? or have they been taken down and sold away? when, and by whom?

5. Is your Church-floore decently paved with fair smooth stone brick or paving-tile, whole and not broken in pieces? or is it only floored with earth? When the ground is broken up for burials (which was not wont to be) is it again renewed, levelled, paved? if not, by whose default is it? And the money taken by the Church-wardens for such burials, how is it accounted for, and expended?

6. Is your Church sweetly and cleanly kept; dust, cob-webs, and the like nusances, being weekly carried forth? Are the walls whited and kept fair? Are the seats and Pews built of an uniformitie? or do they hinder and incumber their neighbours, in hearing Gods word and performing Divine Service?

7. Do men and women sit together in those seats, indifferently and promiscuously? or (as the fashion was of old) do men sit together upon one side of the Church, and women upon the other?

8. Is your Chancell divided from the nave or body of your Church, with a partition of stone, boards, wainscot, grates, or otherwise? wherein is there a decent strong doore to open and shut, (as occasion serveth) with lock and key, to keep out boyes, girls, or irreverent men and women? and are dogs kept from coming to besoil or profane the Lords table?

9. Is your Chancell well paved with fair stone, brick, or paving-tile? doth it altogether lie upon a flat, or hath it ascents up unto the altar?

10. Is your Church scaffolded every where or in part? do those scaffolds so made, annoy any mans seat, or hinder the lights of any windows in the Church? Is your Chancell surrounded with seats, wherein your Parishioners commonly use to sit, which take up the room too much, and incroch upon the proprietie of the Minister?

11. Are the lights and windows of your Church and Chancell clear, not dammed up, well monioned, well glased, and kept clean?

12. Be the doores of your Church strong and decently made with good locks and keyes? and be they kept shut except at time of Divine service, or other necessary cause

of ingresse, to keep out passengers, carriers of burdens, children playing, or the like?

13. Doth any man teach children to reade or write in your Church or Chancell?

14. Be furniture for souldiers, ladders buckets or any timber or implements brought into the Church, and there disposed of as in a store-house? Are any meetings for Rates, Taxations, Levies, or the like, made in the Church, especially at the Communion table by Parishioners?

Titulus 2.

¶ Concerning the Church-yard, and other consecrated appendages to that holy place.

Joshua 5. 15.

Put off thy shoe from thy feet, for the place whereon thou standest is holy ground.

1. Have you any appropriated Church-yard? or doth your Church stand in open fields, without any surroundry or inclosure?

2. Are dead bodies buried in such open and unfenced places, if any such be?

3. If you have a severall Church-yard, is it well inclosed and fenced, not onely with mounds, ditches, or hedges; but with walls, or pales, or the like? if otherwise, by whose default is it?

4. The graves there, be they conveniently covered, made seven foot deep, kept from scraping of dogs, rooting up of hogs, fouling and polluting otherwise, as the resting-places of Christians ought to be kept?

5. Though the surface of the soile, and the grasse there growing (if any such be) are the Ministers; yet it being consecrated ground, is not to be profaned by feeding and dunging of cattel.

6. Is it therefore all or in part at any time, let or hired out to be employed for pinfolds of sheep, stalls for oxen, or horses, booths or standings for chapmen, at any time of fair or market, or to dry clothes there, tanned leather, or the like? For of the base-court of the Temple, said our Saviour, *Have these things hence.*

7. Much lesse is it to be unhallowed with dancings, morises, meetings at Easter, drinkings, Whitsun-ales, Midsummer-merrymakes, or the like, or by stool-ball, foot-ball, wrastlings, wasters, or boyes sports: If such abuse hath been committed, say by whom, whose procurement, countenance, or abetting.

8. Is your Church-yard, or any part thereof, made a laystall or dunghill? or be any such impious nusances laid neare unto the pale or mounds thereof? let the offenders be named upon enquiry and presented.

9. Hath any neighbouring *quidam*, or great man, encroched upon any part of the Church-yard, inclosing it to his garden, hop-yard, stable-yard, or so? present him or them so transgressing.

10. Be there any houses fronting or abutting your Church-yard, the dwellers wherein do annoy, soil, and profane the Church-yard, by washing of bucks, emptying of sinks, chamber-pots, or the like, by easing of nature either way within that place, or under and against the Church-walls?

11. If timber-trees have beene felled which grew in the Church-yard, by the Minister, Church-wardens, Parishioners or others, and sold, let the delinquents be presented.

12. Is there a mansion-house and glebe belonging to your Parsonage or Vicarage? If none house, by whom, and how long since was it ruined? if there be an house, is it kept in good reparations, water-tight, and wind-tight, by the incumbent? (Whereof the Archdeacon properly and principally should take notice.)

13. If there be a glebe belonging to the incumbent, hath any part thereof been leased out by the Patrone incumbent, and Diocesan? of what quantity is it? hath there been upon survey a Terrar thereof made; as also of pensions or portions of Tithes in other parishes, due to yours? and is this returned into the Bishops registry?

14. Have any Monuments or Tombes of the dead, in your Church or Church-yard, been cast down, defaced, ruined? have any Arms or Pictures in glasse windows been taken down, especially of our Saviour hanging on the crosse, in the great east window, and white glasse or other set up in place thereof? have any leaden or brazen inscriptions upon grave-stones been defaced, purloyned, sold? by whom?

Titulus 3.

¶ Of Sacred Utensils, Church-ornaments, Ministers vestments.

Micah 6. 6.

How shall I come before the Lord, or appear before my God? *Answer.* As becometh Saints.

1. Is there in your Church a Font for the Sacrament of Baptisme, fixed unto the Lords free-hold, and not moveable? of what materials is it made? where is it placed? whether neare unto a Church-doore, to signifie our entrance into Gods Church by Baptisme? is it covered, well and cleanly kept? at time of Baptisme is it filled with water clean and clear, or is some bason, bowl, or bucket filled with water set therein?

2. Have you a comely and convenient Pew of wainscot, for your Minister to reade Divine service in? and another to preach in? doth it stand in the face of the congregation, as much as conveniently may be, so that they may behold, and heare, and understand the Minister, in what he readeth, preacheth or prayeth? Have you a cloth and cushion for either, to be laid upon the desk?

3. Have you a Bible of the largest volume and biggest letter? a service-book *in folio*, with the reading-psalmes; the order of Consecrating Bishops, of ordaining Priests and Deacons? be they well and fairly bound and embossed? and at end of Divine service, are they clasped or well tied up with fair strings, to keep out dust and soil, and to prevent tearing of the leaves?

4. Have you two fair large Surplices for your Minister to officiate Divine service in, that the one may be for change when the other is at washing; and also serve for him that at Communion assisteth the chief Minister; that no part of Divine service may be done but with and in ministeriall vestments?

5. Of what assise be the Surplices, large or scantling? of what cloth, course or fine? what are they worth, if they were to be sold? for not cheapenesse but decentnesse, is to be respected in the things of God?

6. Have you a Register-book for the Christnings, marriages, burials, of parchment, well bound and kept in a chest for Church-utensils, are the names and surnames, the day, moneth and yeare duly and truly registred, to remain upon record for clearing of many doubts and questions that may otherwise arise? and is a transcript thereof brought into the Bishops register yearly within a moneth after the *Annunciation*, or 25. *of March?*

7. Is your Communion-table, or Altar, of stone, wainscot, joyners work, strong, fair and decent? what is it worth in your opinion, were it to be sold?

8. Have you a Covering or Carpet of silk, satten, damask, or some more then ordinary stuff, to cover the Table with at all times, and a fair clean and fine linen covering, at time of administring the Sacrament?

9. Have you a Chalice or Communion-cup with a cover, of silver, and a flagon of silver or pewter (but rather of Silver) to put the Wine in? which is to be consecrated, and not to be brought into the Church and set on the Table in leather or wicker-bottles, or tavern wine-pots, which being of vulgar, common and profane imployments, ought not to be presented in the Church, or at the Lords table?

10. Have you a plate or patten, fair and deep, of the same materials, for the Bread? as also a corporas cloth or napkin of fine linen, to cover the bread consecrated (which cannot all at once be contained in the patten,) and to fold up what is not used at Communion? are all these sacred Utensils, clean kept, washed, scowred, rubbed, as often as need or conveniency requireth?

11. Is your Communion-table enclosed, and ranged about with a rail of joyners and turners work, close enough to keep out dogs from going in and profaning that holy place, from pissing against it, or worse? and is there a doore of the same work, to open and shut: doe any persons presume to enter thereinto, except such as be in holy Orders?

12. Is the Communion-table fixedly set, in such convenient sort and place within the Chancell, as hath been appointed by Authority, according to the practice of the ancient Church, that is, at the east-end of the Chancell, close unto the wall, upon an ascent or higher ground, that the officiating Priest may be best seen and heard of the Communicants, in that sacred action?

13. Whether is the Communion-table removed down at any time, either for, or without Communion, into the lower part of the Chancell, or body of the Church? by whom, at whose instance, direction or command is it done?

14. Is the Wine for the Communion white, or reddish, which should resemble bloud, and doth more effectually represent the Lords passion upon the crosse, whereof the blessed Sacrament is a commemorative representation?

15. If the consecrated wine fail, or sufficeth not, doth your Minister, before he give it to the Communicants, consecrate that also which is newly supplied, as the former? or doth he give it as it cometh from the tavern, without benediction? For there is no Sacrament, untill the words of Institution be pronounced upon it; *This is my bloud*, &c.

16. Doth he in stead of wine, give water unto any person that is abstemious and naturally cannot indure wine? If

any such be, such persons abstaining altogether from water or any other element not ordained by Christ, ought to be taught that they are rather to communicate of the blessed Cup in their humble vote and desires, then that the Minister or they should presume against our Saviours expresse Institution. For onely Institution maketh a Sacrament. And as the popish half-communion is sacriledge, so this is presumption, to change the Element appointed and used by Christ.

Titulus 4.

¶ Concerning Priests and Ministers of the Church, their calling, persons, and deportment.

You are the salt of the earth, the lights of the world.

1. Is your Minister, a Parson, Vicar, or a Curate?

2. If a Curate, what is his stipend? if a Vicar, who is the appropriatour? and what is the vicarage and parsonage impropriate worth by the yeare?

3. If he be a Parson imparsonated, is he a graduate? of what degree in schools is he? is he a double or single-beneficed man? doth he reside and execute his place himself? what means doth he allow his Curate, if he resideth not?

4. If he be non-resident upon one or both his benefices, by what qualification is he exempted and dispensed withall? what allowance doth he make towards hospitality and relief of the poore? how often in a yeare doth he repair unto his benefice, to his cure of souls? how often doth he preach unto or instruct his flock personally?

5. Doth your Minister or Curate serve any more cures then one? if so; then how farre are they in distance asunder? can he do it conveniently?

6. For his person and deportment; is he stayed, grave, humble, modest, peaceably and religiously disposed? is he of honest life and conversation in the world? doth he endeavour and do his best to accord, and keep his Parishioners in peace, to take up and compound differences amongst his neighbours, according to solemn promise at his Ordination?

7. Or is he a brabler, brawler, contentious, seditious party; a tavern-haunter, an ale-house hunter, a drunkard, using unlawfull and forbidden games? is he riotous or unseemly in his apparel beyond his means, not fitting his calling, above his degree in schools, contrary to the statute of this land?

8. More particularly, doth he commonly go in silk, satten, velvet, or plush? are his clothes rather horsmens coats and riding-jacquets, then priests clokes? doth he wear long shaggy hair, deep ruffs, falling-bands down to his shoulders, or useth he other indecent apparel, rather fitting a swaggerer then a priest?

9. Doth he practice any mechanicall trade, solicite causes in law, use common buying or selling of horses, sheep, or other cattel? is he a defamed usurer or broker? doth he commonly in person go to market to sell his corn or commodities, to buy his beef, mutton, &c. out of the shambles, fitting for his servants, not himself, who hath had imposition of Episcopall hands, and is to meddle with divine imployments?

10. These and other mis-demeanours (if any be in the ministery) are to be taken notice of, and presented, out of a sincere honest desire of reformation, not out of spleen, malice, suggestion, or otherwise. For most commonly, Ministers, though indeed scandalous and debauched, are accounted honest, quiet, painfull, religious men, till the Parishioners fall out with them about tithes, detained or defrauded by tort, a wicked *modus*, or ill laudable custome, &c. Then the utmost that malice can invent, is aspersed on them.

11. Is there any Minister or Priest living in your parish, who having been admitted into holy Orders, hath relinquished and forsaken his calling, and liveth in the course of a farmer or lay-man, using some trade, taking some farm? &c.

12. Is there any in your parish, who having been silenced or suspended by Authority, continueth in that course without seeking reconciliation, or endeavouring to be satisfied for conformity? how doth he live, and imploy his time? what means and maintenance hath he, and from whom?

13. Or doth your Minister animate and encourage such men in perverse courses, by frequenting their compyny, staying the publication of any suspensions or excommunications, by not denouncing in his parish-church every halfyeare, such as being excommunicated, persevere, without seeking to be reconciled and absolved?

14. Hath he concealed, or not taken notice of any conventicles or meetings, preachings, prayers, prophesyings or exercises in private houses, to the contempt of Authority, depraving the book of Common prayer, the doctrine and discipline of the Church of *England*, and to the fomenting and encouraging of Separatists, and the like?

15. Doth your Minister labour by conference to reclaim any Recusants (if any such be in your parish) and to bring them from heresie or schisme, into the faith, profession, body and bosome of the Church, whether Popish or Protestant Recusants, who in that state be in hazard of salvation?

16. Hath any of your parish unreverently used your Minister? or laid violent hands upon him, or disgraced his office and calling by word or deed?

¶ Concerning Lecturers and Lectures.

Forasmuch as of late yeares the course and humour of Lecturing, and the frequenting and hearing such exercises, is of great resent in the State and Church of *England*, (from which course, as much good may ensue & be procured, if well and discreetly managed, so if otherwise, great hurt, danger and scandal may and often doth result; the cure and care whereof properly and immediately belongs to the Bishop of the Diocese where such exercises are) the Church-wardens and Side-men are given to understand, that there be amongst us three sorts of Lecturers.

1. The first, most hugged, followed, admired and maintained, is a super-inducted Lecturer in another mans cure and pastorall charge, who hath some resemblance to the ancient Catharist in the Primitive Church, but is up and down the same with the Doctour in the New discipline: which (I take it) is the motive of his so great approbation and good entertainment above the Incumbent of the Cure, though never so learned and painfull.

2. Concerning him, it is to be enquired of what degree in Schools he is, and of how long standing and studying in Divinitie, whether he be a graduate in Divinitie, a Doctour, or at least a Batchelour, and not a young Student or Preacher?

3. Are his Lectures popular after-noon sermons? or be they Catechisticall, and reading upon some common place of Divinitie, or the foure parts of the *English* authorized Catechisme, or some of the 39 Articles of our Confession?

4. Is he there admitted with the consent of the Incumbent, or against his will, with warrant and authority from the Bishop, under his Episcopall seal? Is the Minister and Incumbent of that place where he lectureth, a Preacher or not? and if a Benefice be offered the Lecturer, do you suppose he would take it?

5. Doth he often and at times appointed reade Divine service, and administer the Communion in his Surplice, and Hood of his degree?

6. Of what length are his Lectures, and how is his Prayer at beginning and end? is he therein conform unto the appointment and order of the Canon? *Can.* 55.

7. Doth he in his popular Lectures, ordinarily fall upon points of mysticall, dark and abstruse Divinitie, as Predestination, &c. Doth he intermeddle with matters of State, Government, forrein from his profession, above his understanding?

8. Doth he oppose or traduce openly the doctrine of his Brethren and neighbouring Ministers; or obliquely, underhand and upon the bye gird at them, the Doctrine, Discipline of the Church, any Parishioner, &c., so designing him, them or that, that a man may take notice of his meaning?

9. The second sort of Lecturers be those of Combination, when many neighbouring Ministers do voluntarily agree and consent with the Ordinaries approbation, not otherwise, to preach a sermon, every man in his course, at some adjoyning market-town, upon the market-day, for instructing of such as repair together to sell and buy, in their duty to God, and commerce with man; Have you any such Lecturers?

10. Who be the Combiners? be they beneficed men of the Diocese, and not strangers or Curates? who are not to be admitted, because if they offend in their Sermons, the Diocesan cannot reach them; they are gone.

11. Doth this Lecture any way hinder, abridge or cut off Divine service, which is completely to be finished before the Lecture begin?

12. Do any resorting thereto, walk aloof, or in the Church-yard, or stay at some house purposely, and not repair to the Church till Lecture begin? If any such misdemeanour be, present it; and without amendment, the Lecture shall cease.

13. A third sort be running Lectures; who appoint upon such a day to meet at such a Church, most an end in some Countrey-town or village; and then after Sermon, and dinner at some house of their disciples, repeat, censure, and explain the Sermon, discourse of points proposed at their last meeting, by the head of that *classis* or assembly, ever to the promoting of their own fancies, and derogation from the Doctrine and Discipline of the Church; after all, they do again *condicere* and appoint, to meet next at such a Church, in like sort, to like purpose. Such I found in

Sussex at my coming thither. If you have any such, of know any such, present them (as farre as you can learn) who they be, where they do meet, whether any of your Parish run after them.

Titulus 5.

Of Divine Service, Sacraments, and Sacramentals.

Eccles 5. 1.

When thou goest into the house of God, look unto thy feet, and be more ready to heare, then to offer the sacrifice of fools: for they consider not that they do evil.

1. Is Divine Service orderly performed in your Church upon appointed times, as the book of Common prayer prescribeth?

2. Do your Parishioners come late to Church, and not at the beginning of Divine Service, to make their humble confession unto almighty God? who by coming late, deprive themselves of the benefit of Absolution, and do become unprofitable hearers and petitioners in that holy action. Do any depart before Service is done, and the blessing pronounced by the Priest?

3. Doth any parishioner or forreiner come into the Church with an hawk on his fist, and an hawking-pole in his hand, with spaniels coupled, to the disturbance of the auditory, profanation of the Church, contempt of God and his Service? a course never practised, no not amongst Pagans.

4. Do any of your Parish sixteen yeares old or upward, absent themselves commonly from Church? or do they use any gaming or exercise in Church-time? do they go into taverns, innes, or ale-houses, to bowse, or tipple upon Sundayes and Holy-dayes, in time of Divine Service?

5. Do any keep open shops, sell wares ordinarily on Sundayes or Holydayes?

6. Be there any Recusants in your Parish? do they keep any priest or schoolmaster in their houses, who refuse to come to Church and receive the Communion? doth he or they labour to seduce or draw others from the Church and profession established, not contenting themselves with their own opinions?

7. Have any in your Parish retained, sold, or dispersed books unlawfull and scandalous, written by Papists, or Puritane sectaries?

8. Do any of your Parish leave their own Church, Minister and Service, and repair to other Churches ordinarily, where a more sanctified (in their opinion) Minister preacheth powerfully to their edification?

9. Is there any in your Parish who refuse to come to Church, have their children baptized, receive the Communion of their Minister, because he is no Preacher?

10. Is any of your Parish a common blasphemer of Gods holy name, a common swearer, drunkard, usurer, foulmouthed speaker? &c. Have any such not been presented? have they been admitted to the Sacraments?

11. Be there any in your Parish who deny, or persuade others to denie, the Kings authority *over all persons, in all causes* within his Realms?

12. Do any write or publickly speak against any thing in the Book of Common prayer, the Confession of the Church made in 1562; or against any of the Rites and Ceremonies used and authorized in the Church for Divine Service; or against the Hierarchicall government thereof, by Archbishops, Bishops, Archdeacons, &c. affirming it unlawfull, Antichristian, against Gods word, and that the government by Pastours, Doctours, Lay-elders is *the sceptre of Jesus Christ?*

13. Do your Parishioners at their entrance within the Church-doores, use that comely and decent deportment which is fitting for Gods house, where God, whom heaven and earth cannot contain, is said to dwell, and doth manifest his goodnesse and mercy to man out of his word? Do they uncover their heads, sit bare all service-time, kneel down in their seats, bowing towards the Chancell and Communion-table, and use those postures which fit the severall acts and parts of Divine Service?

14. That is, Do they reverently kneel at Confession, Absolution, the Lords Prayer, the Church-prayers and petitions or Collects, as becometh suiters unto God? do they stand at the Creed, as avowing their belief in the face of heaven and earth, men and angels; at the Hymnes, and Doxologie or *Glory be to the Father*, &c. against the oppugners of the Trinity (which in the Primitive Church was repeated at the end of every Psalme, and ought so to be in ours) do they stand also at the reading of the Gospel, and bend or bow at the glorious, sacred, and sweet name of Jesus, pronounced out of the Gospel read?

15. Do your Parishioners accompany the Minister in his perambulation in Rogation-week, not onely to set out, and continue the known bounds of the Parish, but especially upon view and sight, to consider the fruits of the earth then in prime; and upon the increase or empayring of the same to give God thanks for his goodnesse, and to procure by prayer the continuance thereof on the one, or to deprecate his anger for the other, and intreat his future blessing upon the same? For what the eye seeth, the heart rueth, and more effectually apprehendeth.

16. Doth your Minister officiate Divine Service in one place, upon set times, in the habit and apparel of his Order, with a Surplice, an Hood, a Gown, a Tippet; not in a Cloak, or sleevelesse Jacquet, or horsemans coat? for such I have known.

17. Doth he use the Absolution to be pronounced on penitents, not as it is a declaration of forgivenesse, but as a prayer, altering the words of the Common prayer-book, as some have presumed to do?

18. Doth he reade the Psalmes, the clerk and people answering? doth he reade the first, and second Lesson, and the Psalmes, properly appointed for set dayes, according to the book of Common prayer, not as it happeneth upon opening of the book, or as he fancieth, or maketh choice of? Doth he plainly and diligently onely reade the Chapters, or doth he expound, or comment upon them, and draw uses from them to his Auditory?

19. Doth he in stead of Collects and Prayers of the Church, substitute prayers of his own devising, motion, or effusion; or alter any words of the Collects appointed?

20. Doth he upon Wednesdayes and Frydayes ordinarily, and at other extraordinary times appointed by the Ordinary, reade and pray the Letanie? and doth he especially on Sundayes, reade the second or latter service at the Communion-table, (as the ancient tradition of the Church was to do, after the dismission or *Missa* of the *Catechumeni*, *Energumeni*, and *Pœnitentes*) and not in his Pew or reading-seat, though there be no Communion; and this as well before as after the Sermon?

21. Doth he catechize, at least half an houre before Divine Service, his Parishioners in the afternoon, as he is enjoyned? (but not enjoyned to preach a popular Sermon.)

22. Doth he commonly or of set purpose, in his popular Sermon, fall upon those much disputed and little understood Doctrines, of Gods eternall Predestination, of Election antecedaneous, of Reprobation irrespective without sinne foreseen, of Free will, of Perseverance, and not-falling from grace; points obscure, unfoldable, unfoordable, untraceable, at which that great Apostle stood at gaze, with *Oh the height and depth of the riches both of the wisdome and knowledge of God! how unsearchable are his judgements, and his wayes past finding out?* Rom. 11. 33.

23. Are his Sermons long, beyond the compasse of an houre? be his prayers before and after Sermon drawn out at length, to equall, if not exceed his Sermon? or doth he (as he should) conform himself unto the words which are recommended as a form, *Can* 55. consisting of Prayer for all estates and men, and of Praise or Thanksgiving for the living and the dead, by way of commemoration, that the righteous may be had in exerlasting remembrance, God be glorified in and for them, and the living incited to follow them?

Titulus 6.

Of the Sacrament of Baptisme: and Sacramentals, remembred in the Service-book.

Accedat Verbum ad Elementum, & fiet Sacramentum.
Baptisme.

1. First, for Baptisme, publick and private: Doth your Minister teach, or do any of your Parish hold, that the Sacrament of Baptisme, where it may be had, is not of absolute and indispensable necessitie unto salvation, in Gods ordinary course and dispensation with man; but that either eternall Election sufficeth, or originall sin (which infants onely have) condemneth none: and therefore regard not, but onely for fashion sake, to require it?

2. Doth therefore your Minister teach the necessity of it, and admonish his Parishioners not to deferre it? which is a common fault to put it off till provision can be made for inviting and entertaining of Gossips, and of friends or neighbours, or to make other such put-offs of no necessitie.

3. Doth your Minister baptize the child at the Font, not at his Pew, nor in a bason of water, thither brought and set upon some moveable frame, nor in any bucket, or a bowl-dish? doth he use rose-water, or other liquour then pure meer water from the well? &c.

4. Doth he refuse to baptize the child, unlesse the father will make publick profession he taketh it to be his own, and not begotten in adultery: which of my knowledge hath been practised by some indiscreet Zelotes of the preciser sort.

5. Doth he refuse to baptize any child born in bastardy or out of wedlock, or any stranger casually born in his Parish?

6. Doth he admit or procure the father to be Godfather to his own child? or young children under age, who cannot render an account of their faith, or never were confirmed, being not capable to understand what they do, or undertake?

7. In the ancient Church, the child to be baptized, was thrice dipped in the Font, in the name of the Father, of the Sonne, and of the holy Ghost: semblably is he to be thrice aspersed with water on his face, (if for fear of danger not dipped, as the book of Common prayer appointeth) the Priest using those sacramentall words. Doth he also receive the child into his arms, unto Christs flock, and then set the badge of Christianitie upon him, signing him with the signe of the Crosse?

8. Doth he, according to his own direction to the God-fathers, and appointment of the Communion-book, when the child by him catechized can render an account of his faith, transmit him to the Bishop, to receive further Confirmation of the graces of Gods Spirit upon him?

9. That this religious and ancient course may the better be observed, and facilitated the more, doth the Minister diligentiy at times appointed catechize the children and youth of the Parish, in the Church-Catechisme, and none other, publickly? Do any refuse to send their children or servants to be catechized? Do any sent, refuse to come, or answer? of what condition are they? upon what cause is their refusall?

10. In administration of private Baptisme, in cases of absolute exigency, doth your Minister, being requested and sent for, refuse to go, and baptize the child in danger of death?

Of Marriage.

11. Concerning marriage: Are the Banes asked three severall times openly in the Church, upon three severall Sundayes or holy-dayes?

12. Or is a Licence of dispensation for asking the Banes, brought from the Bishops court, and presented to the Minister before Marriage?

13. Is Marriage solemnized with Licence, or after Banes asked, in the Church, (and not clandestinely in a private house) before, or after the houres of eight and twelve in the forenoon: in Lent, or other prohibited times? And are all things done and performed according to the form prescribed in the book of Common prayer?

14. Are any married without a Ring, joyning of hands, or the fees laid down upon the Book?

15. Hath your Minister married any under twenty one yeares, without the consent of Parents or Guardians first had and signified?

16. Have any persons, once lawfully married, forsaken each other, or do live asunder without the authoritie of the Ordinary? or do any being divorced or separated marry again, the former wife or husband yet living? Have any of your parish been married at any lawlesse Church or Chappell, or out of the Parish where one of the parties dwelt?

17. Have any been married in the times wherein Marriage is by law restrained, without lawfull licence, viz. from the saturday next before Advent-sunday, untill the fourteenth of January; and from the saturday next before Septuagesima-sunday, untill the munday next after Low-sunday; and from the sunday before the Rogation-week, untill Trinitie-sunday?

Visitation of the Sick.

18. About visitation of the sick, and Burials: Doth your Minister not use, or refuse to go and recommend unto God the sick in and by the prayers of the Church, as they are conceived in the Communion-book? For *multi parvi, qui sunt unanimes, fiunt magni; & multorum preces, impossibile est contemni. Tertull.* Or otherwise doth he onely use to reade their names out of a scroll, before the Sermon or his own prayer in the pulpit, and no more?

19. Doth he refuse, being requested from the sick party *in extremis*, out of time of publick contagion and pestilence, to visit and comfort him on his death-bed, to exhort him to dispose of his temporall state, and to remember the poore in his Will?

20. But much rather, doth he comfort him as concerning his souls health, his state to God-ward? doth he upon hearing of his confession, which he shall perswade him to make, absolve him from his sinnes, settle his faith, affiance and confidence in God? and hath he at any time discovered any part of his confession?

21. Doth he furnish him with his *viaticum*, (that is, in his journey to Godward, with the communion of the body and bloud of our Saviour) thereto requested, according to order set down in the Communion-book?

22. When any party is in extremity, is there a passing-bell tolled, that the neighbours thereby moved, may (remembring their own mortality) recommend his state unto God in their private prayers, or (as the ancient Church used) accompanie him in his departure with intercession unto Gods judgement-seat?

23. When he is departed, doth the bell ring out his knell, that others may take notice, and thank God for his deliverance out of this vale of misery? Both which tolling and ringing out, be in many places neglected.

Buriall of the Dead.

24. When any deceased is to be interred in Christian buriall, doth your Minister upon request, or notice given, meet the corps at the Church stile, and conduct it into the Church, as is appointed?

25. From thence, after Service said, doth he go before it to the grave, saying or singing, as in the Service-book? doth he commit it unto the ground, as becometh the body of a Christian?

26. Hath he refused to bury any, not *Felo de se*, or excommunicated, unlesse that first fees be payd, or mortuary taken? hath he contrariwise buried any such in Christian buriall or consecrated ground?

27. Is the grave made east and west? Is the body buried with the head to the west? Is the grave digged seven foot deep? and being made up and covered, preserved from violation?

Churching of women after child-birth.

28. Doth your Minister refuse to church any woman after child-birth? doth he administer it at home, without great cause, to such as will not come to Church out of wilfull scrupulosity?

29. Doth he administer it in his Pew or reading-seat, using the words of the Service in generall, as if he intended it to all in the Church? or doth he descend onely unto her seat in the Church, and there perform it? or doth he not (as he ought to do) go up into the Chancell, the woman also repairing thither, kneeling before the Communion-table at the steps or rail? and if there be a Communion, doth she receive?

30. Doth she come to Church in her ordinary habit and wearing-apparel, or with a fair vail dependent from her head, that she may be distinguished from her accompanying neighbours, and that such as take notice of it, be thereby put in mind for her, and with her, to give God thanks for her deliverance?

Titulus 7.

¶ Concerning the Sacrament of the Lords Supper.

Do this, as often as you do it, in remembrance of me.

In the Primitive Church, this Sacrament was frequented and celebrated daily, especially in times of persecution; that being suddenly seised on, they might not depart without their *viaticum*. Afterwards it fell down to every Sunday: in processe they became *Mensurna*, monethly; and in latter times, devotion slaking, men were confined to at least thrice in one yeare, especially at Easter; which is the limitation in our Church.

1. Is this blessed Sacrament therefore administered in your Church every Sunday; or every moneth, upon the first Sunday in the moneth; or at least thrice in the yeare, whereof Easter is one time?

2. Is any publick notorious scandalous offender admitted thereto without satisfaction made unto the Church, reconcilement with enemies, confession of his faults, and promise made of amendment?

3. To which end and intent, doth the Minister admonish his Parishioners, to reform themselves, that they receive not their own damnation, as not discerning the Lords body?

4. Doth he especially exhort them to make confession of their sinnes, to himself, or some other learned, grave and discreet Minister, especially in Lent, against that holy time of Easter; that they may receive comfort and absolution, so to become worthy receivers of such sacred mysteries?

5. He is not to admit boyes or girls thereto, under sixteen yeares of age, nor any young person who hath not rendred an account of his faith, and is not confirmed by the Bishop: Is this observed or not? For better performing whereof, is there yearly a particular note taken of every houshold in the Parish, how many persons in each houshold there are, which be capable of receiving the Communion?

6. Are the names of such as intend to receive, taken by the Minister over night, or the day before, they repairing unto him, that he may examine or instruct them, they pay their offerings, and not disquiet that sacred action in the Chancell or Church, by collecting of them then or there, and that he may proportion the multitude of receivers according to the capacity of his Chancell, and not be pestred or crowded with multitudes, who thereby may be occasioned and desire to sit in their pews in the Church, and not come up and draw neare unto the Altar or holy Table, as they are bound to do?

7. Before the Communicants ascend up into the Chancell out of their seats in the Church, that exhortation is to be said, which in the Communion-book beginneth, *We be come together at this time*, &c. And then this exhortation, *Dearly beloved, we are come together*, &c. When after this exhortation, the Communicants are come up into the Chancell, before they dispose themselves to kneel in their severall places, (which are orderly and decently to be appointed for them) this is to be said, *You that do truly and earnestly*

repent you of your sinnes, &c. Is this order of the Communion-book observed? if not, let it be amended hereafter.

8. Doth he first receive himself in both kinds (for I have known where the Minister hath unorderly received last) upon his knees, at the Altar, having consecrated the bread and wine by the solemn and powerfull words of our Saviour, and none other?

9. Doth he next to himself give it to Clergy-men, if any be present, that they may assist him in giving the Cup; and afterwards to every Communicant, not standing, sitting, or going up and down, but humbly expecting till it be brought and given unto him, in the place appointed for him by the Ordinary? doth he receive it from the Minister, meekly kneeling upon his knees, which is the most fitting posture for devout and humble Communicants, and is commanded by the Church?

10. Doth he deliver bread and cup, severally to each Communicant, and not in grosse to all, or some part, using the words, *The body of our Lord Jesus Christ which was given for thee: The bloud of our Lord Jesus Christ which was shed for thee?* At pronunciation of which words directed unto them, each severall Communicant was wont in the Primitive Church to say, *Amen*, as professing his consent unto, and approbation of the truth thereof: Which words cannot be used, being spoken not severally, but in grosse to many at one time.

11. Is the bread and wine of the best sort, fine, clean, sweet, not musty, or unsavoury? which beside the profanation, of my knowledge hath been occasion to some of turning Papists; who could not swallow it in disrelishment, and abhorred such negligence and contempt of Christs institution in their Minister.

12. And whereas it offendeth many, that we sometimes call the Lords Table an *Altar*, and dispose of it Altar-wise; that we use the phrase of *Sacrament of the Altar:* in oppugning whereof, it hath been charged with Popery, and constantly (but ignorantly) affirmed, that in the Primitive Church it was not named an *Altar* for CCC yeares after Christ: to give satisfaction herein, and hereabout, both to Priests and people, I avow, upon certain knowledge out of my poore reading, That for all the time articulate, the word *Table* is not above thrice used, but ever *Altar;* and of Ecclesiasticall writers, within that time, onely *Dionysius Areopagita* hath it, and that but once, and occasionally: Which assertion (I am sure) cannot be refelled: and therefore if we will (as we professe to do) follow the course and practice of the ancient, Primitive, Apostolicall Church, we ought not to traduce or be offended at the name, thing, or use of *Altar*, whereat a manifold Sacrifice is offered to God.

Titulus 8.

¶ Touching Parishioners.

1. Are there in your Parish any adulterers, fornicators, incestuous persons, bawds, receivers, close favourers, conveyers away, or which suffer to depart any incontinent persons unpunished, any blasphemers, common swearers, drunkards, ribauds, usurers, malicious slanderers, scolds, or sowers of discord, or any defamed of any the said crimes?

2. Do any refuse to pay to the reparations, ornaments, and other things required in your Church as they are lawfully cessed by the Church-wardens? or any dwelling out of your Parish, which hold land in your Parish; do they refuse to pay?

3. Hath the Perambulation of the circuit of your parish been observed once every yeare? if not, whose default is it?

4. Have there been any secret Conventicles or meetings in your Parish, by any Priests, Ministers, or others, tending to the depraving of the form of Prayer, doctrine, or government of the Church?

5. Have any in your Parish given the Church-wardens, or Side-men, or any of them, evil words for doing their dutie according to their oath and conscience, in making presentment for any fault?

6. Do any in your Parish profane any Sunday or Holy-day by any unlawfull gaming, drinking or tipling in taverns, innes, or ale-houses, in the time of Common-prayer or Sermon, or by working or doing the work of their trades and occupations? Do any in your Parish buy or sell, or keep open their shops, or set out any wares to be sold on Sundayes or Holy-dayes, by themselves, their servants or apprentices? or have they any other wayes profaned the said dayes? And hath the Kings declaration concerning the lawfull sports and recreations been published among you, yea or no? if so when was it done, in what manner, and by whom?

7. Is the fifth day of November observed & kept in your Parish, with prayer and thanksgiving unto God, in such form as is by publick Authority appointed for the day? And likewise the day of the Kings inauguration?

8. Doth any married woman within your Parish after child-birth neglect to come to Church, according to the book of Common Prayer, to give thanks to God for her safe deliverance, vailed in a decent manner, as hath been anciently accustomed? And doth she then kneel in some convenient place nigh to the Communion-table, while the priest (standing by her) giveth thanks for her? And if there be a Communion, doth she then offer her accustomed offerings, and receive the holy Communion?

9. Do all fathers, mothers, masters and mistresses, cause their children, servants and apprentices to come to the publick catechizing on Sundayes and Holy-dayes, to be instructed and taught therein? And those that do not their duties herein, in not sending them to it, or not coming, or not learning and answering, you shall present their names.

10. Do all your Parishioners of what sort soever, according as the Church expressely them commandeth, draw neare, and with all Christian humility and reverence come to the Lords table, when they are to receive the holy Communion? And not (after the most contemptuous and unholy usage of some, if men did rightly consider) sit still in their seats or pews, to have the blessed body and bloud of our Saviour go up and down to seek them all the Church over?

11. Do you know, or have heard a fame of any offence committed by any of your Parish before your time, and heretofore not presented? and have you presented the same?

Titulus 9.

¶ Of Clerks, Sextons, Church-wardens, and Side-men.

1. Have you a fit Parish-clerk, aged twenty yeares at the least, of honest life, able to reade and write? Is your Sexton an honest man of conversation? Doth he duly perform his office, in ringing the Bells to service, and knells, &c. doth he keep the Church clean, the doores locked?

2. Do you and other Church-wardens do your diligence in not suffering any undecent behaviour in the Church, against order, canons, law: as in not being uncovered, standing, kneeling, talking, prating, going in and out the Church in Divine Service, or the like; in not permitting any idle or refractory person to walk, play, abide in the Church-yard, or Church-porch in time of Service?

3. Do you or they visit and take notice of misdemeanours in ale-houses, tap-houses, tobacco-shops, or taverns, in time of Divine Service, and present their names and offences?

4. Do you or they permit any playes, sports, wrestlings, drinkings, or other profane usages, in the Church, Chappell, or Church-yard?

5. Do you, or have any of you, meddled with setting placing, displacing, removing the Communion-table up and down, of your own heads, without the Minister; or with him, not by order from the Bishop?

6. Do you know of any Parishioner, or forreiner, who hath committed, or attempted such an act? If you can learn them, present their names.

7. Do any threaten, trouble, molest you, for doing your duties?

Titulus 10.

¶ Concerning School-masters, Physicians, and Chirurgians.

1. Is there any School-master in your Parish, who teacheth publick Grammar, to write or reade; or in private houses? who are they? in whose houses do they teach? with licence from the Ordinary, or without?

2. Do any teach in your Church or Chancell, which is to the profanation of that place.

3. Doth any Recusant keep a School-master in his house, who cometh not to Church, nor receiveth the Sacrament, or is refractory to the Church-orders?

4. Doth any publick School-master teach the children of Recusants or Sectaries?

5. Doth the School-master instruct his scholars in religion, the points of Catechisme set forth in the Communion-book?

6. Doth he orderly bring his scholars to Church upon Sundayes and holy-dayes, to Prayer and Sermons?

7. Is any maintenance given to free and publick Schools, detained or inverted? by whom is it practised?

8. What Chirurgian and Physician have you in you Parish? Is he a graduate, licenced by either Universitie?

9. What ignorant persons have left their trade, and taken upon them to practise Physick or Chirurgery?

10. What Midwives have you, and how, or by whom licenced?

11. How long have the above specified, used such practice? what good or hurt are they reported to have done?

Titulus 11.

¶ Concerning Ecclesiasticall Offices, and Fees.

1. What peculiar or exempt Jurisdictions be claimed or executed in your Parish?

2. Be there any Ecclesiasticall Judges, or any Clerks and ministers under them, who do take or exact any

extraordinary Fees, against the Canons, or Tables which set forth those Fees, which have come to your knowledge?

3. Are there to this purpose, two Registers or Tables containing the severall rates of Fees due to each Officer, the one publickly proposed in the Consistory-court, the other in the Registry, that every Subject may take view and notice thereof?

4. Do Clerks or others take any thing by way of gratuity for expedition?

5. Do you know, or have you heard of any payment, composition, or promise made to any Ecclesiasticall Officer, for conniving at any fault committed, for sparing any person, for misdemeanour of Ecclesiasticall cognizance, concealing of any excommunication? what summes have come to your knowledge, or be of publick fame? who are the delinquents?

6. What commutation hath been given? by whom? to whom? for what offence? how hath it been employed?

7. Do any Ecclesiasticall Judges speed any act privately of themselves?

8. What number of Apparitours be there in the severall Jurisdictions? in what manner is the Countrey grieved or overburdened by them?

9. What bribes or exactions have any of them taken?

10. Distinct and punctuall answer must be made to every Article.

11. If you know of any other Ecclesiasticall crime, you are to present it upon oath, although it be not here expressed: for better knowledge whereof, you are diligently to peruse the book of Canons and Statutes, enabling Ordinaries or their Officials to punish offences there specified.

12. The Ministers of every Parish may ioyn in presentment with the Church-wardens and Side-men: for they are intentionally the persons who should have chief care of the premised particulars. To which intent, the Minister and Church-wardens should meet and conferre together often, but especially to make their presentments of these or the like courses in their Parish. For misdemeanours unknown must go uncorrected. The Bishop is no *Ubiquitary*, that he can discover every thing done: but what is presented, if it be not punished, it is his fault.

FINIS.

THORNBURGH, ARCHDEACON OF WORCESTER, 1638.

ARTICLES to be enquired of and answered unto by the Church-wardens and Sworne-men within the Arch-Deaconrie of Worcester in the Visitation of the Right worshipfull Edward Thornburgh Dr. of Divinity Archdeacon of Worcester.

Anno Domini 1638.*

Oxford, printed by Leonard Lichfield.

A note of Directions.

1. The old Church-wardens and Side-men of every Parish Church and Chappel are to joyne together in appearance, and presentment upon the Articles formerly delivered in this behalfe, and the Minister also may joyne in presentment with them if he will, or otherwise the Minister may present alone. And the new elected Church-wardens and Side-men are to appeare, and to take their oaths, and to exhibite their presentments afterwards when they shall bee assigned, as by the 118 and 119 Canons is required. The presentments are to be plainely, and particularly set downe to answer every part and branch of every severall Article following, and to bee subscribed and testified under the hands and markes of all and singular the Presenters.

2. The Proprietaries, Parsons, Vicars, Curats, and Sequestrators of Ecclesiasticall Benefices, and their respective Farmers, and all publique Lecturers, Schoolemasters, Vshers, and and (*sic*) Vnder Schoolemasters, &c. within every Parish, are also to appeare, and to exhibite their Letters of Orders, Institutions, and Inductions, and all other their Dispensations, Licenses, and faculties whatsoever, not being formerly exhibited in the Visitation of the moderne Arch-Deacon now visiting. And they are also to make reall payment of all such procurations and Synodalls, and other duties as are respectually due and payable by every of them severally in this Visitation.

The Tenovr of the Oath to bee ministred to all and every the Church-wardens and Side-men, or assistants in the said Visitation.

You, and every of you shall sweare by almighty God, that all favour, feare, and affection, and all other sinister corruption whatsoever set aside, upon due consideration of these Articles given in charge, you will diligently enquire, and duly make a true, plaine, perfect, and particular answer and presentment in writing to the same Articles, and to every braunch and part thereof, presenting all, and every offenders and offences therein mentioned, so as may stand with the glory of God, the discharge of your consciences, and the jurisdiction of the Ecclesiasticall Court: wherein you shall deale sincerely, faithfully, & uprightly as before God. So helpe you God in Christ Jesus.

Concerning Church and Church-yard.

1. Whether is your Church and Chancell in all respects well & sufficiently repayred, and kept sweet and cleane, if not, in whose default? Have you therein the ten Commandements, the Articles of the beliefe, and other godly sentences fairely written: the Bible of the largest volume, the Bookes of Common prayer, the two volumes of Homilies, the booke entituled God and the King and all other bookes requisite: a seemely Pulpit, a convenient seat for the Minister at Praiers, a large and comely Surplesse whole and untorne?

2. Have you in your Church a strong chest for almes, with a hole in the top, and three lockes and keyes thereto, is the money therein put, imployed to the use of the poore?

3. Have you a Register of Christnings, Weddings, and Burialls in a booke of parchment duely kept in a chest with three lockes and keyes?

4. Hath any man pulled downe, or uncovered, or suffered to decay any Parsonage or Vicarage houses, or any Church, Chancell, Chappell, Vestry, or Church-houses in part, or in all, or imployed them, or any of them to any prophane uses?

5. Whether is your Parsonage, Vicarage, or Ministers house, or any part thereof converted, made, used, or imployed, to, or for any common passage, entry, thorow-fare, or common way for people, or Cattell usually to passe thorow, forth of the Church-yard into, or unto any Ale-house, Tipling, or Victualling house, common Inne, or wine Tauerne, and by whom, and by whose sufferance, and permission, and how long hath the same beene so made, enioyned, used imployed, or rather misused and misimployed as aforesaid?

6. Whether are the pales, fences, enclosures, and markes of ancient Bounds and Limits of your Parsonage Vicarage or Ministers houses, or of the Courts, entries, gardens, back sides or other appurtenances belonging to the same, or any part thereof, remooved, or altered, or taken away from their ancient places, bounds, and limits thereof, and layd and used to, and with any victualling house, common Inne, or wine Tauerne, and by whom, when, and by whose sufferance and how long time hath the same beene so done and suffered? And whether by the continuance of the use of the premises, as aforesaid, may not the same in short time growe out of knowledge, and by some prescription to become preiudiciall to the Church or succeeding Incumbent thereof?

7. Are your Bels, Bell-ropes, and Clocke in good repayre, and well ordered? Is your Church-yard well fenced, and decently kept? Is it not prophaned with fighting, brawling, chiding, gaming, dancing, playing, or with unlawfull Cattell, or other wise; if yea, how? and by whom, and by whose default?

Ministers and Curates.

8. Doth your Minister read, or say the whole divine Service every Sunday and Holyday, and administer the holy Sacraments according to the booke of Common Prayer, without addition or alteration? Is your Minister a licensed Preacher, doth he diligently preach sound Doctrine, and for matters of government seriously teach and maintaine the Kings supremacy under God within his maiesties dominions over all persons, and in all causes, as well Ecclesiasticall as Civill, and the abolishing of all forraigne power? doth he exhort the people to obedience, and before his Sermons use the forme of Prayer prescribed in the 55. Canon?

9. Hath your Minister more Benefices than one; if two, or more, doth he reside upon one of them himselfe, and maintaine a licensed Preacher on the other? If he have but one, is he resident and dwelling thereupon, is hee painefull in his vocation, of sober and good conversation, and given to hospitallity?

10. Doth your Minister use decency of Apparrell, as well in the Church as elswhere? and in the time of divine Prayers, and administration of the Sacraments, doth he use to weare the Surplesse? and if hee bee a Graduate, such a hood as is agreeable to his calling?

11. Is your Minister a peace-maker, and no sower of discord, or is hee suspected famed, or noted of any notorious crime, or giveth he any ill example, in his carriage, or demenour?

12. Doth any preach in your parish, that refuseth to conforme himselfe to the lawes, ordinances, and rites of the Church of England?

13. Hath your Minister a Curate, and how is hee licensed? doth he serve two cures, and doth he give notice of the fasting dayes and Holy-dayes commanded and allowed? and amongst others of the fifth of November?

* The date is inserted in MS.

14. If your Minister bee not a Preacher allowed, doth hee procure monethly Sermons? and when there is no Sermon, doth he read an Homily, doth he take upon him to expound any text of Scriptures?

15. What Preachers have come from any other place, and preached in your Parish; within these twelve moneths last past? have you their names written in a booke kept for that purpose? hath such a Preacher subscribed his name thereto, and set downe the day when he preached, & by whom licensed?

16. Hath your Minister obtained his Benefice by any Symoniacall compact, either directly, or indirectly?

17. Hath any of your Parish, or of any other Parish, unreverently used your Minister, laid violent hands on him, or disgraced his office and function by word, or deed?

Divine Service.

18. Is divine Service in due time on Sundayes, Holydayes and their Eves, and at other times appointed, reverently said, or sung in your Church or Chappell, with the Letany on Wednesdaies, and Frydaies, and all other rites and ceremonies, according to the prescript forme of common Prayer in the Communion Booke?

19. Whether doth any, not being licensed (or any not ordered, at least for a Deacon) say common Prayer openly in your Church, or Chappell?

20. Doe any men, young or old, use to weare their hats in the Church or Chappell in time of divine Service, or are there any that behave themselves disorderly in the Church, Chappell, or Church-yard, or any disturbers of divine Service or Sermons?

21. Whether doe any victuallers (or others in your Parish) suffer any drinking, or gaming in their houses on Sundayes, or Holy-dayes in time of divine Service or Sermons?

22. Whether any in your Parish upon Sundayes or Holy-dayes, doe use their trade, or doe any other worke or labour, as Brewing, Baking, Washing, Barbing, or such like, or doe any Mercers, Drapers, Shoomakers, Butchers, or others whatsoever open their shops for sale of Wares upon those dayes, or doe hedge, ditch, dig, carry, or draw burdens by themselves, their servants, horses, or other cattell whatsoever on such dayes? And is the fifth day of November observed, according as is ordained in that behalfe?

The holy Communion.

23. Have you a decent Communion Table on a frame with a rayle about the same, a seemely Carpet, and a cloth of Linnen, a Communion cup and cover of silver, a faire Flagon of Pewter, or purer mettall for the Wine, a plate for the Bread, and a towell to lay over it? Is the said Table put to any other use, or in any sort prophaned and how?

24. Whether is their (*sic*) any in your Parish which being full sixteene yeares of age and upward, hath not received the holy Communion three severall times in the yeare past, at least in his or her Parish Church, whereof Easter to be one of the three times?

25. Doth your Minister instruct, or examine his Parishioners concerning the Sacraments at convenient times before he administer the Communion? And doth hee admit any thereto that cannot say at least the Lords Prayer, the Articles of the Christian faith, and the ten Commandements?

26. Is your Communion ministred with Bread and Wine, consecrated in such order, as in the Booke of common Prayer is apppointed? And doth your Minister deliver both kinds to every severall Communicant, with the blessing prescribed in the booke of common Prayer?

27. Doth any receive the holy Communion either sitting, standing, or otherwise then kneeling, as is prescribed in the booke of common Prayer? Or doe any refuse to receive the same kneeling? and doth your Minister admit any to receive the Communion otherwise then kneeling?

28. Doth your minister admit any notorious Offenders, or any Schismaticks to the holy Communion, before due penance enioyed by the Ordinary be duely performed by them, or doth he admit any notoriously known to be out of charity, or any that hath done any open wrong to his neighbour, before reconciliation made to the party wronged? and have any beene put from the Communion and wherefore?

29. Whether doth your Minister appoint and observe so many Communions every yeare, as that the Parishoners may conveniently receive all of them three severall times in the yeare? And doth he use to give publike notice thereof in the Church, the Sabbath day next going before every such Communion, that the Parishioners may prepare themselves to bee partakers thereof? and hath any stranger or others of any other Parish resorted to your Parish Church to heare divine Service, or Sermon, or received the holy Communion there within these twelve months last past? and who?

Baptisme.

30. Have you in your Church a convenient Font of stone, well kept, and covered, standing in the ancient place? Doth your Minister baptize therein, or in a Bason, or other thing, or with any other ceremonies than such as are allowed in the Booke of common Prayer: or doth he omit, neglect, or not use all the ceremonies therein prescribed, and doth hee use the signe of the Crosse in Baptisme.

31. Doth your Minister refuse to baptize any children of Christian parents, that are brought to the Church?

32. Are parents urged to bee present at the baptizing of their children? or be any admitted to be God-fathers, or God-mothers, that have not received the holy Communion? or doe any parents refuse to have their children signed with the signe of the Crosse in Baptisme?

33. Have any children that were borne in your parish beene carried out of the parish to be baptized elsewhere? or have any not beene baptized at all, or in places by parties unknowne?

34. Whether hath your Minister refused, deferred, or delayed to come unto and to christen any child being in weaknesse, or in danger of death, being thereunto required, by reason whereof such a child hath (through his negligence, or by his default) dyed unbaptized?

Catechisme.

35. Doth your Minister, or his Curate uppon every Sunday and Holyday before evening prayer for halfe an houre or more, examine and instruct the youth and ignorant persons of his parish, in the Ten commandements, the Articles of the Beliefe, and the Lords Praper; and doth hee diligently heare, instruct, and teach them the Catechisme set forth in the booke of common Prayer?

36. Doe Parents and Housholders bring, or send their children and servants to the Church every Sunday and Holy-day duely to be catechized, according as the late Canons require, and who are negligent therein?

Matrimonie.

37. Whether is Matrimonie solemnized in your Church or Chappell according to the booke of common Prayer? and doe the new married persons the same day of their marriage receive the holy communion?

38. Have you in your Church a Table of the degrees of Marriage? are any married within the degrees of consanguinity or affinity therein forbidden? or doe any children under the age of twenty-one yeares contract themselves, or marry without consent of their parents, or Guardians?

39. Have any beene married without the Banes thrice asked in the Church three severall Sundays, or Holy-dayes, or at any time of the day, than betwixt the houre of eight and twelve in the forenone, or at any times prohibited, that is to say, from Advent Sunday to the Octaves of Epiphany from Septuagesima Sunday to the Octaves of Easter; from Rogation Sunday to Trinity Sunday?

40. Have any that dwell in your parish, beene married in any other parish or any of another parish, beene married in your parish? or have any beene married privately out of the Church, or face of the Congregation, when, where, by whom, and who were present at such marriages?

41. Have any woemen not well knowne to be married, beene delivered of any child in your parish and in whose house? or hath any woman in your parish beene carnally knowne, or begotten with child before marriage, and by whom?

42. Have any forsaken their wives or husbands, and married others? Have any married againe after they have beene divorced? Or doe any which have beene divorced keepe company still together?

43. Doe any married couples live asunder and not together, and doe either of them keepe in their house, or secretly resort to any other, to the raising of suspition or fame of incontinency?

44. Hath any in your parish, for money or reward, married any woman that committed fornication or adultery with another man? Or hath any unmarried woman, begotten with Child, gone out of your parish before shee hath done penance enioyned by the Ordinary, where was shee, or is shee received or harboured, at whose charge, and who conveyed her away?

Visitation of the sicke.

45. Doth your Minister or Curate visit the sicke, doth he admonish them to repentance, comfort the penitent, & exhort them to charitable alms deeds?

Buriall of the Dead.

46. Are your dead buried according to the forme of Buriall set downe in the Booke of Common Prayer, or have any beene buried secretly, or in the night who, and by whom, and who were present thereat?

47. Doe the executors, or Administrators, or other friends of them that are buried in Church or Chancell, repaire againe the Pauement, and give anything to the

Church, or in whose default is the same so neglected and not repaired?

Churching of women.

48. Doth any woman refuse to give God thanks openly in the Church in a decent vayle or (as we terme it) to be churched at covenient times after childbirth, or doth any Minister refuse to church them so, or church them any otherwise than is prescribed in the booke of common prayer?

49. Hath any woman unlawfully begotten with child beene admitted to publike thanksgiving in the Church before shee hath performed such penance as was enioyned her by the Ordinary or at least beene churched in a white sheete, and confessed her fault penitently before sufficient witnesses, and undertaken to stand to the censure of her Ordinary for her said offence? And hath any beene so churched without licence of the Ordinary?

Parish Clarkes.

50. Have you a Parish Clarke chosen by the Minister, what age is he of, and is he of honest conversation, hath he competent skill in reading, writing, and singing: And doth any withhold or detaine his wages or duties from him? Hath he beene examined and approved by his Ordinary?

Schoolemasters.

51. Have you any Schoole-house, and how is it repayred: And have you any Schoolemaster in your Parish that teacheth publikely, or privately, is he lawfully licensed? Doth he come duely to the Church, and receive the holy Communion? Doth he instruct his Schollers in the Catechisme allowed, and in the booke entituled God and the King? Causeth hee them to divine prayers in the Church, and to heare and note Sermons? Teacheth he any other Grammar than that which is allowed?

52. Is any Schoolemaster knowne, suspected, publikely, or privately to read to his Schollers, or suffer them to read any that may confirme them in Popery, superstition, or disobedience to the King's Maiestie, or to his lawes ecclesiasticall or civill and how many either men or women, doe teach children in your Parish, and what be their names?

Schismaticks and Recusants of all sorts.

53. Doe you know any that teach or maintine any doctrine contrary to the Articles agreed upon in the Convocation Anno Dom. 1652.

54. Doth any preach, minister the Communion, baptize children, or church women in private houses, or other-where than in the Church, and who be so churched, or doe so communicate?

55. Know you any that absent themselves from the Church negligently, or wilfully how long have they so done? And of them that are absent without a sufficient and lawfull cause, is the forfeiture of xii d. taken every Sunday, & converted to the use of the poore, according to the statute Eliz. I.

56. Doe any in your Parish maintaine, hold, or resort unto any Conventicles, private prayers, or meetings? or did, keepe, or solemnize any fasts, prophesies, or exercises other then what are licensed by the Bishop of the Dioces, or commanded by the Kings maiesty? And doe any of your Parish absent themselves, or goe from their owne Parish Church on any Sundaies at morning or evening Praiers to heare any Sermon, Lecture, praiers or Exercise at any other Church, or Chappell, and who be they?

57. Know you any that forbeare to participate with the Church of England in prayer, or Sacraments, either denying the Church to be Apostolicall or condemning the ceremonies thereof as superstitious?

58. Have you in your parish any Popish Recusants, any halfe Papists that come to the Church, and receive not the Communion, any Church-papists that come and receive themselves, but either perswade others, or maintaine their wives, children, family, or friends not to come?

59. Doth any Seminary priest or Jesuite resort to any place within this Diocesse or suspect you any such: Or doe you know any that resort to any popish priest or Jesuite?

60. Know you any that by writing, talke, or argument, impugne the Kings supremacy, or any that have kept in their custodie that sell disperse, carry, or deliver unto others any unlawfull Bookes against the Religion and government established, or in defence of any forraigne power, or domesticall consistorie?

Excommunicated persons.

61. Are all excommunicated persons kept out of the Church, from divine praiers, and receiving of the holy Communion, untill they be lawfully absolved: And are there any in your Parish which have stood excommunicated forty daies and upwards, are such persons as stand excommunicated, once in every sixth moneths denounced in your Church in time of divine Service upon some Sunday?

62. Hath any excommunicated person not absolved (at least in his extremity) not giving any testimony of his repentance before his departure, beene buried in christian buriall, who buried him, her, or them, where and when, and who were present at such burialls?

63. Doe eny retaine or keepe in their house, or service, any person denounced excommunicate, or doe any way encourage them therein, or converse with them in buying, selling, eating, drinking, or otherwise keepe company with them in any sort?

Wills, Testaments, and Administrations.

64. Doe any in your parish administer the goods of the dead, or any way intermeddle therewith, without lawfull authority committed unto them under the Ordinaries seale? and who be they?

65. Know you any in your parish that suppresse the last Will of the Dead, or any that forge or alter any Wills, or any Executors that fulfill not the Testators Will, or any that detaine Legacies given to any charitable uses? and who be they?

Severall Articles.

66. Doe any in your parish prophane the Sabbath dayes: or not duely observe the Holy-daies appointed? Are Ember fasts orderly observed at the foure times of the yeare appointed? And was the last Lent duely observed?

67. Are the dayes and orders of Perambulation duely observed in the Rogation weeke, if not, in whose default?

68. Are the Canons, constitutions, and orders made and agreed upon in the Convocation-house Anno Dom. 1603. read over once every yeare in your Church upon Sundaies or Holy-daies according to his Maiesties Commandement in that behalfe?

69. Doth your Minister yearely present, and give up in writing to the Ordinary the names of all Recusants, and halfe Recusants men & woemen as well soiourners as Parishioners and common guests in your Parish above the age of thirteene, according to 114 Canon or not?

70. Doe any in your Parish take upon them to practise Physicke, or Chirurgery have you any Midwife not being lawfully licensed?

71. Are any in your Parish (or which were of your Parish are now departed) knowne, suspected, famed, or reported to have offended in Fornication, Adultery, Incest, Witchcraft, Sorcery, Charming, Usury, Swearing, Drunkennesse, common slandering, sowing of discord, brawling scolding, or any other uncleanenesse of life or bad manners?

72. Are any housholders in your Parish (in whose house there is any one that can reade) which have not the booke entituled God and the King, and who be they that want the same?

73. Have any Apparators, or others, taken any reward to compound, or conceale any offence Presentable, or punishable in the Ecclesiasticall Court, let this bee manifested, and information and presentment made for every offence accordingly?

74. You shall further present whether any in your Parish upon Sundaies or Holy-daies, doe use any dancing, plaies, or other sports or pastimes whatsoever, before all Service on those daies bee fully ended? And are the same used by any of another parish, or any which have not the same day been at divine Prayers in their owne parish Church, who be they, which have offended in any of the premises?

Church-wardens, and Sidemen.

75. Are your Church-wardens and Sidemen chosen yearely in the Easter weeke according to the Canons? And doe the Church-wardens yearely, truly make and deliver up in writing, their account of all their receits, and disbursements whatsoever by them received and laid out for the parish, and of all the Church goods, books and other things, as the Canons require?

76. Doe your Church-wardens themselves come duely to the Church to divine Praiers and Sermons, and doe they their best endeavours, especially upon Sundaies & Holydaies, to cause all Parishioners to doe the like?

77. Whether is there a transcript or coppy of the Register booke of the Church, of Christenings, Weddings, and Burialls, yearely exhibited and delivered up into the Registry of the Ordinary or not?

78. Whether is there a sufficient teriar of the gleebe land and other Rights belonging to your Parsonage or Vicarage, truly taken and exhibited into the Registers office, as by law it ought?

Have the late Church-wardens concealed any crime, offence, or disorder in their times, and not presented the same; what bee the matters so concealed? Or doth any trouble, molest, vexe, or abuse me (*sic*) in words or otherwise, the Ministers, Church-wardens, or Sidemen, for doing their Office according to their Oath and Duty: and who be they that so doe? And have the Churchwardens continued in that office above one yeare, without a new election?

80. Whether any Church-wardens, Questmen or Sidemen of any Parish have been called and enforced to present any faults committed in their Parishes, otherwise than at the Visitations, or time, or times limited in the 116 Canon?

Articles concerning the orders and iniunctions lately inioyed by his Maiesty.

81. Have you any Lecturer or Preaching Minister in your Parish, doth he preach in the afternoone on Sundayes, and doth hee then use a catechisticall forme by Question and Answer?

82. Whether doth your Lecturer or Preaching Minister in your Parish before his Sermon, read divine prayers in a Surplice, and if he bee a Graduate in a hood answerable to his degree, and doth hee preach in a Gowne and not in a Cloke?

83. Have you any in you Parish, either Recusants or others, which refuse, or doe not come to divine prayers, Lectures, Sermons, and Catechizing in your Church, or doe negligently absent themselves, and not frequent the same, or any of them?

84. Whether is there any in your Parish which keepeth any private Schoolemaster or Chaplaine in his house, and who by name?

85. Have you advisedly and diligently perused, read, or heard others reade and peruse this booke of Articles, and every particular Article and branch thereof, and have you framed your answers or presentments to the same accordingly?

86. Generally, whether doe you know any of the Canons broken, or any other Ecclesiasticall matter worthy to be presented, or not, and if you doe, you shall truly present the same (by the Oath you have taken) as well now as hereafter, when it shall come to your knowledge?

FINIS.

JUXON, BISHOP OF LONDON, 1640.

ARTICLES to be enquired of within the Diocesse of London. In the third Trienniall Visitation of the Right Honourable,and Right Reverend Father in God, William, Lord Bishop of London, Lord High Treasurer of England. Holden in the Yeare of our Lord God, 1640.

London,
Printed by Richard Badger.
M.DC. XL.

[The following MS. note is written on the title of one of the Bodleian copies:—

"This Booke of Articles was compiled by the Bps. and Clergy in Convocation, Ano. 1640, first published for the visitation of the Bp. of London, and by him fitted in some points for the use of that Diocess. Heylyn, Cypr. &c. p. 441. 'Tis injoyned by the 5 Canon as an uniforme booke of Articles to be used in every diocess of each Province."]

The Oath to be administred to the Church-wardens and Sworn-men.

You shall sweare that you and every of you shall diligently enquire of the Articles given you in charge; and without any affection, favour, hatred, hope of reward and gaine, or feare of displeasure, or malice of any person, you shall present all and every such person and persons that now is, or of late was within your Parish, as hath committed any incest, adultery, fornication, or simony, and any misdemeanour or disturbances committed or made in any Church or Chappell, in time of Common Prayer, Preaching, or Divine Service there used, to the disturbance thereof: and also that have committed or done any other offence, fault or fault, presentable in the Ecclesiasticall Court, according to the Articles now delivered to you. Wherein you shall deale uprightly and according to truth, neither of malice presenting any contrary to truth, nor of corrupt affection sparing to present any, and so conceale the truth: having in this action God before your eyes, with an earnest zeale to maintaine the truth, and suppresse vice. So helpe you God, and the contents of this Booke.

Articles to be enquired of within the Diocesse of London, in the Visitation to be holden in the Yeare of our Lord, 1640.

Concerning Religion and the true worship of God, In this Realme established.

Can. 5. Is there any who doth affirme and teach that the 39. Articles agreed upon by the Archbishops and Bishops in both Provinces, and the whole Clergie, in the Convocation holden at *London, Anno* 1562. are in any part superstitious or erroneous, or such as hee may not with a good conscience subscribe unto? Who is [it] that so teacheth or affirmeth, and what is his name?

Can. 4. 2. Is there any who doth affirme and teach, that the forme of Gods worship in the Church of *England*, established by the Law, and contained in the booke of Common Prayer and administration of Sacraments, is a corrupt, superstitious, or unlawfull worship of God, or containeth anything in it that is repugnant to the Scriptures, Who is it that so teacheth, *&c.*?

Can. 6. 3. Is there any who doth affirme or teach, that the Rites and Ceremonies of the Church of *England* by Law established, are wicked, antichristian, or superstitious, or such as being commanded by lawfull Authoritie, may not with good conscience bee approved, used, or subscribed unto, by men who are zealously and godly affected, who is it, *&c.*?

Can. 9. 4. Is there any that separateth himselfe from the Communion of Saints, as it is approved by the Apostles Rules in the Church of *England*, and combine themselves together in a new brotherhood, accounting the Christians who are conformable to the Doctrine, Governement, Rites and Ceremonie of the Church of *England*, to be prophane or unmeet for him to ioyne with in Christian profession, who are they that so separate themselves, and what are their names?

Concerning the Church, the Governement, Authoritie, and Discipline thereof.

Can. 3. 1. Is there any that doth affirme or teach, that the Church of *England* by Law established under the Kings Maiestie, is not a true and Apostolicall Church, teaching and maintaining the Doctrine of the Apostles. Who is it that doth so affirme and teach, &c.?

Can. 7. 2. Is there any who doth affirme and teach that the Governement of the Church of *England* under his Maiestie by Archbishops, Bishops, Deanes, Archdeacons, and the rest that beare office in the same, is antichristian and repugnant to the Word of God. Who is it that doth, &c.

Can. 8. 3. Is there any who doth affirme or teach, that the formes or manner of making and Consecrating Bishops, Priests, and Deacons, containeth anything in it, that is repugnant to the Word of God: or that they who are made Bishops, Priests, and Deacons in that forme, are not lawfully made, nor ought to be accounted either by themselves or others, to be truly either Bishops, Priests, or Deacons, untill they have some other calling unto those Divine Offices. Who is it, &c.

Art. 20. 34. 4. Is there any that doth affirme or teach that the Church hath no power to decree Rites or Ceremonies, nor any authoritie in Controversies of Faith, or in the changing and abolishing of Ceremonies and Rites of the Church, ordained only by mans authority, contrary to the 20. and 34. Articles of the Church of *England*. Who is it, &c.

Can. 2. & 1. 5. Is there any who doth affirme or teach, that the Kings Maiestie hath not the same Authoritie in causes Ecclesiasticall, that the godly Kings had among the *Iewes*, and Christian Emperours in the Primitive Church. Or that the Kings Maiestie within his Realmes of *England*, *Scotland*, and *Ireland*, and all other his Dominions and Countries, is not the highest Power under God, to whom all men, as well Inhabitants as borne within the same, doe by Gods law owe most loyaltie and obedience. Or that impeach any part his Royall Supremacie in the said causes restored to the Crowne, and by the Lawes of the Realme therein established. Who is it, &c.?

Can. 114. 6. Is there any who doth affirme or teach, that no manner of person either of the Clergie or Laitie, are to be subiect to the Decrees and Constitutions of the Church in causes Ecclesiasticall, made and ratified by the Kings Maiesties Supreme authoritie, other then such as are particularly assembled in the sacred Synods of the Church for the making of the said Decrees, and Constitutions, and have given their voices, to the same. Who is it, &c?

Can. 12. 7. Is there any that doth affirme or teach, that it is lawfull for any sort of Ministers and lay persons or either of them to ioyne together, and make rules, orders, and Constitutions in Causes Ecclesiasticall without the Kings Authority, or any that submit themselves to be ruled and Governed by the same. Who is it, &c?

Can. 10. 8. Is there any who doth affirme, teach, maintaine or publish, that such Ministers who refuse to subscribe to the forme and manner of Gods worship in the Church of *England*, and their adherents may truly take unto them the name of another Church: or that there are within this

Can. 11. Realme, other meetings, assemblies, or congregations of the Kings borne Subiects, then such as by the lawes of this Land are held and allowed, which may rightly chalenge to themselves the name of true and lawfull Churches. Who is it that doth so affirme, &c?

Can. 72. 9. Doth any Minister or Ministers, without the Licence and direction of the Bishop of the Diocesse first obtained, appoint or keep any solemne Fasts publikely, or in any private houses, other then such as are or shall be appointed by lawfull authoritie,

or not being Licensed as afore is said, presumes to appoint or hold any meeting for Sermons, Sermon Lectures, Prophecies, or exercises in Market Townes or other places, or doth attempt without such Licence upon any pretence whatsoever, either of possession or obsession, to cast out any Divell or Divels. Who is it that offendeth in the premises, &c.

Can. 73. 10. Doe any Priests or Ministers of the Word of God, or any other persons meet together in any private house or elsewhere, to consult upon any matter or course to be taken by them or by any other, upon their motion and direction, which may any way tend to the impeaching or depraving of the Church of *England*, or of the booke of Common Prayer, or of any part of the Government or Discipline in the Church of *England* now established, and who are they?

Concerning Churches, the Ornaments, Vtensils, and other necessaries to the same belonging.

Can. 85. 1. Is your Parish Church or Chappell well and sufficiently repaired, and so from time to time maintained and kept? Are the windowes well glazed, the floare kept paved plaine and even, and all things there in such an orderly and decent sort, without dust, or any thing that may bee either noysome or unseemely, as best becommeth the house of God?

Can. 82. 2. Are the ten Commandements set upon the East end of your Church or Chappell, where the people may best see and reade the same, and other chosen sentences written upon the walls of your said Church or Chappell, in convenient places?

Rubr. before Morning Prayer. Orders of Queene Elizabeth, An. 1561. Ib. Order 3. 3. Doe the Chancels remaine as they have done in times past, that is to say, in the convenient situation of the Seates, and in the ascent or steps unto the place appointed anciently for the standing of the holy Table? Is the Chancell of your Church or Chappell cleane kept, and repaired within and without, in the windowes and otherwhere as appertaineth? And is there a comely partition betwixt your Chancell and the body of the Church or Chappell, as is required by the Law?

Can. 85. 4. Is the Church-yard of your Church or Chappell well and sufficiently fensed, maintained and kept with walls, railes or pales, as hath beene heretofore accustomed: And if not, then by whose negligence or default is it, that the fenses of the same are grown into decay?

Can. 88. 5. Are there any Playes, Feasts, Banquets, Suppers, Church-Ales, Drinkings, Temporall Courts or Leetes, Lay-iuries or Musters: or is there any other prophane usage, kept in your Church, Chappell, or Churchyards of what sort soever. By whom are your said Church or Chappell, or Churchyard so prophaned as afore is said, and by whose permission.

Injunct. of Q. Eliz. Orders of Q. Eliz. 6. Have you in the Chancell of your Church or Chappell a decent and convenient Table for the celebration of the Holy Communion? Is it so set as is directed in the Queenes Iniunctions, and appointed by the Canon made in the Synod held at *London*, *Anno* 1640. Have you a Carpet of silke or other decent stuffe, appointed by the Ordinary, to lay upon the table in the time of Divine Service, and a faire linnen cloth to lay upon the same in time of the Communion? And is the said Carpet and linnen cloth laid constantly upon the Table, at the times aforesaid?

Can. 82. Com. Book. Can. 20. 7. Have you a faire Communion Cup, or Chalice of silver, with a cover of the same, and a decent standing pot or Flagon of pewter, if not of purer metall, in which the wine for the Communion is to be brought unto the holy Table? Is the said Table, Carpet, Linnen cloth, Cup, or Flagon, or either of them any wayes prophaned, or otherwise imployed, then to their owne proper and right holy uses?

Can. 81. 8. Have you in your Church or Chappell a Font of stone, where Baptisme is to be administred, decently made, and kept as it ought to be? Is the same set in the Ancient usuall place appointed for it, and doth your Minister publikely baptize, in the same Font only?

Can. 82. 83. 9. Have you in your Church or Chappell, a convenient Seat made for the Minister to reade Service in, as also a comely and decent Pulpit set in a convenient place within the same for the preaching of Gods Word, and there seemely kept?

Can. 84. 10. Have you in your Church or Chappell a strong Chest with an hole in the upper part thereof, for the Almes of the poor? Hath the same chest three severall keyes, and is the one of them in the custodie of the Parson, Vicar, or Curat? Is the same so set and fastened in the most convenient place, to the intent the parishioners may put into it their Almes, for their poore neighbours?

Can. 87. 11. Have you a true note and Terrar, of all the Glebes, Lands, Meadows, Gardens, Orchards, Houses, stockes, implements, Tenements and portions of tythes lying out of your Parish, which belong unto your Parsonage, or Vicarage? And is the same, or a true Coppie of the same layed up in the Bishops Registry for a perpetuall Memory thereof?

Can. 58. 12. Have you a comely decent Surplisse with sleeves for the use of your Minister in saying the publike prayers, or ministering the Sacraments, and other rites of the Church: together with an Vniversitie hood, according to the degree of your said Minister? And doth the Parson, Vicar, or Curate use the same, as oft as he officiates Gods publike Service, administreth the Sacraments, or dischargeth any publike duty in the Congregation.

Can. 80. 13. Have you a Bible of the largest volume, allowed by Authoritie, the booke of Common Prayer, and the booke of Homilies, all very well, and fairely bound? As also a booke of the Canons and Constitutions, made in the Synod held at *London*, *Anno* 1603, and ratified by the Kings authority? A booke of prayers for the 5. of *November*, and for the 27. of *March* being the day of his Maiesties most happy Inauguration?

Can. 70. Have you a parchment Register booke wherein to keep upon record, the severall Christenings, Weddings, and Burials, which happen weekly, quarterly, or yearly, in your Parish? Have you

Can. 52. also a Register booke wherein to write the names of all Preachers, which come and Preach in your Church from other places? And have

Can. 70. you one sure Cofer with three lockes and keyes, for keeping of the bookes aforesaid. And doth one of your keyes remaine alwayes in the hands of your Minister?

Whether is your Parsonage-house or Vicarage-house, Barnes, Stables, and other out-houses thereto belonging, in good and sufficient repaire.

Whether hath any person incroached upon the ground of your Churchyard, or other consecrated ground, if any hath, then you shall present him, and set out what quantitie of ground is so incroached upon, and whether any new doore or window hath beene lately made into your Church or Churchyard, and by what authority?*

Concerning the Celebration of Divine Service, the Administration of the Sacraments, &c.

Rubrick after the Preface. Doth your Minister or Curate that ministreth in your Parish Church or Chappell, say daily the Morning and Evening Prayer in the same Parish Church or Chappell where he ministreth, unless he be lawfully hindered? And doth he cause a Bell to be tolled thereunto, a convenient time before he begin, that such as be disposed may come to heare Gods Word, and to pray with him? Especially,

Can. 14. Is the Common Prayer said or sung distinctly and reverently upon such dayes as are appointed to be kept holy, and upon their Eves? Is the same said or sung at convenient and usuall times of those dayes, and in such place of every Church, as the people may be most edified thereby? And doth the Parson, Vicar, or Curate, observe the Orders, Rites, and Ceremonies prescribed in the booke of Common Prayer, as well in reading the holy Scripture, and saying of prayers, as in administration of the Sacraments: without either diminishing in regard of Preaching, or in any other respect, or adding any thing, in the matter and forme thereof?

Rubrick of the Common Prayer booke. 2. Doth the Minister reade the Psalmes, and Lessons appointed in the Kalendar for Morning and Evening Prayer? And at the end of every Psalme throughout the yeare, and likewise at the end of the *Benedictus*, *Benedicite*, *Magnificat*, and *Nunc dimittis*, doth he repeate, Glory be to the Father, &c. And at the reading of the Lessons, doth he stand and turne him so, as he may best be heard of all such as be present? And is the Creed called *Athanasius* Creed, beginning with (*Whosoever will be saved*) said by your Minister constantly at the times appointed in the Common Prayer booke, and doth your Minister sing or say any other Psalmes or Hymns other then aforesaid in the place of those, contrary to Law?

Can. 15. 3. Doth your Parson, Vicar, or Curate, say the Letanie on every Sunday duely throughout the yeare, as also upon all Wednesdayes and Fridaies weekely, though they be not holy-dayes? In what convenient place of your Church or Chappell doth hee say the same, and by whom was that place appointed? Doth hee say the same at the accustomed houres of Service, and is there warning giuen to the people by the tolling of a Bell? And doth euery house-holder dwelling within halfe a mile of the Church, come, or send one at the least of his houshold to ioyne with the Minister?

* These last two Articles are printed in Roman type, the general text of the Articles being in Black Letter. Probably this distinction marks the portions added by Bishop Juxon to the Convocation-Book, for his own diocese.

Rubr. after the Communion. 4. Doth your Minister read the Communion Service, or the second Service on every Sunday and Holyday throughout the yeare, though there bee no Communion, according as it is appointed in the Booke of Common Prayer?

Can. 45. 5. Doth your Parson reside upon his Benefice or not, If yea, then, being a licensed Preacher, doth he preach one Sermon every Sunday in the yeare in his owne Cure, or in some Church or Chappell neare adioyning, having no lawfull impediment? And

Can. 49. 46. being not a licensed Preacher, doth he offer at any time to preach or expound the Scriptures, or rather doth he procure Sermons to bee Preached in his Cure once every moneth at the least by Preachers which bee lawfully licensed? If he be licensed

Can. 47. by the Lawes of this Realme not to reside upon his Benefice, then in that Case doth he supply his Cure by one that is a sufficient and Licensed

Can. 48. Preacher? And is your Curate allowed to serve there by the Bishop of the Diocesse, or by the Ordinary of the place having Episcopall iurisdiction, and by no other?

Rubr. 6. Doth your Parson, Vicar, or Curate upon every Sunday and holy-day throughout the yeare when there is no Sermon, reade one of the Homilies set forth by publike Authority? Doth he use to read the same in the Pulpit only, according as he is

Cap. 4. required in the Canons of the yeare 1571. And doth your Minister as well before the Homilie as before his Sermon move and exhort the

Can. 55. people to ioyne with him in Prayer according to the forme laid downe in the book of Canons, and doth hee use any other forme then is there prescribed?

Can. 55. 7. Haue you in your Parish, besides your Parson, Vicar, or Curate, any Lecturer or Lecturers not having cure of soules therein? Doth

Can. 56. your Lecturer use before his Lectures, the forme of prayer before remembred and no other forme? And doth he twice at the least every yeare read the Divine Service on two severall Sundaies both in the fore-noone and after-noone, publikely and at the usuall times, and doth he as oft in every yeare administer the Sacraments of Baptisme and the Lords Supper, in such manner and form, and with the observation of such Rites and Ceremonies as are prescribed in the book of Common Prayer?

8. Doe your Lecturer or Lecturers preach in their Gownes and not in their Cloakes, according to his Maiesties Instructions, *An.* 1629. Doth he professe his willingnesse to take upon him a Living with cure of soules, in that place or Parish, in the which he Lectures or elsewhere. And doth he actually take such Cure or Benefice if any hath beene offered to him?

Can. 53. 9. Is your Lecturer licensed by the Bishop of the Diocesse? And doth your Lecturer or any other Preacher that Lectureth or preacheth in your Church or Chappell, impugne or confute any Doctrine formerly delivered in the same, or in any Church neare adioyning, before hee hath acquainted the Bishop of the Diocesse therewith, and received order from him what to doe in that case for the avoiding of dissention?

Can. 54. 10. Doth your Lecturer conforme himselfe to the Lawes, Ordinances, and Rites Ecclesiasticall established in the Church of *England?* If not, you are to certifie the same unto the Bishop of the Diocesse, or other Ordinary of the place, to the end that if the said Lecturer doe not conforme himselfe after admonition, his Licence may be voided, and himselfe removed?

Can. 21. 11. Doth your Parson, Vicar, or Curate, administer the Communion in your Church or Chappell so often, and at such times, as every parishioner may communicate at least thrice in the yeare, whereof the Feast of *Easter* to be one? And doth he give

Can. 22. warning to his parishioners publikely in the Church at Morning prayer the Sunday before, for the better preparation of themselves? And doe such as purpose to communicate signifie their minds unto the Curate over night or the morning early?

Can. 26. 12. Doth your Minister admit to the receiving of the holy Communion, such of his Cure which be openly knowne to live in sinne notorious without repentance, or any who have openly or maliciously contended with their neighbours, and will not be induced by him to a reconcilement? Or any Churchwardens or Sidemen, who having taken oath to present to their Ordinaries every such publike offence, as they are particularly charged to enquire of in their severall parishes, shall wittingly incurre the horrible crime of periurie?

an. 27. 13. Doth he wittingly administer the same to any but to such as kneel, or to any that refuse to bee present at the publike prayers, or to any that bee common and notorious depravers of the booke of Common-prayer, or of any thing contained in the Booke of Articles agreed upon in the Convocation, *Anno* 1562. Or in the booke of Ordering Priests and Bishops, or to any that hath spoken against, and depraved his Maiesties Soveraigne Authority in causes Ecclesiasticall, except such persons doe first acknowledge to the Minister before you the Church-wardens that hee is sorry for the same, and promise either by word of mouth, or under his hand to doe so no more?

Rubr. 14. Is the bread provided for the Holy Sacrament of the Lords Supper, of the best and purest white-bread that may conveniently be gotten? Doth the Minister take the same into his hands to blesse and consecrate it to that holy use as oft as he administreth the Communion? Doth he so likewise with the wine provided? And if any bread or wine bee newly brought,

Can. 21. doth he first use the words of the Institution before it be distributed to the Communicants?

Rubr. Can. 21. 15. Doth your Minister as oft as he celebrateth the Communion, receive the Sacrament first in both kindes himselfe, and having so received the same, doth he severally deliver the bread and wine to every Communicant in their hands kneeling? And at his delivery of the same, doth hee reherse the whole forme mentioned in the Communion Booke saying (*The body of our Lord Jesus Christ, &c.*) or doth he only use some part thereof, as he list himselfe?

Rubr. & 16. Doth your Parson, Vicar, or Curate, administer the Communion at any time publikely in the congregation except there be foure or three (at the least) to communicate with him?

Can. 28. 57. Doth he administer the same to any strangers, which come often and commonly from their owne Parish Churches? And doe you the Church-wardens give notice to your Minister of such strangers, that so hee may remit them home to their owne Parish Churches, there to Communicate with their owne Minister and neighbours?

Can. 71. 17. Doth your Minister, except it be in times and cases of necessity, Preach or administer the holy Communion in any private house in which there is no Chappell dedicated and allowed by the Ecclesiasticall lawes of this Kingdome? Doth any Chaplaine living within your parish, preach or administer the Communion in any other place then in the Chappell of the said houses? Doth the Lords and Masters of such Chaplaines, or houses, at other times resort to their owne Parish Churches, and there receive the holy Communion, at least

Instructions. once in the yeare? And doe any under Noble men, and men qualified by law keepe any private Chaplaine in their house or houses?

Can. 68. Rubr. of Bap. 18. Doth your Minister refuse or delay to Christen any child that is brought to him to the Church on Sundayes or Holydayes, knowledge thereof being given to him over night or in the morning before Morning prayer? Doth hee proceed therein in all things according to the forme of publike

Can. 30. Baptisme in the Common prayer Booke, doth he neglect, refuse, or pretermit at any time to signe the child baptized with the signe of the crosse, or doth hee admit the parent of a childe to

Can. 29. answer as a Godfather to his own childe, or any other person to be a Godfather or Godmother, before the said person so undertaking hath received the holy Communion?

19. Doth your Minister being duly informed of the weaknesse and danger of death of any infant unbaptized in his Parish, and being thereupon desired to goe unto the place and baptize the same, either wilfully refuse to doe it, or

Can. 69. negligently delay the time, so that the child departeth without Baptisme through his default: if the childe so baptized doe recover afterwards, is it brought into the Church by the Godfathers and Godmothers, to the intent the congregation may bee certified of the Baptizing thereof, according to the forme prescribed in the Common prayer Book?

Can. 61. Can. 59. Rub. of Confir. 20. Doth your Minister having Cure and charge of soules, doe his best endeavour to prepare children, and make them ready for confirmation? And to that end, doth hee on every Sunday and Holy day before Evening prayer for the space of halfe an houre or more instruct the youth and ignorant persons of the parish, according to the Catechisme set forth in the Common prayer booke? And are the afternoone Sermons in your parish (if you had any formerly) turned into Catechising by way of questions and answers according to the Kings Instructions?

Instructions. Rubr. of Confirm. 21. Doth your Minister either bring, or send in writing to the Bishop of the Diocesse the names of all those Children of his parish which can answer to the questions contained in the Catechisme, that by the imposition of hands and prayer, they may receive strength and defence against temptation? And doth he admit any person or persons to the holy Communion, untill such time as he or they can orderly say the catechisme and be confirmed?

Can. 62. 22. Doth your Parson, Vicar, or Curate celebrate Matrimony betwixt any persons, without a facultie or Licence granted by authority Lawfull, or without the Banes of Matrimony first published, on three severall Sundayes or Holydayes, in the parish Church or Chappell where the said parties dwell, or at the times by Law prohibited without speciall Licence: Or doth he celebrate the same in any other place than in the Church, or in the Church at any other time than betweene the hours of eight and twelve in the forenoone, and at that time betwixt such persons as are under the age of twenty one yeares, without the consent of their parents signified unto him or a Licence granted to him so to doe?

Rubr. of Matrimonie. 23. Doth your Minister in the solemnizing of holy Matrimony keepe himself to the forme and Ceremonies prescribed in the Common Prayer booke, doth he at any time marry any without a Ring, or without going to the Lords Table, as it is appointed: Doth he in case there bee no Sermon read those Texts of Scripture, wherein the offices of man and wife, are declared, according as it is prescribed? And doe the new married persons the same day of their marriage receive the holy Communion, as by Law they ought?

Can. 87. 24. Doth your Minister or Curate resort to such of your parish as are dangerously sick (if the disease be not probably suspected to be infectious) to instruct and comfort them in that distresse, doth hee exhort the sick party to be in charity with all the world, and to dispose of his goods, and declare his debts, and doth he move him, and that most earnestly to liberalitie towards the poore, and to unburden his conscience?

Rubr. of Visitation. 25. If any sick person finde his conscience troubled with any weighty matter, and doth unburden the same to his Priest or Minister, doth the said Priest or Minister give him absolution, according to the forme prescribed: And have you ever heard that the said Priest or Minister hath revealed and made knowne at any time to any person whatsoever, any crime or offence committed to his trust and secrecy, either in case of such extremity, or any other case whatsoever (except they be such crimes as by the lawes of this Realme, the life of the said Priest or Minister may be called in question for concealing of it) declare the name of the offender, when and by whome you heare the same?

Can. 130.

Rubrick of Com. 26. Doth the Curate that ministreth in your parish, upon convenient notice giuen him, administer the Communion unto such as be dangerously sicke, and not able to come unto the Church, and yet are desirous to receive the same in their houses, and are unquiet for [t]he lack thereof: Or doth hee obstinately and wilfully refuse so to doe being thereunto required, and finding all things necessary for the doing of it?

Can. 68. 27. Doth your minister refuse or delay to bury any corps that is brought into the Church or Church-yard, convenient warning being given him before, except the partie deceased were denounced excommunicate for some grievous crime, *Majori Excommunicatione*, and no man able to testifie of his repentance: And doth he do it decently and gravely, not swerving from the forme prescribed by the Church in the Common prayer booke?

28. Doth any woman in your parish after her delivery from the paines and perill of Childbirth refuse to come into the Church to render thanks to God for so great a mercy: Doth she go thither covered with a decent veil according to the laudable and ancient custome: And being come doth she goe neere unto the place where the Table standeth, and offereth her accustomed offerings:

Rubr. And doth your Minister doe his dutie in churching the said women (*sic*) according to the forme prescribed: And doth the woman that commeth to give her thankes, receive the holy Communion if there be any?

29. Doth your Minister at and vpon seasonable times, especially on the first day of Lent, cause the people, to bee called together and assembled in the Church by the ringing of a Bell: And being drawne together doth hee read unto them the commination against sinners, with the other prayers appointed?

Concerning the Clergie, their Duty, Carriage, &c.

Can. 1. Doth your Parson, Vicar, Curate, or Lecturer, (if you have any) purely and syncerely teach, manifest and declare foure times every yeare at the least in his Sermons and other Collations and Lectures that all usurped and forraigne power is for most iust causes taken away and abolished, and that therefore no obedience or subiection within his Maiesties Realmes and Dominions, is due unto any such forraigne power. And doth he preach the Doctrine of obedience, and the Kings authority according to the Canons

Can. 64. published, and set out by the late holy Synod, *Anno* 1640.

Rub. of Com. 2. Doth your Minister declare to the parishioners, every Sunday at the time appointed in the Communion booke whether there be any Holy-dayes or fasting-dayes in the following weeke: And doth hee call upon them to observe the same, according to the Lawes of the Land, and of holy Church?

Injunctions and Advertisements of Q. Elizab. 3. Doth your Minister or Curate in the Rogation dayes goe in perambulation about your parish saying and using the Psalmes and suffrages by Law appointed, as *viz. Psalme* 103. and 104. the Letany and suffrages, together with the Homily set out for that end and purpose: Doth hee admonish the people to give thankes to God, if they see any likely hopes of plenty, and to call upon him for his mercy, if there be any feare of scarcitie: And doe you the Churchwardens assist him in it?

Can. 48. Can. An. 1571. Cap. ult. 4. Doth your Curate serve more then one Church or Chappell upon one day, except the said Chappell be a member of the parish Church or united thereto: How farre distant are the said Churches or Chappels which he serveth from one another? What wages hath he for his paines?

Can. 65. 5. Doth your Minister if he be commanded by the Ordinary, openly on some Sunday denounce and declare for excommunicate, all those, who either for refusing to frequent the divine service of the Church, or for notorious contumacie, or other notable crimes stand lawfully excommunicated by the lawes of the Church, that others thereby may bee admonished to refraine their Companies: And doth your Minister himselfe refraine the company of persons excommunicated and so denounced?

Can. 74. 6. Doth your Parson, Vicar, or Curate usually weare such apparell as is prescribed by the Canon, that is to say, a gowne with standing collar and wide sleeves straite at the hands, and a square cap: Or doth hee goe at any time abroade in his dublet and hose without coat or cassock, or doth he use to weare any light coloured stockings, doth he weare any coife, and wrought nightcaps, or only plaine night-caps of silke, sattin, or velvet: And in his iourneying, doth he usually weare a cloake with sleeves, commonly called the Priests cloak, without guards, welts, long buttons or cuts?

Can. 75. 7. Doth your Parson, Vicar, or Curate resort at any time, other then for his honest necessities to any Tavernes, or Alehouses, or doth your Curate lodge or board, in any such places: Doe they or either of them give themselves to any base or servile labour, or to drinking or Riot, or to playing at dice, cards or tables, or to any other unlawfull game, or games: or doe they otherwise spend their time idly by day or by night?

Can. 76. 8. Is there any in your Parish, who having beene a Deacon or Minister hath voluntaryly relinquished his calling, and doth use himselfe in the course of his life as a lay man, what are their names that have forsaken their said callings?

Can. 60. 9. Doth your Minister (if he be a Preacher, and thought fit by your Bishop) having any popish Recusant, or Recusants in his parish,

Can. 66. labour diligently with them from time to time, thereby to reclaime them from their errours: And if he be no Preacher, or not such a Preacher, doth hee procure some that are Preachers so qualified, to take paines with them to that purpose?

Can. 114. 10. Doth your Parson, Vicar, or Curate, carefully inform himselfe every yeare, how many popish Recusants, men, woemen, and children above the age of thirteene yeares, or being otherwise popishly given, are inhabitants within their parish or parishes, or make their abode there, either as soiourners or common guests?

Can. 70. 11. Doth your Minister every Sunday weekly (if there be occasion) in the presence of you the Churchwardens, write and record in the Register-booke the names of all persons christened, together with the names and surnames of their parents, as

also, the names and surnames of all persons married and buried in that parish the weeke before, and the day and yeare of every such Christening, Marriage, and Burial, and unto every page therof when it is fild, do you and your said Minister subscribe your names: And is a true coppie of the said Christnings, Marriages, and Burials, subscribed with the names of your Minister and you the Churchwardens, transmitted yearely within one moneth after the 25 of *March*, unto the Bishop of the Diocesse to be preserved in his Registry?

12. Doth your Minister in the parish Church or Chappell, where hee hath charge, reade the Canons, Orders, and Constitutions, (agreed on in the Synod held at *London, Anno* 1603.) once every yeare upon some Sundayes or Holydayes in the afternoone before Divine Service: and doth he so divide the same, as the one halfe may be read one day, and the other halfe the other day?

Whether hath your Minister, Churchwardens, and Sidemen, presented unto the Lord Bishop of London, or his Chancellour, within fortie dayes after Easter, the names of all the Parishioners, as well men as woemen, which being above 16. yeares of age, received not the Communion, at or about Easter before according to the 112. Canon; If not, you shall present, whether that presentment should have beene brought in by your selves or your predecessors, and specific the names of every one that should have made such presentment at Easter last past?*

Concerning Schoolemasters, Parish Clarkes, and Sextens.

Can. 77. Doth any man in your Parish teach either in publike School or private house, but such as be allowed by the Bishop of the Diocesse, or other Ordinary of the place under his hand and Seale:

Can. 78. And if there bee no publike Grammer-schoole founded in your parish, doth any other teach Schoole in your parish, than your Curate only, if he be willing so to doe?

Can. 79. 2. Doth your Schoolemaster teach in English or Latine, as the children are able to beare, the shorter or longer Catechisme set forth by Authority and no other: doth he on Sundayes and Holydayes when there is a Sermon cause his Schollers to come unto the Church, and there see them quietly and orderly behave themselves: And doth he traine them up at other times in sentences of holy Scripture: And doth he teach them any other Grammar than that which was set forth by King *Henry* VIII. and hath since continued?

Can. 91. 3. Have you belonging to your Church or Chappell a Parish Clarke aged 21. yeares at the least? Is he of honest conversation, sufficient for his reading, writing, and also for his competent skill in singing? Is your said Clarke chosen by any your Parson, Vicar, or other Minister. And doth your Clarke so chosen as before is said, receive his ancient usuall wages, without any fraud or diminution, as hath beene accustomed: Or who is it that denyeth to pay that wages?

Can. 67. 4. Doth your Sexten or your Parish Clarke (if there be no Sexton) when, and as often as any person is passing out of this life, cause a Bell to be tolled, that so his neighbours may be warned to recommend his soule to the grace of God? And after the said parties death (if it so fall out) doth he ring or cause one short peale to be forthwith rung, that so his neighbours may have notice that he is departed?

Whether do you the Churchwardens of every Parish within the Citie and suburbs of London (according to the Kings Majesties Letters Patents, under the great Seale of England in that behalfe granted) suffer your Parish Clarke to gather his wages himselfe, in as full and ample manner, as the same hath formerly beene gathered, in or by colour of his name, without diminution, upon pretence of pewage, or the like, and without any manner of disturbance or interruption or forbidding any one so to pay the same unto him, and whether doe you assist your Clarke in collecting his wages (if need be) according to his Majesties said Letters Patent: and whether doe you duely present all such persons of your Parish as refuse to pay the said Clarkes accustomed wages, as by his Majesties said grant, you are required and commanded?†

Concerning Parishioners.

Can. 109. Is there any in your Parish either Master or Servant, Soiourner or Inhabiter, that hath offended either by Adultery, Whoredome, Incest, or drunkennesse, or by swearing, ribaldry, (or filthy speaking) usury, or any other uncleannesse, or wickednesse of life? you shall faithfully present all and every the said offenders.

Can. 110. 2. Doe you know of any in your Parish, or elsewhere, that is an hinderer of the word of God to be read, or syncerely preached, or of the execution of any Ecclesiasticall Canons, now by law in force? or a fautour of any usurped or forraigne power, by the lawes of this Realme justly rejected and taken away, or a defendour of any popish and erronious doctrine? you shall detect, and faithfully present, &c.

Can. 114. 3. Have you in your parish any popish Recusants, men, women, or children above the age of 13 yeares, whether inhabitants, or sojourners, and common guests, that refuse to come to Church, or comming to the Church, refuse to receive the Communion? you shall set downe their names in writing, if you know their names, or otherwise, those names by which they are called, and who they are that entertaine such guests or sojourners.

Q. Eliz. c. 1. 4. Have you any that disswade any of his Majesties subjects, from comming to the Divine Service in this Church established, or that have or doe practise with any of them to disswade them from taking the oath of Allegiance, or that have any wayes offended against the Canon lately made, for the suppressing of popish superstition?

1 Eliz. c. 2. 5. Doe all and every person or persons inhabiting or sojourning within your Parish, diligently and faithfully resort unto your parish Church, or Chappell accustomed, upon euery Sunday, and other dayes appointed to be used and kept as Holydayes, doe they then and there abide orderly and soberly, during the time of common prayer, preaching, or other service of God there to be used, or ministred? Or, (which is contrary thereunto) have you any that come

Can. Anno 1571. ca. 5. unto the preachings only, and not unto the common prayer, or comming to the common prayer, neither use to come at the beginning, nor tarry out unto the end? Or that being there doe rudely and disorderly

Can. 111. behave themselves, or which by walking, talking, or any noise doe hinder the Minister or Preacher?

6. Have you any that upon the Sundayes or Holydaies, imploy themselves in their bodily and ordinary labour, or that permit their servants so to doe? Or that keepe open Shops in time of divine Service? Or any Vintners, Inn-

Can. Anno 1571. keepers, or other Victuallers, that permit any to lie tipling in their houses, or that doe tipple, dice, or play at cards, or any other game in time of divine Service on the aforesaid dayes? Or that use any plowing, carting, or workes of husbandry, on any of those Sundayes or holydayes, throughout the yeare, unlesse according to Law, or otherwise dispose themselves, then according to God's holy will and pleasure, and the orders of the Church of England prescribed in that behalfe, and by Law in force?

Can. 18. 7. Doth any manner of person cover his head in your Church or Chappell in time of divine Service or Sermon, or any part thereof, except he have some infirmitie, and in case of such infirmitie, doth he weare a coif or nightcap only, and not his hat? doe all and every person of your parish reverently kneele upon their knees, when the generall Confession, the Letany, the ten Commandements and other prayers are read, and also at the receiving the blessed Sacrament of the Lords Supper, doe they all say the Creed, and Lords prayer,

Can. 13. next immediately following in a loud voice together with the Minister? doe they stand up at the saying of the Beliefe, and such other parts of divine Service as formerly they have beene used to stand up at, according to the Rules and ancient custome of this Church? And when and as often as in the time of divine Service the Lord *Jesus* shall be mentioned, is due and lowly reverence done by all persons present? have you any that offend in the neglect of these particulars, and what are there (*sic*) names?

Can. 114. Rubr. 8. Have you any parishioner that being 16. yeares of age doth not receive the Communion, at the least thrice in the yeare, of which Easter to be one, or that doth not receive the Sacraments and other rites according to the order of the common prayer

Can. 122. booke? Or that doth not reckon with his Parson, Vicar, or Curate, or his or their deputies at Easter, yearely paying such Ecclesiasticall duties as are accustomably due then, and at that time to be paid?

Rubr. 9. The Minister standing as he is appointed at the North side, or end of the Table, when hee prepares to celebrate the holy Communion,

Invitation. and calling on those who doe intend to communicate, to draw neare and take that holy Sacrament to their comfort, as it is in the words of the common prayer booke, have you any in your parish

* This paragraph is in Roman type. See *note*, end of Tit. 2, *supra*.
† This paragraph is in Roman type.

that keepe their seats, and sit still in their places, not drawing neare as is commanded by the Church, but looking that the Minister should forsake the place of his station, by the Church appointed, to bring it to them?

Can. 58. 10. Is there any of your parish, who doth forsake his owne Church or Chappell to receive the Communion at the hands of any other than their owne Minister, or any strangers that usually repaire to your Church or Chappell to the same intent, or any that refuse to receive the holy Communion at the hands of their owne Minister, because hee is no Preacher, or to have their children baptized by him in the same respect, or that for the same respects communicate, or cause their children to be baptized in other Parishes abroad? Or doth your Minister baptize any children presented unto him out of other Parishes? you shall present the names of all offenders in these particulars.

Rubr. of Bap. 11. Have you any that procure their children to be baptized at home in their houses without great cause and necessity, or by any other than their own lawfull Minister if he may be had? Or after any other form and manner than is prescribed by the Liturgie of the Church of England, or any that procure themselves to be married privately, or after any other manner than the Church prescribes?

Can. 59. 12. Do all and every housholder or your Parish, Fathers, Mothers, Masters and Mistresses, cause their children, seruants, and apprentises which have not learned their catechisme, come unto the Church on Sundayes and Holydayes in the afternoone, obediently to heare and to be ordered by the Minister till they have learnt the same?

Can. 91. Can. 85. 13. Have you any in your Parish that refuse to contribute, and pay the rate assessed upon him, for the repaire of your Church or Chappell. or the providing of any bookes, utensils or necessary ornaments to the same belonging? present the names of those which doe so refuse.

Can. 65. 14. Have you any that keepe company and hold society with such as are denounced and declared Excommunicate?

Can. 107. 15. Have you any living in your Parish, which have beene legally separated and divorced have afterwards beene married unto others, either men or women, during the life of each other, or that being so divorced as afore is said, keepe company with each other at bed and at board? Or any that being lawfully married, doe yet live asunder, without a separation in due course of law?

Can. 99. 16. Have you any persons in your Parish which are and have been married within the degrees prohibited by the Lawes of God, and expressed in a Table set forth by authority? And is the said Table publikely set up and fixed in your Church or Chappell at the Charge of the Parish?

Can. 92. 17. Are there in your Parish any Wills unproved, or any goods unadministred by lawfull Authority? Did any dying in your Parish give any legacy unto your Church or Chappell, or to the use of the poore and needy? how have the said legacies so given been disposed of, by whom and by whose Authority? And have they otherwise been disposed of, then to the said pious and charitable uses?

Whether is there in your parish, a common fame and report of any which have committed Adulterie, Fornication, or Incest, or any Baudes, harbourers, or receivers of such persons, or vehemently suspected thereof, if yea, then specifie their names; Whether have you any in your Parish, which are by common fame and report and vehement suspition, reputed and taken to be common Drunkards, blasphemers of God's holy Name, common and usuall swearers, filthy speakers, railers, sowers of discord among their neighbours, or speakers against Ministers Marriages, or Vsurers, contrary to the Statute made in the 37, yeare of King Henry the eighth? you shall not faile to present their names.*

Whether have any in your Parish, received or harboured any women with child, suspected to be of an incontinent life, or have had any such woman delivered of child in his or her house, or have suffered such women to depart without penance first inflicted upon them by the Ordinary, if yea, you shall present as well the partie harbouring, as harboured, and all that help to conveigh them away, and the parties suspected to have committed adultery or fornication with them.

Whether doe you know, or have heard of any Patron, or any having an Advowson in your Parish, that have made gaine by any colour, deceit, or Symoniacall pact in bestowing his Benefice and presenting to the same for gaine, for or receiving money, or promise of the Lease of the whole or part, or by reserving his owne tithes, or any pension to himselfe or any other?

What Almes-houses, Hospitals, Free-schooles have you in your Parish, that are not of the Foundation or Patronage of the King, and who was the Patron or Founder thereof, and whether the saide Almes-houses, Hospitals, or Free-schooles in your Parish, being under the Rule and Government of the Lord Bishop of London, be well and godly used, according to the ancient Foundations and Ordinances of the same.

Whether any Persons within your Parish, either for the offences aforesaid, or for any other contumacy or crime, doe remaine excommunicated, what be their names, and for what cause, and how long have they stood excommunicated?

Concerning Church-wardens and Sidemen.

Can. 89. Are you the Churchwardens chosen by the ioynt consent of your Minister and Parishioners, or one of you by the Minister, and the other by the Parishioners: Have the last Churchwardens given up their accounts, delivering up to the Parishioners the money remaining in their hands, and other things of right belonging to your Church or Chappell, and is the same delivered to you by bill indented?

Can. 90. 2. Do you the Churchwardens and Sidemen diligently see that all your parishioners resort duly to your Church or Chappell, upon Sundayes and Holydayes, and there continue the whole time of Divine Service? doe you suffer any to walke or stand idle or talk in the Church or in the Can. 19. 90. Church-yard, or Church-porch, during that time, to the disturbance of the Minister and scandall of the congregation? You must present the names of such as offend herein?

Can. 20. 3. Do you against the time of every Communion, at the charge of the Parish provide a sufficient quantitie of fine white bread, and of good and wholesome wine, for the number of the Communicants? And doe you doe the same with the advice and direction of your Minister? And the wine so provided, do you bring to the Communion Table in a cleane and sweet standing pot or flaggon?

Can. 52. 4. Doe you the Churchwardens and Sidemen see, that the names of all Preachers which come to your Church from other places, be noted in a booke prouided for that purpose? And doth every such Preacher subscribe his name in the said booke the day when he preached, and the name of the Bishop of whom he had licence to preach?

Can. 53. 5. If there be any publike dissension and contradicting in your Pulpit betweene the Minister of your Church or Chappell, and any other Preacher or Preachers, whereby disquietnesse and offence may grow among the people, doe you forthwith signifie the same unto the Bishop, and not suffer the partie to enjoy the place so by him abused, untill the Bishop hath taken further order in it?

Can. 115. 6. Doe any person or persons, trouble or molest you the Churchwardens, for presenting all or any of those persons, which do offend in any of the premisses, who are they that doe so molest or trouble you, and before whom, and in what Court doe they so molest you?

1 Eliz. c. 2. Can. 1571. 7. Doe you the Churchwardens leuie by way of distresse, on the goods Lands and Tenements of every person in your Parish, that doth not resort unto your Parish Church or Chappell on every Sunday and Holyday throughout the yeare, (having no reasonable excuse to bee absent) the summe of xii. pence, for every Sunday or Holydaie that he is so absent? And doe you distribute the severall summes so levied as before is said, among the poore of the parish, according to the Law in that case provided?

Can. 119. 8. Have you had time sufficient for drawing up of your presentments? how long is it since this booke of Articles was sent unto you? have you perused and considered as well the Oath you are to take, as the Articles whereon to ground your presentments, and every branch and clause thereof, and have you framed your presentments punctually, according to the severall branches and clauses of those Articles? For know assuredly that as well the discharging of your Office, is the chiefe meanes whereby publike sinnes and offences may be reformed and punished, so if you wilCan. 26. fully omit to present such crimes as either you know to be committed, or otherwise have heard by publike fame, that in such cases your Can. 117. Ordinaries are to proceed against you,

* This paragraph and the four which follow are in Roman type.

as in causes of wilfull perjurie, in their Ecclesiasticall Courts?

Concerning Chancellors, Registers, Proctors, Apparators, and other Ecclesiasticall Officers.

Can, Art. 1571. p. 11. Can. An. 1603. c. 127. Is the Chancellor, Commissarie, or Officiall, that exerciseth Ecclesiasticall Jurisdiction according as you know or have heard in holy Orders of the Ministerie, or if he be not, is he well affected and zealously bent towards Religion, and such a man touching whose life no evill example is had?

Can. 178. 2. Doe they or any of them substitute any in their absence to keepe Court for them, that is not either a grave Minister, and a Graduate, or a licensed publike Preacher, and a Beneficed man neare he place where the Courts are kept, or a Batchellour of Law, or a Master of Arts at the least, who hath some skill in the Civill and Ecclesiasticall Lawes? Is he or they so substituted, a favourer of true Religion, and a man of modest and honest conversation? Declare the truth according to your knowledge or best information in these particulars.

Can. An. 1571. 3. Do they or any of them (not being themselves in holy Orders) pronounce the sentence of Excommunication, or leave it only to the Bishop, and is the same pronounced only by the Bishop, or by some grave man of his appointment, which is in the Ministery? Or do they or any of them absolve any that are Excommunicated at his or their owne house or houses, or otherwise in private houses, or only openly and in the Consistorie? declare your knowledge in this point.

Can. An. 1571 & 1597. 4. Doth your Chancellor, Archdeacon, Commissarie or Officiall, take upon him, or them to alter any penance enjoyned without leave of the Bishop? Have they or either or any of them, commuted any penance with any dwelling in your Parish? What summe of monie hath beene taken for the said commutation? Is the said summe made knowne unto you in the congregation either by the penitent himselfe, or by the Minister of your Parish, As by the Canons of the yeare 1597. it ought to be: And being so made knowne, hath the same summe or summes of monie, beene distributed on the poore of your Parish, or otherwise bestowed upon pious uses? And on what pious usea, as you have beene credibly informed, was the same bestowed?

Can. 120. 5. Doth your Chancellor, Archdeacon, Officiall, or other Ecclesiasticall Judge, suffer any generall Processe of *Quorum Nomina* to be sent out of the Court, except the names of all such as be cited, are first expreslie entered by the hand of the Register or his Deputie, and the said processes and names be subscribed by the Judge or his Deputie, and his seale of Office thereto affixed?

Can. 12. 6. Doth the Chancellor, or any Commissarie within your Diocesse, cite any of your Parish for any crime into his court, that hath beene formerly detected or presented to the Archdeacon? Or doth your Archdeacon cite any dwelling in your Parish, to appeare before him for any crime presented to the Chancellor in his Visitation? by which of the two aforesaid Jurisdictions was the partie offending cited last?

Can. 123. 7. Doth your Chancellor, Commissarie, Archdeacon, Officiall, or any other using Ecclesiasticall Jurisdiction, speede any Judiciall Act except he have the Ordinary Register of the court, or his lawfull Deputy, or else such persons to write and speed the same, as are by Law allowed in that behalfe? Or have they, or either, or any of them, without the Bishops consent any more seales then one, for the sealing of all matters incident to his or their Office? And doth the said Seale remaine in the custodie of the Judge himselfe, or of the lawfull substitute by him appointed? And is the same kept in the Citie or principall Towne in the Countie as the Law requireth?

Can. 125. 8. Doth your Chancellor, Commissarie, Archdeacon, Officiall or others exercising any Ecclesiasticall Jurisdiction, or either or any of them, appoint such place or places for the keeping of their Courts, as are convenient for the entertainment of those that are to make their appearance there, and most indifferent for travell? And doe they end in their Courts in such convenient time or times, as every man may returne homewards in as due season as may be?

Can. 134. 9. Hath any Register unto your knowledge, or as you have credibly beene informed, receiued wittingly any certificate without the knowledge of the Judge? Or willingly omitted to call any persons cited to appeare upon any Court day? Or that hath unduely put off, and deferred the Examination of witnesses to be examined by a day, set and assigned by the Judge? Or that hath set downe or enacted any thing false, or conceited by himselfe, as decreed by the Judge, or not so ordered or decreed by the Judge? Or that hath received any reward in any Causes whatsoever in favour of any partie, or that is of counsell directly or indirectly with either of the parties in suit? declare your knowledge in these particulars.

Can. 135. 10. Doth any Register or any other Minister of Ecclesiasticall Courts or any of the Judges of the said Courts take or receive any other or greater fees, then such as were ratified and approved by the Archbishop of Canterbury, *Anno* 1597. and contained in the Tables of fees, for that purpose made: And are two Tables, containing the severall rates and summes of the said fees, set up according to the Law in that case provided? That is to say, one

Can. 136. of them in the usuall place or Consistorie where the Court is kept, and the other of them in the Registry, or Registers Office? And are they set up in

Can. 137. such sort that every man whom it concerneth may without difficultie come to the view thereof and take a copie of them if they so desire? And doth any Register or other Ecclesiasticall Officer take more for shewing Letters of Orders, then is appointed in the 137. Canon?

Can. 129. 11. Doth any Proctor take upon him to appeare in any Cause or pretend to be entertained in the same, unlesse hee be constituted and appointed by the party himselfe either before the Judge and in open Court, or by sufficient Proxie confirmed by some authenticall Seale, the parties ratification therewithall concurring? If you know any such present him, that so he may be punished as the law provides? Or doth any Proctor take the oath in *Animam Domini*, in any cause whatever, contrary to the ordinance of holy Church?

Can. 138. 12. How many Apparatours have you in your Diocesse or Archdeaconrie, as you either know or doe conjecture? Doe they or any of them execute their Office by themselves or by their Deputies? And if by their Deputies, then is the cause of such their deputation and employment made knowne and approved of by the Ordinary of the place? Doe they take upon them the Office of Promotors or Informers for the Court, or exact more or greater fees then are prescribed in the Tables before remembred? What other abuses and aggrievances can you complaine of justly in the said Apparators?

Whether any Archdeacon or Officiall within the Diocesse of London hath or doth commute or change any penance or corporall punishment, in whole or in part, and what money such Archdeacon or Officiall hath received, what the offence was for which any summe of money was received, or appointed to be paid? set downe the particulars of the premisses.*

Whether any Archdeacon or Officiall, or his Surrogate, have within these three yeares last past, granted any Licences for the Marriage of any parties in your parish Church, or elsewhere, whether hath your Minister by vertue of the said Licences, so married them, and by whom the said Licences were so granted, and you are likewise required by vertue of your corporall oath to make diligent search in the Register booke of marriages kept within your parish, what parties have beene married by the said authoritie, and if you know any such, present their names, and places where they dwell.

Whether have you in your Parish any Curats, Schoolemasters, Physitians, Chirurgions, Parish Clarkes, or Midwives, licensed by any other authority than of the Lordbishop of this Diocesse, or his Chancellor, and whether any fees have beene demanded or received by any other besides the Lord Bishop of this Diocesse, or his Chancellor, in the Lord Bishops Visitation, for exhibiting the said licences?

Whether any Commissarie, Archdeacon, or Officiall, have at any time, especially within these three yeares last past, intermedled in the placing or displacing of any persons in pewes, in your Parish Churches, or have granted any confirmation of seates, under his seale of office, or by his authority hath caused to be removed the Pulpit, or Font, or reading Deske from their ancient and accustomed place, or given way to making of doores or windowes in Churches or Chappels, or erecting of Galleries?

Whether any Commissarie, Archdeacon, or Officiall have proved the Wils, or granted Administration of the goods of any beneficed man or Curat dying within his Jurisdiction, or of any other person being in holy Orders?

The Charge of the Church-wardens and Sworn-men set downe for the better performance of their duties, and discharge of their Oaths.

They are not to bring in any Bills into the Archdeacons Court upon the Articles to be enquired of in their Visitation,

* This paragraph and the four which follow, together with the Churchwardens' Charge, are in Roman type.

by reason of my Lords Visitation, but only now during the said Visitation, to make their presentments upon these Articles. They are therefore charged, that after their Oath taken, and their returne home, they doe require their Minister to reade over both the Book of Canons or Constitutions, set forth by his Majestie, in the Convocation holden in the year of our God, 1604. and also these Articles unto them, and to consider of every particular Article, and of the offences by them to be presented, as also of such persons in their Parish as shall bee noted to offend in the same: and so the Church-wardens and Side-men assembling themselves together within some convenient time, are to make their Bill, answering every Article by it selfe, before the time hereafter appointed them, which Bill shall be signed with the hands of all the Church-wardens and Side-men, with conference had with their Minister upon the said bill of presentment, who, according to the 26. Canon; is to see that the said Church-wardens doe their duties in presenting, upon the penaltie in the 26. Canon prescribed. These Bills shall be brought by both the Church-wardens.

At the delivery of your Bill of presentment, at the time and place before set downe, you the Church-wardens are likewise in the said Bill, to set downe the names of all such as have died within your parish at any time since the day of July last past

being Men, Maides, or Widowes: and what person or persons have beene married since the said time, and by what Licence or authority: and likewise you the Minister, Church-wardens and Side-men of every Parish, must in the end of the said Bill of presentment, set downe the number of all Recusants, and non-Communicants as followeth

Recusants men
Recusants women
Non-Communicants of both sex.
Communicants of both sex in the Parish

So setting down the number of every one, you the Minister, Church-wardens and Side-men must put your hand to the said Note.

FINIS.

BOSTOCK, ARCHDEACON OF SUFFOLK, 1640

ARTICLES to be enquired of in the ordinary visitation of the right worshipfull Mr. Doctor Bostock, Arch-Deacon of *Suffolk, Anno Domini* 1640.

London,

Imprinted by *Thomas Paine.* 1640.

[Short form of Churchwardens' Oath, similar to that in some of the previous Articles.]

CHAP. I.

Concerning Religion and Doctrine.

1. First, Whether there be any abiding in, or resorting to your Parish, that have, or doe maintaine or defend any heresies, Errors, or false Opinions, contrary to the Faith of Christ, and the holy Scripture?

2. *Item,* Whether doe any in your Parish, being sixteene yeeres of age and upwards, or others lodging, or commonly resorting to any house in your Parish; absent themselves from the Parish Church, Chappell, or Oratory, upon Sundayes or Holidayes, and other dayes appointed, at Morning and Evening Prayer? Or what person doth usually come late to Church, or depart from thence before Divine Service and Sermon be ended? Or whether be there any that perswade others to forbeare and abstaine comming to their Parish Church, to heare Divine Service, or to receive the Holy communion, according to his Majesties Law in that behalfe enacted?

3. *Item,* Whether be there any in your Parish, that hath been or is vehemently suspected to have been present at any unlawfull assemblies, conventicles, or meetings, under colour or pretence of any exercise of Religion? Or doth any affirme or maintaine such meetings to be lawfull?

4. *Item,* Whether be there any in your Parish, that deny or persuade any to deny or impugne the Kings Majesties authority and supremacie in causes Ecclesiasticall?

5. *Item,* Whether be there any abiding or resorting to your Parish that be, or are commonly reputed or taken to be ill affected in matters of Religion professed in our Church? or taken to be Recusants, Papists, refusing to repaire to Church to heare Divine Service, and to receive the Holy communion, and disobedient to his Highnesse Lawes in that behalfe established, present their names, qualities, and conditions?

6. *Item,* Is there any in your Parish, who hath taken upon him to repeat any sermon, or expound any Scripture in any private House, in any Assembly or meeting together of the People?

7. *Item,* Is there any in your Parish, or resorting to it, that doth impugne any of the 39. Articles of Religion, agreed upon in *Anno* 1562. and established in the Church of *England?* And is the Declaration which the Kings Majestie prefixed before those 39. Articles concerning the setling of the questions late in difference, duely observed by all in your Parish, according to his Majesties commandement?

8. *Item,* Is there any in your Parish, or resorting to it, that hath, or doth sell, publish, or disperse any superstitious, seditious, or schismaticall Bookes, Libels, or writings, touching the Religion, State, or Ecclesiasticall goverment (*sic*) of this Kingdome, present their names, qualities, and conditions, if you know, or have heard of any?

CHAP. II.

Concerning publique Prayer, and administration of the holy Sacraments.

1. First, Whether any of your Parish hath spoken or declared anything in dereogation (*sic*) or depraving of the forme of Gods worship in the Church of England, and administration of the Sacraments, rites and ceremonies set forth and prescribed in the booke of common Prayer, by the Kings Majestie, authorized, and confirmed? doe any preach, speake, or declare, that it containeth any thing which is not agreeable to the holy Scriptures?

2. *Item,* Whether hath any in your Parish caused, procured, or maintained, any Minister to say any common or publique prayer, or to administer either of the Sacraments of Baptisme, and the Lord's Supper, otherwise or in any other manner and forme, then is mentioned in the said booke of common prayer? or whether hath any interrupted, hindred, letted, or disturbed the Minister to reade divine service, and administer the Sacraments, in such manner and forme as is mentioned in the said booke, or interrupted him in his Sermon?

3. *Item,* Whether is the Sacrament of Baptisme rightly and duely administred according to the forme prescribed in the booke of common Prayer, with due observation of all rites and ceremonies prescribed to bee used in the same, without adding or altering any part of any prayer, or interrogatories? is the signe of the Crosse every time used, and the Surplice alwaies worne in the administring of it?

4. *Item,* Whether is the administration of the Sacrament of Baptisme deferred longer then the next Sunday or holy day immediately following the birth of the child?

5. *Item,* Whether is the Sacrament of Baptisme refused to bee administred to any child borne in or out of Wedlocke, their birth being made knowne to the Minister of the Parish, and offered to him to be baptised, or have any such children dyed unbaptized? And whether be the Parents of any Child to be Baptized, admitted to be Godfathers and Godmothers to the same?

6. *Item,* Whether hath there any child beene baptized in private houses, by any lay person, or Midwife, or Popish Priest, or by any other Minister, without urgent occasion, when the child was in danger of death, and in case any such child was baptised privately, was the same brought afterwards to Church to the intents prescribed in the Rubrick of the Liturgie in that case provided?

7. *Item,* Whether hath the blessed Sacrament of the Lords Supper beene duely and reverently administred within your Parish church every moneth, or so often as that all the Parishioners above the age of sixteene yeeres, may communicate thrice every yeere at least, whereof once to be at Easter?

8. *Item,* Whether hath the said blessed Sacrament beene delivered unto any, or received by any the Communicants within your Parish, that did unreverenly (*sic*) either sit, or stand, or leane, or that did not devoutly and humbly kneele upon their knees, in plaine and open view without collusion or hypocrisie?

9. *Item,* Whether have you any excommunicate persons or Schismatickes, common and notorious depravers of the Religion and Goverment of this Realme, without unfaigned sorrow shewed for their impiety and wickednesse, beene admitted to receive the holy Communion within your Parish, present their names?

10. *Item,* Whether hath any in your Parish beene debarred from receiving the said holy Communion, without just cause, and without intimation presently given to the Ordinary, viz. the Bishop of the Diocesse, Chancellor, or Commissary, and by whose default?

11. *Item,* Whether have the children which have been borne to any Popish Recusants, or begotten by them, beene

publiquely baptised in your Parish Church, or where were they else baptised, and by whom were they so baptised as you know, or have credibly heard?

Chap. III.

Concerning the Church, the Furniture, and Possessions thereof.

1. First, have you in your Church, or Chappell, the whole Bible in the largest volume, and of the last translation, the booke of Common Prayer, the two bookes of Homilies, and Bishop *Jewels* Apology, all well and fairely bound? and have you also in your Church the forme of the Divine Service, for the fift day of *November*, and for the twenty-seventh day of *March*, and the booke of constitutions or Cannons Ecclesiasticall?

2. *Item*, Whether have you in your Church or Chappell, a Font of stone set up in the ancient usuall place, whole and cleane, and fit to hold water? a convenient and decent Communion Table with a Carpet of silke, or some other decent stuffe continually laid upon the Table, at the time of Divine Service, and a faire linnen cloath thereon laid at the time of administring the holy Communion, and is the same Table placed conveniently, so as the Minister may best be heard in his administration, and the greatest number may reverently communicate? to that end, doth it ordinarily stand up at the East end of the Chancell, is it at any time used unreverently, by leaning or sitting on it, throwing hats or anything else upon it, or writing on it; or is it abused to any other prophane or common use? and are the tenne Commandements set up in your Church or Chappell, where the people may see and reade them, and other chosen sentences also written upon the walles of your Church or Chappell, in places convenient for the same purpose?

3. *Item*, Whether have you in your said Church or Chappell a convenient seate for your minister to reade divine service in, where doth it stand, how farre from the Chancell, and which way doth the standing thereof cause the Minister to turne his face when hee kneeleth therein at prayers? Have you also a comely Pulpit, set up in a convenient place, with a decent cloth or Cushion for the same, a comely large Surplice, a faire Communion Cuppe of silver, and a cover agreeable to the same; a flagon of silver or pewter, with all other things and ornaments, fit for the celebration of divine service, and administration of the Sacraments? and have you a Chest, wherein to put the Almes for the poore, with all three lockes and keyes unto it, and another for the keeping of the Bookes, the Communion vessels and ornaments of the Church, or where are they kept, and who keepeth the keyes of the said Chests?

4. *Item*, whether in the said Chest have you a Register booke of parchment, wherein to register the Christnings, Weddings, and Burialls, and is the same booke written and kept in all points according to the Cannon? is the christen name of the Mother as well as of the Father, therein duely registred, and is a transcript thereof transmitted every yeare into the Bishops principall Registery? have you a faire paper booke, wherein every Preacher which is a stranger, is to subscribe his name, the day hee preached, and by whose authority hee is licenced? and have you also a Table set up in your Church, of the degrees wherein by law men are prohibited to marry?

5. *Item*, Whether in your Church or Chappell with the Chancell thereof, and your Parsonage house, or Vicarage house, and all other houses thereto belonging, your Parish almeshouse, and Church house, in good reparations? and are they imployed to godly and their right holy uses? and if any of them be ruinated, and wasted in whom is the default? and is your Church, Chancell and Chappell decently and comely kept, as well within, as without, and are the seates in them well maintained, the windowes in no part stopped up, but well glazed, the roofe and walles cleane, the whole floore kept paved, plaine and even, and all things there in orderly and decent sort, without dust, straw, or litter, or any thing that may be either noysome, or unseemely for the house of God?

6. *Item*, Whether is your Churchyard or Chappelyard well fenced and kept, without abuse, and if not, whose is the default? hath any person within your memory, or that you have credibly heard of, encroached upon the Churchyard, by setting up any kind of building or fence upon it, or by opening any doore, gate, or stile into it? hath any used that place (consecrated to any holy use) prophanely, or wickedly? hath any quarrelled or stricken one another, either in the Church or Churchyard; hath any person behaved himselfe rudely or disorderly in either, or used any filthy or prophane talke, or any other rude and immodest behaviour in them? have any Playes, Feasts, Banquets, Suppers, Church-ales, Drinkings, temporall Courts, or Leets, Lay-juries, Musters, exercise of Dauncing, Stoole-ball, Football, or the like, or any other prophane usage been suffered to be kept in your Church, Chapell, or Churchyard? have any annoyed your Churchyard, or the fences thereof, by putting in of cattell, by hanging up of cloathes, or by laying any dust, dung, or any other filthinesse there? when graves are digged, are the bones of the dead piously used, and decently interred againe, or laid up in some fit place as beseemeth Christians? and is the whole consecrate ground, kept free from swine and all other nastinesse?

7. *Item*, Whether are your Churchwardens carefull to take speciall order that no dogges be at any time suffered to come into the Church, to the disturbance of the Divine Service, and the polluting of that holy place of the Christian Congregation? and doe any of the inhabitants of what condition soever, or of their company, bring their Hawkes into the Church, or usually suffer their dogges of any kind to come with them thither, to the prophanation of the house of God, and his holy worship?

8. *Item*, What Legacies have beene given to the use and benefit of your Church? how have they beene bestowed? who receiveth them and detaineth them without due employment? doth any detaine, or imbezell any of the Church goods, or any other gifts given to charitable uses?

9. *Item*, Whether hath any private man or men (of his or their owne authority, for ought you know) erected any Pewes, or builded any new Seates in your Church, and what pewes or seates have beene of late yeeres new built, by whose procurement, and by whose authority? and are all the Pewes and seates so ordered in the Church, that they which are in them may all conveniently kneele downe in the time of prayer? Is the Middle Alley of the Church, or any other of the Alleyes or Isles, or the body of the Chancell, built upon any part thereof, for the setting up of pewes or seates, or for the inlarging of any there adjoyning? are there also any kinde of seates at the East end of the Chancell above the Communion Table, or on either side up even with it?

10. *Item*, Whether is there any other cure annexed to your Parish, or any Chappel of ease belonging to the same, how are they served, by whom, and upon what allowance? or have you in your Parish any dwelling house with a Chappell therein, or in which any other roome is ordinarily used for any Preaching or saying the Divine Service, and administring the holy Sacraments?

Chap. IIII.

Concerning the Steeple.

1. First, Have you a Steeple belonging to your Church, and is it well covered with leade, or some other good and sufficient tecture, and are the wales (*sic*) thereof in sufficient reparations?

2. *Item*, How many Bells have you in your Steeple, and of what weight are they? And are they all well hanged up in frames in the steeple? Have they good ropes belonging to them, wherewith to ring them, and are they tunable?

3. *Item*, Are the frames and wheeles of the said bells, sound and strong, and are the planchers of your steeple good and not broken, and are there a good paire of stayres, or good ladders wherewith to goe up readily into the said steeple?

4. *Item*, Whether hath any of your Bels within this twenty yeares or more last past, been alienated or sold? If yea, by whom and to whom? And of what weight was the said bell or bels so sold? and of what value by common estimation?

5. *Item*, Have your bels or any of them been made lesse upon the last yoating of them? If yea, by whose default, and what is become of the mettall that was so saved out of them?

Chap. V.

Concerning the Ministers, Preachers, and Lecturers.

1. First, Whether is your Minister, Parson, Vicar, or Curate, a Graduate in either of the Universities? yea or no, and if he be a Graduate, then of what degree is he, and what kind of hood doth he use to weare in the Church?

2. *Item*, Whether is your Minister a licenced Preacher, yea or no, and if hee be licenced, then by whom? doth he Preach usually in his owne cure, or in some other Church or Chappell neere adjoyning, where there is no Preacher, once every Sunday, and how often hath he beene negligent in so doing? Doth he alwaies Preach standing, and in his Cassocke, and Gowne, not in a Cloake, and his Surplice on, and also his hood (if he be a Graduate) and with his head uncovered? And if he be not a licenced Preacher, doth hee take upon him in his owne cure, or else-where, to expound any Scripture or matter of Doctrine, or doth hee keepe himselfe wholy to the reading of Homilies, published

by authority, and besides procure Sermons to be Preached amongst you once every moneth at least, by such as are lawfully licenced, and doth he or his Curate upon every Sunday when there is no Sermon, reade some one of the Homilies prescribed by authority, and before the said Homily use that forme of Prayer which is prescribed in the fifty fift Cannon?

3. *Item*, Whether doth your Minister, Preacher, or Lecturer begin his sermon at any time, or part of the Divine Service, but immediately after the Beliefe called the *Nicen Creede?* doth he before his Sermon or Homily (if he reade one) use any forme of prayer which is of his owne private conceiving or collecting, and of his owne inventing or choosing, or doth he containe himselfe within that briefe forme, which is prescribed by the Church, in the fifty-fift Cannon, thereby to move the People to joyne with him in Prayer for Christs Holy Catholique Church, and for the Kings most excellent Majestie, naming Him and his royall titles: for the Queene, the Prince, and the royall issue, for the Archbishops, and also the Bishops, for the Councell, the Nobility, the Magistracie and Commons of the Land, and to give thankes to God for the faithfull departed out of this life, and doth he alwaies conclude it with the Lords prayer? doth the Preacher or Minister also after his Sermon wholly forbeare to use any kinde or forme of Prayer, not being prescribed, as also to pronounce the blessing out of the Pulpit, wherewith the Church useth to dismisse the people, and doth he conclude there, with glory to God the Father, the Sonne, and the holy Ghost, &c. and then comming from the Pulpit, (if the Sermon were made within the Church or Chancell,) doth he, (or whosoever then officiates) in the same place where he left before the Sermon, proceede to read the remainder of the divine service, and at the close of all to give the blessing?

4. *Item*, Whether doth every Priest and Deacon in your Parish daily, say the morning and evening prayer, either privately or openly, unlesse hee bee upon lawfull cause hindred? doth your Curate say the same daily in your Church or Chappell with the tolling of a bell before he begin, especially doth your Minister or Curate doe it on every Sunday and holiday, and their eves, and on the day of the conversion of Saint *Paul*, Saint *Barnabies* day, & every day of the holy weeke next before Easter, as also on all the Wednes-dayes and Fridayes at fit and usuall times, according to the forme prescribed in the booke of common prayer in a reverent manner, and as audibly and distinctly as he useth to preach? doth hee also reade all those Psalmes and lessons and no other, with the Collect, Epistle and Gospel, which are appointed for the day, and at the end of every Psalme, doth the Minister and the whole Congregation stand and say, *Glory be to the Father*, &c. doth he leave out the contents of the chapters after the lessons? doth hee use any other Psalme or Hymne, but those which the booke of common prayer hath appointed? doth he reade the Creede of Saint *Athanasius*, (called the *Quicunqe vult*) on all those dayes for which it is appointed, and the Commination on Ashwednesday, and the Letany on every Wednesday and Friday?

5. *Item*, Whether doth your Minister and Curate, at all times as well in Preaching or Reading the Homilies, as in reading the prayers and the Letany, and administring the holy Sacraments, solemnization of marriage, burying of the dead, churching of women, and all other offices of the Church, duely observe the Orders and rites prescribed without omission, alteration, or addition of any thing? and doth he in performing all and every of these, weare the Surplice duely, and never omit the wearing of the same, nor of his hood if hee bee a Graduate?

6. *Item*, Whether doth your Minister goe to the Administration of holy Baptism ever immediately after the second lesson? doth he alwaies at first aske whether the child be baptized or no? afterwards doth he ever use and never omit both to take the child in his hands, and also to make the sign of the Crosse so, as to touch the childs forehead in making the same? doth he at any time Baptize, but in the Font, or with any Bason or paile or other vessell set in the Font? hath he ever deferred, or willingly neglected or refused to Baptize any Infant within the Parish, being in danger of death, notice thereof having been given to him, and hath any child dyed without baptisme by his default.

7. *Item*, Whether doth your Minister every Sunday and Holiday before evening prayer, (where no sermon was wont to be) halfe an houre or more Catechise and instruct the youth and ignorant persons of your Parish in the ten Commandements, the Articles of Beliefe, and the Lords Prayer, and doth he use for that purpose the Catechisme set forth in the booke of Common prayer, and diligently heare, instruct, and teach them in the said Catechisme, or what other Catechisme doth he use either in publique or private? and be the youth and ignorant persons of your Parish sent in due time unto your Church, by them that ought to send them, to bee catechised and instructed by the Minister, and if not, you are to present the names of those that make default in sending them, and of all those that use not to come?

8. *Item*, Whether doth your Minister alwaies when he administreth the Holy communion, first receive the same himselfe kneeling, and doth hee alwaies use the words of institution according to the Booke of common prayer, without alteration, and at every time that the bread and wine is renewed? Doth he also use to deliver the bread and wine to every communicant severally, and with his owne hand, repeating to every one all the words appointed to be said at the distribution of the Holy body and blood of our LORD IESUS; and upon no pretence omitting any part of the words, or saying them all but now and then to many at once? And is there warning given by him to the Parishioners publiquely in the Church at Morning prayer, the Sunday before every time of his administring of the Holy Communion, for their better preparation thereunto?

9. *Item*, Whether hath your Minister solemnized the marriage of any Person under the age of Twenty one yeares, without the consent of their Parents, or Governours? And hath he married any which doe not audibly say and answer in all things appointed by the Liturgie, or any without a Ring, or in times prohibited, or without the banes first published three severall Sundayes or holidayes in time of divine service in the severall Churches, or Chappells of their severall abodes, without a speciall Licence from the Archbishop or Bishop of the Diocesse, or his Chancellor, or the Commissary, first had and obtained, and doth he begin in the body of the Church, and then goe up to the holy Table as is appointed? Also doth your Minister so oft as there is any marriage appoint to have a Communion; after the Gospell, doth he say a Sermon, if hee be licenced to preach, wherein to declare the office of man and wife, according to the holy Scriptures, else doth hee reade that which the Church hath appointed to be read at matrimony?

10. *Item*, Whether doth your Minister use the forme of thanksgiving for Women after Child-birth immediately before the Communion Service, or hath hee admitted thereunto any Woman begotten with Child in adultery or fornication without licence of his Ordinary?

11. *Item*, Whether (if any being sicke doe desire the Prayers of the Congregation) is it done according to the forme in the Liturgie at the time of divine service, or is it done only by giving their names to the Preacher, and mentioning them in the Pulpit before or after Sermon?

12. *Item*, Whether doth your Minister upon Sundayes at morning Prayer, declare unto the Parishioners, what Fasting dayes or Holy dayes are to oe kept the Weeke following?

13. *Item*, Whether doth your Minister in the Rogation dayes goe the Perambulation of the circuit of your Parish, saying and using the prayers, suffrages and thanksgiving unto God appointed by the Law according to his duty, thanking God for his blessings, and praying for his garce (*sic*) and favour?

14. *Item*, Whether is your Minister studious in Holy Scripture, and absteineth from mechanicall Trades, bodily labour, soliciting of causes in Law, Common buying and selling of Horses, or other Cattell, and all other employments not befitting his calling and Holy function? Doth he usually weare a Gowne with a standing coller, and sleeves straight at the hands, and a square Cap? Doth he in his journying use a Cloake with sleeves, commonly called a Priests Cloake, without guards, buttons, cuts? doth he at any time in publique, weare a Coyfe or wrought night-cap, but onely a plaine cap of blacke silke, satten, or velvet? doth he at any time goe abroad in his doublet and hose, without a coate or cassocke, or weare any light coloured stockings; or is in any way excessive in his apparrell, either himselfe, or his wife?

15. *Item*, Whether hath your Minister publiquely in your Parish Church or Chappell, once every yeere, reade over the constitutions and Cannos (*sic*) Ecclesiasticall, agreed upon by the Clergy of both Provinces, Anno Dom. 1603. in such manner as the same is commanded to be done?

16. *Item*, Whether are any admitted to Preach in your Church, who doe not before the Churchwardens subscribe their names in your Booke provided for that purpose, and the day when he or they Preached, and the name of the Bishop or Bishops of whom they had license to Preach?

17. *Item*, Whether doth the Lecturer whosoever hee bee reade the Divine Service, according to the Liturgie appointed by Authoritie in his Surplice and Hood before every Lecture?

18. *Item*, Whether doth your Minister (being learned and sufficient) conferre with the Popish Recusants of your Parish (if there be any) and endevour to reclaime them from their errors, and present them being obstinate for their recusancy?

19. *Item*, Hath your Minister or any other Preacher or

person whatsoever within your Parish, made any Sermons in any private house? hath he also administred the Sacraments or Churched women in any private house, otherwise then by Law allowed?

20. *Item,* What Preachers and Curates doe reade prayers, or administer the Sacraments within your Parish, without lawfull license from the Bishop of the Diocesse, his Chancellor or Commissary? Or doth any not having Holy orders presume to reade publique prayers in the Church?

21. *Item,* Whether is your Parson, Vicar, Curate or Preacher given to Drunkennesse or idlenesse of life, a hunter of Taverns, Innes, Ale-houses, or suspected places, a Dicer, Carder, Tabler, or Swearer, or otherwise giveth any ill example of Life?

22. *Item,* Whether is the Parson, Vicar, Curate or Preacher of any other Parish known to be a frequenter of Taverns, Innes, or Ale-houses, which are scituate within your owne or any other Parish: or is he publikely defamed of such resorting and frequenting, as is aforesaid?

23. *Item,* Whether have your Preachers and Readers of Divinity Lectures declared foure times at the least every yeere in their Sermons, or other Collations and Lectures, that all usurped and forraigne power is (for most just causes) taken away and abolished, and that therefore no manner of obedience or subjection within his Majesties Realme is due unto any forraigne power.

24. *Item,* Whether hath your Minister after that he had received any Letters of Excommunication under the seale of an Ecclesiasticall Judge, suffered the party excommunicated to abide in the Church or Chancell, in the time of Divine Service?

25. *Item,* Whether hath your Minister in any of his Sermons or Lectures, preached against any of the Ceremomonies commanded to be used by the Church of *England;* or hath so preached against Ceremonies in generall that by common acceptation (at the least of the weaker) his words might be taken to tend to the depraving of the Ceremonies established by the Church of *England?*

26. *Item,* Whether hath any one in his Sermon or Lecture, declared, limited or bounded out by way of positive doctrine, the power, prerogative, authority, and duties of Soveraigne Princes, or otherwise intermeddled with matters of State?

27. *Item,* Whether hath any Preacher in his Preaching used any undecent rayling speeches, or bitter invectives against the person of either Papist or Puritane or any other?

28. *Item,* Whether hath your Minister Churched any Woman but when hee himselfe stood by the Communion Table, and shee kneeled downe by the said Table or neere unto it?

Concerning Matrimonie.

Chap. VI.

1. First, Whether bee there any in your Parish, that have married within the degrees of consanguinitie or affinitie by the Law of God forbidden, and what bee their names?

2. *Item,* Whether have any within your Parish beene married secretly in private houses, or without their Parents or governours consent signified, being under the age of twenty one yeeres?

3. *Item,* Whether doe any married couples live assunder unlawfully, and doe not cohabit together as becommeth Man and Wife, and if yea; what bee their names, and in whom is the default?

4. *Item,* Whether any persons (the banes not thrice published in the Church) have been married without Licence? who were present at such marriage, and what Minister married them?

5. *Item,* Whether have any Popish Recusants or their children bene married within your Parish; in what sort was the Matrimonie solemnized, when and by whom?

6. *Item,* Whether have there been any persons married in your Church in the times prohibited by the Law, *viz.* From *Advent* Sunday, untill eight daies after the *Epiphanie;* from *Septuagesima,* untill eight daies after *Easter Day;* from three daies before the, *Ascension* untill *Trinity Sunday;* without a lawfull Licence or dispensation first obtained from the Bishop of the Diocesse his Chancellor or Commissary?

7. *Item,* Whether have all new married persons, the same day of their marriage, duely received the Holy communion, if not, by whose default was it, as you conceive?

Chap. VII.

Concerning Schoole-Masters, Physitions, Chyrurgions, Mid-Wives, and Parish-Clarkes.

1. First, whether have you a Schoole Master in your Parish that teacheth publiquely or in private houses? is there any teaching of Schollars to Reade or to write in the Chancell, or in any part of the Church? doth any Papist keepe a School-master in his house, who commeth not to Church to heare Divine Service, and to receive the Holy communion; what is his name, and how long hath he taught there, or else-where? doth your Schoolemaster teach any Papists or Sectaries children that come not to Church, doth hee bring his Schollars to Church, and duely instruct them all to learne the Catechisme in the Booke of common prayer at the least once every weeke, or what other Catechisme doth he teach? Is he of honest and sincere life, religion, and conversation; is he a Graduate, and sufficient to teach, and diligent in teaching and bringing up of youth?

2. *Item,* Whether is anything withholden and otherwise imployed that hath been given to the use of a Schoole in your Parish, what is it? and by whom is it imbezelled?

3. *Item,* What Physitian or Chyrurgion have you in your Parish, who (not being a Doctor of Physicke or otherwise sufficiently licenced in either of the Universities) doth notwithstanding practise Physicke? what other persons have you among you, either male or female, who take upon them to professe Physicke or Chyrurgery, and who bee Midwives in your Parish?

4. *Item,* Whether have you a fit Parish Clarke, aged twentyone yeeres at least, of honest life, able to write and reade, are his and the Sextons wages duely paid without fraud or diminution, according to the ancient custome of your Parish; by whom is he chosen, is he diligent in his Office, and serviceable to the Minister? doth he keepe the Church cleane, and the doores locked, is there anything lost or spoyled by his default?

5. *Item,* Doth your Clarke or Sexton take upon him to have or suffer any superstition, or unseasonable ringing of bells at any time, or any ringing without good cause, such as the Minister and Church-Wardens have not allowed? when notice is given of any Christian passing out of this life within the Parish, doth he neglect to tole a passing bell, or to ring after the departure?

Chap. VIII.

Concerning the Parishioners.

1. First, Whether doe any in your Parish prophane any Sunday or Holiday, by unlawfull gaming, drinking or tipling in Taverns, Innes, or Ale-houses, in the time of common Prayer or Sermon, or by working, or doing the worke of their Trades and Occupations? doe any in your Parish buy or sell, or keepe open their shops, or set out their Wares to bee sold on Sundayes or Holidayes, by themselves, their servants, or apprentices; or have they any other waies prophaned the said dayes? and hath the Kings Declaration concerning lawfull recreations, been published amongst you, yea or no? If so, when was it done? in what manner? and by whom?

2. *Item,* Whether is the fift day of November observed and kept in your Parish with prayer and thankesgiving to God in such forme as is by publique authority appointed for that day?

3. *Item,* Whether have you any in your Parish that doe come to the Sermon onely, and not to Divine service: or which use to come late to Church, and to depart from Church before the Blessing is given wherewith they are to be dismissed at the end of service, or that doe not Reverently behave themselves entring into the Church, and during the time of Divine Service? Doe all both men and women devoutly kneele when the generall confession of sinnes, the Letany, the ten Commandements, and all Prayers and Collects are read, as well at Baptismes, Marriages, and Burials, as at other parts of the Divine service? Doe all use and lowly reverence when the Blessed name of the LORD IESUS is mentioned, and stand up when the Articles of the Creede are read? Doe all men cover their heads in the Church, unlesse it bee for infirmity, in which case they may onely weare a coyfe or night-cap? Doe any then or there give themselves to Babling Talking or Walking, and are not attentive to the Prayers and Hymnes, and to heare Gods word read and Preached? Doe all say audibly Amen? and doe they say audibly with the Minister, the Confession, the Lords Prayer, and the Creede, and make such Responsories in the Letany, and all other parts of Divine Service, as by the rule of the common Prayer Booke are to be made by the people?

4. *Item,* Whether is there within your Parish, in any house or familie, any one that is called or reputed a Chaplin, or that is knowne or supposed to have entred into holy Orders, or any that liveth there in imployment as a Schollar, present their names if there be any such, and how long they have been there?

5. *Item,* Whether doth married Woman within your Parish after Child-birth, neglect to come to the Church according to the Booke of common Prayer, to give Thankes to God for her safe deliverance, Vailed in a decent manner, as

hath been anciently accustomed? And doth shee then kneele in some convenient place nigh to the Communion Table, whiles the Priest standing by her giveth thankes for her? And if there be a Communion, doth shee then offer her accustomed offerings, and receive the holy Communion?

6. *Item*, whether doe all your Parishioners of what sort soever (according as the Church expresly them commandeth) daw (*sic*) neere and with all Christian humility and reverence come to the Lords Table when they are to receive the Holy communion, and not after the most contemptuous and unholy usage of some (if men did rightly consider) sit still in their seates or Pewes, to have the blessed body and blood of our Saviour goe up and downe to seeke them all the Church over?

7. *Item*, Whether is there any in your Parish that doe impugne or speake against the rites and ceremonies of the Church of *England*, or the lawfull use of them, and the governement of this Church under his Majestie by Arch-Bishops, Bishops, and other Ecclesiasticall Officers?

8. *Item*, Whether is there any in your Parish that refuse to have their children baptized, or themselves or receive the Communion of your Minister, taking exception against him because he is no Preacher, or what else is the cause? Or have any in your Parish, spoken slaunderous and reproachfull words against your Minister, to the scandall of his vocation, or against the marriage of Ministers, or defaming him your said Minister, touching any crime of Ecclesiasticall cognizance?

9. *Item*, Is there any in your Parish, that bee, or are commonly knowne or reputed to be Blasphemers of Gods Holy Name, or accustomed Swearers, or to use any ribaldry in their talke? Or to be Drunkards, Adulterers, Fornicators, or Incestuous persons, or be vehemently suspected or publiquely defamed to bee guiltie of any of these crimes, and have any beene detected of any such notorious crimes and offences? and whether have they done penance for the same?

10. *Item*, Whether is there any in your Parish, who is publiquely defamed or vehemently suspected of getting his or their wives with child before marriage?

11. *Item*, Whether have any person dyed within your Parish whose Will and Testament (if any were made) is not proved, or Administration of the goods taken, according to the Law? And whether is there any in your Parish, who doe administer the goods of any Person deceased, without lawfull authoritie; and before hee or they have proved the Will and Testament of the Partie deceased, or have obtained commission from the Ordinary, viz., the Bishop, Chancellor, or Commissarie, to dispose of the said moveable goods?

12. *Item*, Whether any excommunicate persons be within your Parish, and for what causes are they excommunicate as you know, or have credibly heard? and whether doe any such excommunicate persons repaire to your Parish Church in time of Divine Service, not being absolved? and whether hath any Popish recusant being excommunicate, or any other excommunicate person beene interred or buried in the Church, or Church-yard, before absolution from the said censure of excommunication duely obtained? If yea, then by whom, and when?

13. *Item*, If there be any persons excommunicate within your Parish which are made notorious by being denounced excommunicate in the face of the Church, who and what person or persons doe keep or frequent their companie, eate or drink, or have anything to doe with such excommunicate person; present their names, for it is not lawfull for them so to doe, so long as they remaine under the sentence of excommunication?

14. *Item*, Whether is there any housholder within your Parish, that doth not duely goe the Perambulation with the Minister and the rest of the parishioners, the circuit and Bounds of your Parish? What are the names of such as made, or suffered default to bee made therein?

15. *Item*, whether doe the old Church-wardens, or any other persons that were Church-wardens, retaine any goods belonging to the Church, and have not made just account of their receipts and expenses about the executing their office?

16. *Item*, What person or persons is or are chosen Church-warden, or Church-wardens of your Parish for this yeere 1640 and when were they so chosen, and by whom?

17. *Item*, Whether doth every one dwelling within your Parish, observe all those dayes for Fasting dayes, which are appointed by a statute made in the fift and sixt yeeres King *Edward* the sixt, or doe any in your Parish eate flesh upon those dayes?

19. *Item*, Whether you the Church-wardens and assistants haue according to the twenty-eight Cannon, marked whether all and every of your Parishioners in your Parish, come so often every yeere to the Holy Communion as the Law and his Majesties constitutions Ecclesiasticall doe require? And whether any stranger have come often and commonly from other Parishes to your Church? And whether have you shewed your Minister of them, least they should be admitted there to the Lords Table? And whether such person or persons have beene forbidden, and remitted home, to his or their owne Parish Church there to receive the Holy Communion, or hath hee or they notwithstanding received the same in your Church? Declare their names, and who so admitted them thereunto?

19. *Item*, Doe the Church-wardens and Side-men or Assistants, diligently see that all the Parishioners doe duely resort to the Church upon all Sundaies and Holy-dayes, and there continue the whole time of divine Service and Sermon, suffering no idle persons to walke or talke or stand idle, either in the Church, Church-yard, or Church-porch, during the time of Divine Service or Sermon, but causing them either to come into the Church, or to depart? And have they the said Church-wardens forborne, either for reward, favour or affection to present them that have been or are negligent in comming to Church, or that use to walke or talke therein, or that have been found by them standing idle or talking abroad, either in the Church-yard or streets in the time of Divine Service or Sermon, on Sundayes or Holy-daies, or that have not received the Communion yeerely at the Feast of *Easter*, or within one moneth after?

20. *Item*, Are any assemblies called Vestry meetings, held in your Parish? when and how often are they so held, in what place, and by whom have any thing (that you have heard of) been proposed, treated, or concluded therein touching the Divine Service, or the Doctrine and discipline of the Church, or any thing medled with for the goverment of the Church or Parish, which belongs to the Ecclesiasticall cognition and Iurisdiction.

FINIS.

ROB. WHITE, ARCHDEACON OF NORFOLK, 1640.

ARTICLES or Interrogatories proposed in the Visitation of the Archdeacon of Norfolke, *Anno Dom.* 1640. To bee punctually answered unto by the Churchwardens and Questmen of that Archdeaconry. Dr. Justinian Lewyn, Officiall.

London, Printed by *Tho. Badger* 1640.

The forme of the Oath.

You shall sweare that all affection, favour, hatred, malice, or other sinister respect whatsoever set apart, you shall present all such persons, as are or late were of your Parish, as have committed any offence or are vehemently suspected or defamed of any default mentioned in these Articles, hauing God before your eyes, and a due care of your conscience. So help you God and the holy contents of this Booke.

I. *Concerning the Church and the Ornaments thereof.*

Imprimis, Whether haue you in your seuerall Churches and Chappels the whole Bible of the largest volume, and the Book of Common Prayer of the last Edition, both faire and decently bound.

2. *Item*, Whether haue you a decent Communion Table with Carpet, and linnen Table cloath thereto, and whether is it at any time profaned by writing, counting mony on it, or any other vncomely vsage.

3. *Item*, Whether is your Church or Chancell decayed or ruinous in the Roofe, Pauements, Wals, Glasse, or in any part else within or without.

4. *Item*, is the inside of your Church and Chancell decently whited and adorned with wholesome sentences of Scripture meete for the peoples meditation and instruction, as is required by law.

5. *Item*, Haue you a decent Fontstone, Pulpit, and reading Deske within the body of your Church; and is there a decent Surplice and Hood answerable vnto the degree of your Minister to officiate diuine Seruice in, and to administer the holy Sacraments?

6. *Item*, Haue you such Bookes in your Church as you are appointed by Authority to provide scil. the booke of Homilies, Bishop *Iewels* workes, and the booke for the fifth of *November?*

7. *Item*, Whether is your Church and Chancell decently and comely kept without nastinesse and slouenry, and is your Church-yard well fenced with a wall or pale to keepe out swine and other profanation, and whether haue any

profaned Church or Church-yard by fighting, chiding, or keeping lay-meetings about secular businesse, as hath beene too frequently vsed?

8. *Item*, Whether haue you a Chest with three lockes and keyes for the stockes of the poore, and one other to lay vp the books and vestments appointed to be prouided; And whether haue you a Register booke in parchment for Christnings Weddings and Buryalls, according to the Cannon in that behalfe?

II. *Concerning the Clergy.*

1. *Imprimis*, Whether doth your Parson, Vicar, or Curate distinctly and reuerently say diuine seruice on Sundayes, and Holy-dayes, and at other dayes appointed to be observed by the booke of Common Prayer?

2. *Item*, Whether doth your Minister in the time of diuine Seruice and administration of the holy Communion constantly and duly weare the Surplisse and a hood, and obserue all other ceremonies appointed by the said book of Common prayer?

3. *Item*, Whether doth your Minister bid Holy dayes and fasting dayes, and giue warning before hand to the Parishioners for the receiuing of the Holy Communion, and whether doth he administer the same often or at least thrice in the yeare, whereof once at *Easter*, and whether doth he admit any to receiue but his owne parish, or repell any of them without just cause?

4. *Item*, Whether hath your Minister married any without a Ring, or without baynes published three seuerall Sundayes or Holy-dayes in time of diuine Seruice in the seuerall Churches or Chappels of their seuerall abode, or in times prohibited, without licence or dispensation first had and obtained from lawfull authority, or haue married any at vnlawfull houres, or in his priuate house or other place saue within the Church?

5. *Item*, Doth your Minister refuse to bury any who ought to be interred in Christian buryall, or doth hee so bury those whom by law he ought not?

6. Item, Is he a lycensed Preacher, if not, doth he prouide monthly sermons according to the Cannon, and if he vse a Curate, whether is the Curate lycenced, to serue the cure by the Ordinary vnder his hand and seale, or not?

7. *Item*, Is your Minister resident continually on his benefice, and how long is he absent together at any time, and how doth he prouide for the seruing of his cure in such his absence?

8. *Item*, Doth your Minister instead of afternoone sermons, instruct and catechise the youth and ignorant persons of the Parish in the Lords Prayer, the Articles of the beliefe, and the ten Commandements, if not, by whose default is it, whether of himselfe or the Parishioners, and what are their names that so offend?

9. *Item*, Doth hee goe the perambulation of the circuit of the Parish at the dayes appointed by law?

10. *Item*, Hath your Minister stayed the publication of any Excommunication or suspension, or admitted any Excommunicated or suspended, without a certificate of his absolution from the Ordinary or other competent Judge?

11. *Item*, doth your Minister vse such decency in his apparell, and sobriety, and grauity in his conuersation, as is required by the Canons, or whether he is a hunter of Ale-houses, and frequenter of euill company?

12. *Item*, Whether doth your Minister duly and constantly visit the sicke, and whether hath he refused or neglected, hauing notice thereof, to come to them, or at the point of death?

III. *Concerning Parishioners.*

1. *Imprimis*, Doth any of your Parishioners at any time (without lawfull excuse) abstaine from comming to Church on Sundayes and holy-dayes, or come late when seruice is begunne, or depart before the blessing, if so, what are their names that so offend?

2. *Item*, Doth any of your Parishioners irreuerently behaue themselues in the time of Diuine Seruice and administration of the holy Sacraments, not vsing the decent gestures sutable to the seuerall parts of the seruice, as they are appointed in the booke of Common Prayer, scil. do any refuse to kneele in time of Prayer, and to stand at the rehearsing of the beliefe, and to continue vncouered during the whole time of seruice and Sermon.

3. *Item*, Hath any of your Parish disturbed the Minister in the Seruice or Sermon, or haue vsually slept in time of either?

4. *Item*, Doe all the Parishoners receiue the Communion at least thrice in the yeare, whereof the time of *Easter* to be one, and haue all being of the age of sixteene yeares, duly receiued or not?

5. *Item*, Haue any persons once lawfully married, forsaken each other, or doe liue asunder without the authority of the Ordinary, or haue any married at any lawlesse Church, or Chappell, without lawful licence, or in the times wherein marriage is prohibited, scil. from the Saturday next before *Advent* Sunday vntill the foureteenth of *Ianuary*, from the *Saturday* next before *Septuagesima* Sunday, vntill the Munday next after *Low Sunday*, and from the Sunday before the *Rogation* Weeke vntill *Trinity* Sunday.

6. *Item*, Hath any of your Parish vnreuently vsed your Minister either in word or deed, or haue laid violent hands vpon him?

7. *Item*, Haue you any common resorters to your Church which are not of your Parish, and if so, what be their names and of what Parishes are they?

8. *Item*, Haue any in time of diuine Seruice opened their shops and exercised their trade, vsed any gaming, beene in Tauerne, or Ale-house or otherwise ill employed?

9. *Item*, Are there in your Parish any adulterers, incestuous persons, Fornicators, Bauds, or fauourers of them, or haue any convayed such persons out of the Parish or vsed any indirect meanes to keep them from the due punishment of the law?

10. *Item*, Doe any refuse to pay to the reparations Ornaments and other things required in the Church as they are cessed by lawfull Vestry or meeting of the Parishioners?

11. *Item*, Haue all Women in your Parish deliuered of lawfull child, come at the time appointed after to giue thankes, and haue they beene churched according to the book of Common Prayer?

12. *Item*, Are there in your Parish any common swearers, drunkards, blasphemers, malicious slaunderers or any defamed of the said crimes?

13. *Item*, Haue any of your Parish giuen the Church-Warden or Sidesmen euill words for doing their office according to their oath and conscience, and what bee their names?

14. *Item*, Do all your Parishioners at the time of the Administration of the holy Sacraments of the Lord's Supper draw neare into the Chancell, according as the Church expressely commandeth in that behalfe?

15. *Item*, Haue you any Schoolemaster within your Parish; if so, by whom is hee licenced, and is hee conformable to the Religion now established, and doth he breed vp his Schollars therein?

16. *Item*, Haue you a fit Parish Clarke able to read, and write, and are his and the Sextons wages duly payd, without fraud or diminution according to the custome of the Parishioners; if not, set down the names of them that are in default.

IIII. *Concerning Church-Wardens and Swornemen.*

1. *Imprimis*, Haue any former Church-Wardens for fauour reward or any other sinister respect whatsoeuer omitted to present themselues or others for such misdeameanors as was justly presentible? setting downe the names of them so offending and the particulars wherein they offended being mindfull of your oathes.

2. *Item*, Doe any within your Parish take vpon them the office of Church-Wardens or Sidesmen, which are not lawfully chosen by the Minister and Church-wardens, or doe continue in that office longer than one yeare, vnlesse they be chosen againe, and are all such officers yearely chosen in *Easter* weeke?

3. *Item*, Doe your Church-Wardens within one month after their yeare ended before the Minister and Parishioners giue vp a just account of all moneys and other things they receiued, and bestowed and deliuer the residue with all other things remaining in their hands belonging to their Church and Parish by bill indented to bee deliuered to the next Church-Wardens.

4. *Item*, Hath any Church-wardens at any time lost sold or detained any goods, Ornaments, Bells, or implements of the Church, or made any alteration without leaue from the Ordinary?

5. *Item*, Haue any of the Church-wardens or others of their owne authority for ought you know, erected or set vp any new Pews or seates in the Church and assigned the vse of them to any other or vsed them themselues. What are the seats so set vp and to whose vse assigned?

6. *Item*, Is there any other matter or thing which you in judgment and conscience know and belieue to be a breach of the Ecclesiasticall law (though not comprehended in these Articles) and that any of your Parish haue therein offended, You are equally bound by your oath to set downe the names of such offenders and the heads of their seuerall offences.

FINIS.

COSIN, BISHOP OF DURHAM, 1662.

ARTICLES of Inquiry, Concerning Matters Ecclesiastical, Exhibited To the Ministers, Church-wardens, and Side-men of Every Parish within the Diocess of Durham. In the First Episcopal Visitation of the Right Reverend Father in God John by Divine providence Lord Bishop of Durham. In the Second Year of his Consecration. *Anno Dom.* MDCLXII.

London, Printed by *T. Garthwait.* 1662.

The Oath to be given unto the Church-wardens and Side-men of every Parish.

You shall Swear to inquire with the best diligence that you may, and to make a true answer unto every Article of this Book now given you in charge, presenting every Person of your Parish that hath done any offence, or omitted any duty therein mentioned. And this you shall do without any favour or hatred, or fear of displeasure; So help you God and the contents of his holy Gospel.

ARTICLES of Visitation and Inquiry, Exhibited To the Church-wardens and Side-men of every Parish in the Diocess of *Durham. Anno* MDCLXII.

TITUL. I.

Concerning the Fabrick, Repairing, Keeping clean, and Furnishing of Churches or Chappels.

1. Is there in your Parish a Church or Chappel with a Tower or Steeple adjoyned to it, and a Chancel at the East, all well and fairly built, duly kept, and maintained, for the honour of God, and for the performance of Religious duties.

2. ARE the Roofs thereof well leaded or slated without? well cieled within? the windows well glazed? the walls well plaistered? the tables of the Ten Commandments and other sentences of Scripture well placed? the floors well paved? the seats well framed? and all things so decently ordered, as may best beseem the House of God?

3. How many Bells are there in the Tower or Steeple of your Church or Chappel? have any of them that formerly belonged to it, or any lead of the roofs of the Church or Chancel, been imbezelled and sold away? and if any such thing hath been done, who did it? and who consented to it? and what was the value of the thing sold or imbezelled?

4. Is there a Font of Marble, or other stone decently wrought and covered, set up at the lower part of your Church, for the administration of the Sacrament of Baptisme? Is there a partition between your Church and your Chancel, a comely fair Table there, placed at the upper part of it, for the administration of the Sacrament of the Lords Supper? Are there two fair and large coverings for it, one of silk-stuffe, or fine cloth, another of fine linen with a Plate or Paten, and a Cup or Chalice of silver, and two fair flagons of pewter or purer mettal belonging to it? Have none of all these things been purloined, destroyed or made away by any person whom you can name? and if they have been taken away, are they again restored, or other such provided in their place?

5. HAVE you in your Church or in your Chancel a convenient seat erected for your Minister wherein to read the dayly Morning and Evening Service, a Desk whereat to say the Litany in the midst of the Church, according to the Injunctions set forth in the time of 2. *Eliz.* and a Pulpit for Sermons with a comely cloth before it? Are you provided of a Bible in the largest volume, and of the last approved Translation, and in what year was it printed? have you two books of Common-Prayer set forth by publick authority, and are they both also of the largest volume, one for the Minister and another for the Clerk to use at the celebration of all divine offices? Have you likewise a book of the Sermons or Homilies that were set forth in the time of King *Edward* the Sixth, and in the Reign of Queen *Eliz.* together with the works of Bishop *Jewel* in defence of the Church of *England*, which King *James* commanded to be had in all Churches, and a book of the Constitutions or Canons Ecclesiastical, the books or forms of divine Service for the Fifth of *November*, the Thirtieth of *January*, and of the Twenty ninth of *May*, and a Table of marriages prohibited by the Law of God?

6. HAVE you a large and decent Surplice (one or more) for the Minister to wear at all times of his publick ministration in the Church, and another for the Clerk, if he hath heretofore been accustomed to wear it, when he assisteth the Minister? Are not either of their Surplices now grown old and torn? and what are they at this time worth? or if new have been lately bought, how much did they cost by the yard?

7. HAVE you in your Vestry a Hood or Tippet for the Minister to wear over his Surplice, if he be a Graduate? a book of Parchment wherein to register the Christnings, Marriages and Burials of your Parish? another book of paper, wherein to record the licences of strange Ministers that are admitted at any time to preach in your Church or Chappel? and a third book wherein to write down the accompts of the Church-wardens, and to keep an Inventory of all things provided and belonging to your Church? Have you a strong Chest with Locks and Keys, wherein to keep all these Books, and other Furniture for divine services in safe custody? And lastly, have you a Box, wherein to put and keep Alms for the Poor, and a Bier with a black Herse-cloth for the burial of the Dead?

TITUL. II.

Concerning the Church-yard, Parsonage-house, Alms-house, Glebe, and Tithes.

1. Is your Churchyard well and sufficiently fenced? Is it decently kept, without sufferance of any beasts to enter in and annoy it? Hath any person incroached upon it, or made a new Door into it out of their own habitation or ground about it?

2. Is The House of your Parson, Vicar, or Curate, well built and kept up (with all out-houses thereunto belonging) in good and sufficient Repair?

3. HAVE you a true note of Terrer of all the Glebe-Lands, Gardens, Orchards, Tenements, and portions of Tithes appertaining to your Parsonage or Vicaridge? Is it kept in your Vestry, and a Copy of it delivered into the Bishops Registry?

4. Is there any Alms-house, Hospital or Free-School in your Parish? Who was the Founder, or is now the Patron thereof?

TITUL. III.

Concerning Ministers, Preachers, and Lecturers.

1. Is your Minister, Parson or Vicar a Deacon or a Priest ordained by a Bishop, according to the Lawes of the Church of *England*?

2. WAS he without any Simoniacal Compact, promise or payment freely presented, instituted and inducted, into his benefice? and did he within two moneths after his Induction publickly read in your Church upon some Sunday or Holy-day, in the time of Divine Service, and in the Audience of his Parishioners, all the 39. Articles of Religion set forth and established in the Church of *England* by Authority? And did he then profess and publish his assent unto them all, subscribing his name thereunto in the presence of the Church-wardens, and other persons of your Parish, who can bear witness of the same? Do you not know, or have you not heard, that in his reading, or pretending to read these 39. Articles of Religion, he omitted, or skipped over some one or more of them? what Article was it, or what part thereof, that he left unread?

3. DOTH he use any other words or form then what is prescribed in the Book of Common prayer in the publick reading of the daily Morning and Evening Service, and in the Litany which is to be added to the Morning-Service upon Sundaies, Wednesdaies, and Frydaies weekly, and at all other times when it is appointed by the Bishop; as likewise at the reading of the Communion-Service, and the Administration of the two Sacraments (Baptism and the Lords Supper) at the Celebration of Matrimony, Churching of Women after Child-birth, burying the Dead, and pronouncing Gods Commination against impenitent Sinners? And doth he all these without omission, addition, or alteration of any of them, using all the Rites and Ceremonies appointed in that Book?

4. DOTH he alwaies at the reading or Celebrating any divine Office in your Church or Chappel, constantly wear the Surplice, and other his Ecclesiastical Habit according to his Degree? And doth he never omit it?

5. DOTH he diligently instruct the youth of your Parish in their Catechism, and visit the Sick, as he is directed for the performance of both those Offices in the Book of Common-Prayer?

6. DOTH he bid and observe the Holy-daies and Fasting-daies as they occurre from time to time in the whole year?

7. Is he a Graduate in either of the Vniversities of this Realm, and to what degree hath he been there admitted?

8. HATH he been Licenced by the Bishop or by one of those Vniversities to Preach? And doth he constantly Preach in your Church or Chappel, or (when he is hindred by sickness or some other urgent cause) doth he procure a Sermon to be preached by a discreet, able and approved Substitute, every Sunday, besides the Anniversary daies of Christs Nativity and his Passion at the least? And if there be no such Sermon preach'd, doth he, his Substitute or Curate read one of his Sermons or Homilies appointed by publick authority for such several times and occasions.

9. DOTH he or his Curate observe the Three Rogation-daies before the Feast of our Lords Ascension, saying the Litany, the Ciii. and the Ciiii. Psalm, with the Church-Wardens, and other that accompany him, in the perambula-

tion of your Parish? and when the perambulation is ended, doth he go into the Church with them, and read unto them one of the Sermons set forth and appointed for that purpose?

10. Doth he or his Substitute use any other Form of Prayer before his Sermon or Homily, but what he is directed and enjoyned to do by the Constitutions of the Church?

11. Doth he preach unfeigned faith and obedience to Gods holy Commandments, Submission and Loyalty to the King and his Laws, together with true Christian Piety and Charity among the people? And hath he not at any time (to your own knowledge, or as you have been told by others that do know it,) preached any False, Heretical, Seditious, or Schismatical Doctrine in his Sermons, whereby the people may be led into any Sect or Faction, against the peace and unity of the Church?

13. (*sic*) Is there any Lecture preached in your Parish? Is he who preacheth it (one or more) allowed so to do by the Bishop? Doth he before his Lecture read the Publick Service of the Church appointed for that day by the Book of Common-Prayer? At the reading thereof doth he wear a Surplice? when he Lectureth, doth he use the Ecclesiastical habit appointed for all Ministers of the Church? Doth he administer the Sacraments of Baptism and the Lords Supper twice in the year at least, according to the prescript form of the publick Liturgy? And lastly doth he before the preaching of his Lecture constantly observe the Form of Prayer, which is enjoyned him in the *55th.* Canon of the Ecclesiastical Law Constitutions?

13. Doth your Minister endeavour to reclaim all Popish Recusants and other Sectaries, (if there be any such inhabiting within your Parish) to the unity, obedience and true Religion established in the Church of *England*? Doth he prepare and present the youth of your Parish to be Confirmed by the Bishop? Doth he admit any of them to the holy Communion, or to be Contracted in Marriage, or to be Godfather or Godmother in the administration of Baptism, before they can give an Accompt of their Faith and Religion according to the Questions and Answers contained in the Church Catechism? Hath he admitted any woman to her thanksgiving after Child-birth before she hath done her Penance, if her Child was born or begotten out of lawful Matrimony? Doth he presume to marry any persons in private houses, or, such as being under the age of 21 years have not the Consent of their Parents, or without the Bannes first published on three several Sundaies or Holydaies in your Church, or at any other hours then between 8 and 12 in the forenoon, unless he hath a License or dispensation to the contrary?

14. Hath your Parson or Vicar any other Ecclesiastical Benefice, Prebend or Dignity? Doth he reside upon his Living among you or how long in the year is he absent from it? Hath he a Curate to assist him in his Ministry, and what Stipend doth he allow him? Is that Curate an able, learned, and discreet person, admitted by the Bishop to serve in your Church or Chappel? And doth he serve any other Church but yours?

15. Is your Parson, Vicar, Curate or Lecturer a man studious of innocency and Sanctity in his life? of a sober, chaste, unblamable and religious conversation? Doth he refrain the Company of ungodly and vitious persons, such especially as be excommunicated for their disobedience or pravity and loosness of life? Is he noted to be a frequenter of Taverns or Ale-houses? to be an ordinary Gamester, or Hunter, or a common Swearer, or intemperate drinker? a riotous or disorderly person in any kind whatsoever? Doth he wear his Hair of a moderate and comely length? Is his Apparel grave and decent, in fashion and in colour such as is enjoyned by the Canons of the Church? Doth he not imploy himself in any Mechanical Trade, or servile labour unbefitting his sacred Office and Ministry? And is there any other in your Parish, who having been heretofore ordained a Deacon or Minister, hath relinquished the exercise of his holy Orders, and now in the course of his life beareth himself as one of the Laity, and not as a Minister of God and the Church?

16. Doth your Minister or Curate wilfully refuse or delay the time to Baptize any Infant that is in danger of death? and if the Child be Baptized in private and doth afterward recover, is it brought into the Church, and the Baptism of it there certified to the Congregation, according to the Form prescribed in the Book of Common-Prayer, and the Administration of the Sacraments? Is there any Child past his Infancy, or other person of more years, through your Ministers default, yet remaining unbaptized among you? And doth he in the Administration of that Sacrament, admit any Parent to be Godfather or Godmother to their own Children?

17. Doth he in the presence of your Church-wardens write and record in your Register-Book the names of all persons baptized, married and buried within your Parish from time to time, together with the names of their Parents? and doth he subscribe his own and the Church-wardens or Overseers names to every Page of that Book, yearly transmitting the copy of those christnings, marriages and burials so subscribed into the Bishops Registry?

Titul. IV.

Concerning the Parishioners.

1. Is there in your Parish any person who is commonly known or reputed to be an Heretick or Schismatick? any Papist, Presbyterian, Familist, Anabaptist, Independent, Quaker or other Sectary that refuse to come unto the publick assemblies, prayers or services of the Church, or that make profession of any other Religion then what is established in the Church of *England*? and if there be any such what are their names?

2. Is there any person in your Parish who by common fame, report or vehement suspition hath committed adultery, fornication or incest, or any receiver and harbourer of such incontinent lewd persons in their houses? are there any common drunkards within your Parish, any that be usual swearers, or blasphemers of Gods name, or any that are noted to be railers, unclean and filthy talkers, or any sowers of sedition, faction, and discord amongst their neighbours?

3. Do any of your Parish imploy themselves upon the Sundays or Holy-dayes in their bodily and ordinary labour? or do they permit their servants so to do? are any shops kept open or wares sold? or do any Vintners, Inne-keepers, or other victuallers and sellers of Bear or Ale suffer any persons to tipple or game in their houses upon those dayes?

4. Doth every person inhabiting or sojourning within your Parish duly resort unto your Church or Chappel, upon every Sunday and Holyday appointed for divine service? Do they then and there abide quietly with reverence, order and decency, during the whole time of Common-Prayer, Preaching, or other service of God there used? And are there any among you that come only to the Preaching, and not to the Common-Prayers of the Church?

5. Doth every person at his entrance into the Church reverently uncover his head, and so continue all the time of Divine Service and Sermon, untill his departure thence? Do they all reverently kneel at the Prayers, and stand up when the Creed is said, and when the Gospel is read, making due reverence when the name of our Lord Jesus is mentioned? Do they joyn with the Clerk of the Church in answering at the Psalms, Hymns and other parts of the Service as is appointed for them?

6. Are there any in your Parish that refuse to send their Infant-children unto the Sacrament of Christian Baptisme in your Church, there to be baptized publickly, unless in case of urgent necessity and danger, when the child may be baptized at home by your own lawful Minister, after the form and rites appointed in the Liturgy? Or do they send their children to be baptized in any other Parishes, or after any other form, or by any other Minister abroad? Or do they keep them unbaptized any longer time after they be born, then the Church alloweth in the rules prescribed for the administration of that Sacrament? And are there any Infants or more aged Children in your Parish that be yet unbaptized?

7. Doth every housholder in your Parish cause their children and servants duly to learn their Catechisme, and to give an account thereof unto your Minister, as he shall require it of them openly in the Church upon Sundayes and Holydayes, as in the Book of Common-Prayer is appointed? And when they are well instructed in that Catechisme, are they sent or brought to the Bishop at fit and convenient times to be confirmed?

8. Is there any person in your Parish who being 16. years of age and well instructed in Religion doth not frequently receive the Sacrament of the Lords Supper, or at least three times in the year, of which *Easter* is alwayes to be one? Do they leave their common seats and draw near to the Communion Table when they are to receive that Sacrament, all decently behaving themselves, and humbly kneeling upon their knees in honour of our blessed Saviour, whose pretious death and passion is then set forth and remembred by the Church?

9. Doth any in your Parish refuse to receive that holy Sacrament from the hands of your own Minister, or repair for it to other Parishes and Ministers abroad? Or are there any strangers not being of your Parish, that forsake their own Churches, and usually repair to yours for it?

10. Have you any among you that be denounced and declared excommunicate for any disobedience or crime committed by them? How long have they been so excommunicated? And do any others of your parish keep

society with them before they be reconciled to God and the Church?

11. Are there any living in your Parish who have been unlawfully married contrary to the laws of God? Or any that being lawfully separated and divorced have been married again, the former husband or wife still living? Or any that being lawfully married, and not separated or divorced by course of law do yet live asunder, and cohabit not together?

12. Are there any married-women in your Parish who refuse after their safe delivery from the peril of Child-birth, to come and make their publick thanksgiving to God in your Church, as they are required to do by the Book of Common-Prayer? And when they come so to do, do they come decently veiled and make their offerings according to custome?

13. Are there any belonging to your Parish who refuse to pay their duty for *Easter* offerings to your Minister? Or any that refuse to contribute, and pay the rate assessed upon them, for the repair of your Church or Chappel, and for the providing of such books, furniture and ornaments, as be requisite for the performance of all divine offices there?

14. Do any refuse to bury their dead according to the Rites of the Church of *England*? And are there any Wills or Testaments of persons dead in your parish that be yet unproved before lawful authority? Or any Goods administred without a due grant from the Ordinary? Did any dying in your Parish or elsewhere leave any legacy to your Church or Chappel, or to the use of poor and needy persons among you, or to any other pious and charitable purposes? What were those legacies, and how have they been bestowed?

15. Is there any Hospital, Almshouse or free-School founded in your Parish? And is the same well governed and used, according to the foundation and ordinances thereof?

16. Do you know or have you heard of any Patron or other person in your Parish, having the presentation or gift of any Ecclesiastical benefice, who hath made gain thereof by presenting a Clerk or Minister to it upon any bargain, either for money or pension, or lease, reserve of Tithes or Glebe, or any part thereof, or upon other Simoniacal compact whatsoever?

17. Is there no strife and contention among any of your Parish for their Pews or Seats in your Church? And whether have they erected any Pews in your Chancel, or elsewhere in the body of your Church or Chappel without leave and licence from the Ordinary?

18. Know you any person or persons that have presumed to brawle, fight or strike one another in your Church, or in your Church yard? And if any such be, what are their names?

Titul. V.

Concerning Parish Clerks and Sextons.

1. Have you belonging to your Church or Chappelry a Parish Clerk aged 21 years at the least? Is he of honest life and Conversation? and sufficient or able to perform his duty in reading, writing and singing? Is he chosen by your Minister? and doth he duly attend him in all divine Services at the Church? Doth he wear a Gown when he so attendeth, and a Surplice over it, if heretofore the Custome hath been such among you? Are his wages duly paid unto him? or who with-holdeth the same from him?

2. Doth he or your Sexton (if there be any such appointed in your Parish) diligently look to the doors of your Church, that they be locked and opened at due time? And doth he keep your Church or Chappel clean from noysome dust, cobwebs, litter, straw, or any other annoyance? Doth he toll or ring the Bells at the due accustomed hours before the beginning of divine Service Morning and evening, that the people may be warned to come unto the Church? And when any person is passing out of this life, doth he upon notice given him thereof, go and toll a Bell, as hath been accustomed, that the neighbours may thereby be warned to recommend the dying person to the grace and favour of God?

Titul. VI.

Concerning Curates, School-masters, Physicians, Chirurgeons and Midwives.

1. Is there any Curate or Minister imployed under the Parson or Vicar of your Parish? Is he admitted and licensed to serve in that office by the Bishop of the Diocess? Doth he demean himself soberly, gravely and religiously in his place? Doth he instruct the Youth of your Parish in the Catechism appointed them? Is he diligent in visiting sick persons, examining them in their Christian Faith, exhorting them to works of Charity, if they be able to do them; to make restitution where they have done any wrong, to remit all injuries that they have received, and to ask forgiveness of God, and all others whom they have offended?

2. Doth any man in your Parish practise Physick, or Chirurgery, or any woman the office of a Midwife without approbation and lawful License of the Ordinary?

3. Doth any man keep a publick or private School in your Parish, but such as be allowed thereunto by the Bishop or his Chancellor? Doth he teach his Scholars the Catechism of Religion, set forth by Authority? Doth he cause them upon Sundaies and Holy-daies orderly to repair to your Church or Chappel? and see that they behave themselves there quietly and humbly, during the time of divine Service and Sermon?

Titul. VII.

Concerning Church-Wardens and Side-men.

1. Are the Church-wardens of your Parish yearly and duly chosen by the joynt consent of your Minister and Parishioners, or one of them by your Minister, and the other by the Parishioners?

2. Have the former and last Church-wardens given up their due Accompts to the Parish, and delivered up to the succeeding Church-wardens the moneys remaining in their hands, together with all other things belonging to your Church or Chappel, by Bill indented?

3. Do you the Church-wardens and Side-men take diligent care, and see who of your Parishioners be absent from the divine Service and Sermon in your Church or Chappel, upon Sundaies and Holydaies? And if you find any to have absented themselves without a sufficient cause, do you by Warrant from some of the Justices of Peace levy of them by way of distress upon their goods, the sum of 12 pence for every such day of their absence according to the Act of Parliament in that case provided? And do you distribute the several sums so levied, among the poor of your Parish, according to the law?

4. Do you note them that come late to Church after divine Service is begun, or depart before it be ended? Do you suffer none to stand idle or talk together in the Church-porch, or to walk in the Church or Church-yard, during the time of Prayers, Preaching, or other Sacred Offices?

5. Do you suffer no mis-behaviour or disorder to be done by men, women, or servants, or children in your Church or Chappel? Are you careful that none of them sit, lean, or lay their Hats upon the Communion-Table? Do you permit no Minstrels, no Moris-dancers, no Dogs, Hawks, or Hounds to be brought or come into your Church, but set your Sexton to keep them out, that the Congregation and the Minister performing divine Service, or Preaching his Sermon, may not be disturbed by them?

6. Do you against the time of every holy Communion appointed in your Church or Chappel, provide a sufficient quantity of fine white Bread, and of good Wine, according to the advice and direction given you by your Minister for the number of Communicants?

7. Do you cause all Preachers (coming from other places to make Sermons in your Church or Chappel,) to subscribe their names the same day they preach in a Book provided for that purpose, together with the name of the Bishop that licensed them to preach in this Diocess? And do you permit no other to preach.

8. Have you (the Church-wardens and Side-men) now sworn to give in a true answer unto all these Articles of Inquiry in all their several Titles, had a sufficient time to draw up your presentments, and therein consulted or intreated your Minister for his faithful assistance?

For know you assuredly, that as the true discharging of your Office is the chief means whereby publick Disorders, Sins, and Offences in your Parish may be reformed and punished: So if you wilfully refuse to present such crimes and faults as either you know to have been committed, or otherwise have heard of them by publick fame; That in such cases, the Bishop and his Officers are to proceed against you, in their Ecclesiastical Courts, as in Cases of wilful omission and Perjury.

Joh. Dunelm.

[EARLE?] BISHOP OF WORCESTER, 1662.

ARTICLES of Visitation and Enquiry Concerning Matters Ecclesiasticall, according to the Laws and Canons of the Church of England, Exhibited To the Ministers, Church-Wardens, and Side-men of every Parish within the Diocese of Worcester, By the Right Reverend Father in God, John Lord Bishop of Worcester.

London,

Printed by J. *G.* for *Richard Royston,* Bookseller to His most Sacred Majesty, 1662.

Articles of Visitation and Enquiry, &c.

TITUL. I.

Concerning Churches or Chappels, with the Ornaments and Furniture belonging to them.

I. Is your Church-Fabrick (or Chappel) with all things appertaining to it, kept in good repair within and without, with such cleanlinesse, decency and order, as becometh the house dedicated to the Publick Worship and solemn service of God?

II. Hath any part of them, or any thing belonging to them, been sold or embezelled? when? and by whom?

III. Is there in your Church or Chappel an handsome Font of Stone, standing in a convenient place, with a good cover to it, for the Administration of Baptisme? Is there also a decent Communion-Table, with a fair Carpet of Silk or fine Cloth, also a fine linnen covering to be used at the holy Administration of the Lords Supper? What Cup, Chalice, Patin, or Flagons have you belonging to that Service?

IV. Have you in your Church (or Chappel) a convenient Pew for your Minister to read Divine Service in? Also a Pulpit, with a decent Cloth and Cushion? Have you a large Folio Bible of the last Translation, with two Books of Common-Prayer well bound, one for the Minister, the other for the Clark? Have you the Book of Homilies set forth by Authority; also the Book of Canons, and a Table of allowed degrees in Marriage?

V. Have you a Register Book of Parchment for all that are Christned, Married, and Buried in your Parish, in which are set down the names of the parties, with the Day, Moneth, and Year of each Christning, Marriage, and Burial? Is the transcript of these every year within one moneth after March 25. brought in to the Bishops Registry?

VI. Have you a Paper-Book, in which the names of strangers that Preach or Officiate in your Church or Chappel are set down; and another Book for your Church-wardens accounts.

VII. Have you a fair Surplice and other Ornaments, according to his degree, for your Minister to use in his Publick Administrations, onely for outward decency, order, and distinction?

VIII. Have you a strong Chest, with Locks and Keys, wherein the Plate and other Vessels, with the Books and Vestments belonging to the Church, may be safely and decently kept? Have you a Bier with a black Herse-cloth for the decent interment of the dead?

TIT. II.

Concerning the Church-yard, Houses, Glebes, Tithes or Rents belonging to the Church.

I. Is your Church-yard sufficiently fenced with Walls, Rails, or Pales, and decently kept from all annoyance and encroachment? Are the trees therein preserved?

II. Is the Mansion-house of your Minister, with all other houses thereto belonging, kept in good repair? Have any of them been pulled down or defaced? Hath any encroached upon the Land thereto belonging, or felled the Trees thereon growing?

III. Have you a perfect Terrier of all Glebe-lands, Gardens, Orchards, and Tenements belonging to your Parsonage or Vicarage? Also a particular List of such Pensions, Tithes, Rents, Customs, and other yearly Profits within or without your Parish, as belonging thereto? Are any of them withheld from your Minister? and by whom?

IV. Have any of the ancient Glebe-lands belonging to your Parsonage or Vicarage been taken away, or alienated by Lease, Sale, or Exchange, without License from the Ordinary, and the free consent of the Incumbent? Have any Inclosures been made in your Parish to the detriment of the Church?

TIT. III.

Concerning Ministers.

I. Is your Minister Episcopally Ordained (Deacon or Priest) according to the Laws of the Realm of England, and the ancient practice of the Church universall, no lesse then of this National Church?

II. Is he defamed or suspected to haue obtained his Orders or Benefice by any Simoniacal compact?

III. Hath he been legally Instituted and Inducted into his Benefice? Did he within two moneths after his Induction publickly read in the Church, upon some Lords-day or other Holy-day, in the time of Divine Service, the 39. Articles of Religion established in the Church of England? Did he then and there publickly declare his assent thereunto?

IV. Hath your Minister been Licenced to officiate by the Bishop of this Diocese, or either of the two Universities? Doth he being thus Licenced diligently read Divine Service, and Preach every Lords-day, in your Church or Chappel, unlesse hindered by Sicknesse or reasonable absence? and in such cases doth he procure some lawfull Minister to read Prayers, to Preach, and perform other Ministerial duties?

V. Doth your Minister Preach sound Doctrine onely, both for Faith and Manners, tending to the Edifying of people in the knowledge of God and their Saviour Jesus Christ, according to the holy rule of the Scripture, and the obedience of the Gospel? Do you know that he hath at any time within one years space last past preached any False, Heretical, Seditious, Scandalous, or Schismatical Doctrine, thereby to seduce people to Errour or Faction, to the danger of their Souls, and the disturbance of the Peace of this Church and Kingdom?

VI. Doth your Minister in his Prayer before Sermon devoutly and discreetly commend to the grace of God the Church Catholick here on earth, particularly these British Reformed Churches; also the Kings most Excellent Majesty, according to his just and Royal Titles; together with all Estates Ecclesiastical and Civil? Doth he praise God for the faithful, who have overcome this World, and are at rest from their labours? Doth he always conclude with the Lords Prayer? Doth he in his Prayer or Sermon affect any odde or Fanatick expressions, or excessive length?

VII. Doth your Minister in the Morning and Evening Service, and in the Administration of the Holy Sacraments, and in performing of other publick Religious Offices appointed by the Church of England, use the respective Forms in the Book of Common Prayer, together with those Rites and Ceremonies which are enjoyned in this Church, and declared to be not any necessary parts of Divine Worship, but onely things of Decency, Order, and Edification, tending to the Peace and Uniformity of the Church?

VIII. Doth your Minister diligently examine in the Church-Catechisme the Youth of your Parish every Lords-day in the afternoon? Doth he also instruct others that are ignorant in the Fundamental points of Christian Religion? Doth he prepare and, as occasion is offered, present the Youth so instructed to the Bishop, to be Confirmed by the laying on of his hands, with Prayer and Benediction, in that faith they professe, according to the Primitive practice of the Church of Christ? Doth he endeavour to reclaim all Popish Recusants, and other Sectaries in your Parish, to the true Religion established in the Church of England?

IX. Is your Minister, whether Parson, Vicar, or Curate, conformable in his Doctrine and Life to the holy Rule and great example of the Lord Jesus Christ? Is he a man of a studious, sober, peaceable, unblameable and exemplary life, for Piety, Sanctity, Charity, and Industry in his calling? Is he Grave, Modest, and Regular in his outward demeanor, for Haire and Clothes, according to the Constitutions and Customes of the Church of England? Is his Company, Carriage and Conversation in Word and Deed such as becometh a Minister of the Gospel, who remembers the great account he must give for his own and other mens Souls committed to his charge?

X. Is he ready to visit the Sick, and to perform those Offices to them which are required in the Church of England; also to Baptise any Infant in danger of Death, when he is desired so to do? Is any Infant or other by his default yet unbaptized in your Parish? Doth he refuse to give the Sacrament to any in your Parish, and for what Cause? or doth he give it to such as are scandalous notorious sinners, or such as are excommunicate, or refuse to be reconciled to their Neighbours?

XI. Doth your Minister Marry any persons in private Houses, or such as are under Age, not having the consent

of their Parents or Guardians? Doth he marry any without Bannes first published three Sundayes or Holy-dayes in the Church? Doth he marry at other Houres than betweene eight and twelve in the Forenoone, without having any Licence so to do?

XII. Hath your Minister taken upon him to appoint any publick or private Fasts, Prophecyings, or Religious exercises, without lawfull Authority? Doth he in those that are duly appointed use the Forms prescribed by Authority? Doth he, or any other Minister or Lay-person, hold any Conventicle or Religious meetings in private houses within your Parish, for people of severall Families to resort unto, contrary to the Laws and Canons in that case provided?

XIII. Is your Minister constantly Resident among you? And how many weeks in a year hath he been absent from his Benefice? Hath he any Curate to assist him in his absence or presence? Is that Curate in Holy Orders according to the Church of England? Hath he a Licence from his Bishop to serve the Cure? And doth he carry himself also as an able and discreet Minister, and conformable to the Church of England? What yearly stipend hath he?

XIV. Is there in your Parish beside the Parson, or Vicar and Curate, any that Preacheth onely as a Lecturer? Is he in Holy Orders, and conformable to the Church of England, and Licenced by the Bishop of this Diocese? Doth he read Divine Service before his Lecture, and in all things demean himself as is most for the Peace of the Church of England and of your Parish?

XV. Doth your Minister give notice of and duly observe, Holy-dayes, Festivals, or Fasts, with other solemn times, as Ember and Rogation Weeks, according as is by the Laws and Canons of this Church appointed?

Tit. IV.

Concerning Parishioners.

I. Is there any in your Parish that are reputed Hereticks or Schismaticks, refusing Communion with the Church of England, or professing any other Religion than what is Established in this Church, seducing others from it, and rayling against it? Are there any convicted Papists, known Anabaptists, Familists, Quakers, and other Separatists in your Parish?

II. Is there any person in your Parish that lyeth under any common fame or vehement suspicion of Adultery, Fornication, or Incest? Are there any common Drunkards, Swearers, or Blasphemers of Gods Name, and his Holy Word? Are any noted for railers, unclean and filthy talkers, or sowers of sedition, or living in discord and contention? Are there any excommunicated by the censures of the Church, and not yet reconciled?

III. Do any of your Parish profane the Lords-day, by neglecting of publick Holy Duties, or by doing the works of their ordinary callings, or by using unlawful Recreations, or permitting their Children and Servants so to do? Do they duly observe other Holy-dayes, Festivals, or Fasts appointed by Authority, for the advancement of piety, charity, and devotion?

IV. Do those that inhabit or sojourn in your Parish duly resort to your Church or Chappel, there to worship God according to the Religion of the Church of England? Do they come thither, and continue there during Divine Service, Sermons, and other Holy Duties, with that reverence, order and decency, befitting humble and devout Christians, as is required by the Laws, Canons, and laudable customs of the Church of England?

V. Are there in your Parish any that refuse to have their Infant Children Baptized by your Minister? or do they keep them unbaptized longer than this Church alloweth? Are there any Infants or more aged persons in your Parish not yet Baptized?

VI. Doth every House-holder in your Parish cause their Children, Apprentices and Servants to learn the Church Catechisme, and give account of it to your Minister, as he shall require it in the Church on Sundayes or other Holy-dayes, as is appointed? And when they are therein well instructed, do they take care to have them brought by the Minister to Confirmation, when occasion is offered, by the Bishop, for the increase of all spiritual gifts and graces in them?

VII. Is there any person in your Parish, who being sixteen years of age, and well instructed in Religion, neglecteth or refuseth to receive the Blessed Sacrament of the Lords Supper at least three times in one year (of which Easter to be one?) Do all receive this Sacred Mystery with that outward gesture of humility, reverence, and lowly adoration, which becomes them to their God and Saviour, meekly kneeling, according to the Order and Custom of the Church of England?

VIII. Are there any of your Parish who do keep familiar Society with them that are excommunicated, so as to countenance them in their sins, or encourage them in their contumacy?

IX. Are there any of your Parish who are known or suspected to be unlawfully marryed, contrary to the Laws of God and this Church? Are there any who having been lawfully divorced do live together again; or who being lawfully marryed and not divorced, do yet live asunder?

X. Are there any marryed Women in your Parish, who after their safe delivery from Child-birth refuse to make their humble and publick thanksgiving to God for so great a mercy, according to the Rites and Appointment of the Church of England?

XI. Are there any of your Parish who refuse to pay their Easter-Offerings and other Duties to your Minister; or to pay the Rates assessed on them for the repaire and provisions of the Church?

XII. Do any among you refuse to bury their dead according to the Forms and Rites of the Church of England, which are so consonant to the faith, hope, and charity of true Christians, towards those that dye in the peace of the Church? Are there any Wills or Testaments of persons dead in your Parish yet unproved, or any Goods Administred without a legal grant from the Ordinary? Do you know of any Legacies given to your Church, or the poor, or other pious and charitable uses, not yet received by you, or detained from you?

XIII. Do you know or have heard of any in your Parish, who having the presentation of an Ecclesiastical Living, hath made any Simoniacal compact or gain thereby, either in mony, or by reserve of any part of the Tithes or Glebe belonging to that Benefice.

XIV. Have any Pews or Seats been erected in your Church or Chappel without leave from the Ordinary? Is there any strife or contention about Seats in the Church? Have any occasioned Riot, Clamor, or Fighting in the Church at any time?

Tit. V.

Concerning Parish-Clerks and Sextons belonging to the Church.

I. Have you a Parish-Clerk, who is of a sober life and good report? Is he able for Reading, Writing, and Singing as a Clerk? Is he chosen by your Minister, and approved by the Parish? Are his wages duly paid him?

II. Doth he or your Sexton take care of the Church, to keep it lockt and clean, to open the doors, and to ring the Bells in due time, to call the living to the Worship of God; also to admonish them by tolling of a Passing-Bell of any that are dying, thereby to meditate of their own Deaths, and to commend the others weak condition to the mercy of God?

Tit. VI.

Concerning Hospitals and Almes-houses, Schools and School-masters, Physicians, Chirurgeons, and Midwives.

I. What Hospital, Almes-house, or Free-school hath been Founded in your Parish? Are they so ordered in the Revenue and Vse as the Founders appointed, and the Law of the Land allows?

II. What School-master, private or publick is there in your Parish? Is he (or they) Licenced by the Bishop or his Chancellor? Doth he instruct his Scholars in the Catechisme and Religion of the Church of England, according to that Conformity and Order which is established as necessary for the Publick Peace?

III. Do any in your Parish practise Physick, Chirurgery or Midwifery, without Licence from the Ordinary?

Tit. VII.

Concerning Church-Wardens and Side-men.

I. Are the Church-wardens of your Parish yearly chosen according to Law, and do they appoint Side-men to assist them for the due ordering of the Church?

II. Have the last Church-wardens given up their accounts to those that succeed them, together with all monies and other things belonging to your Church or Chappel?

III. Do your Church-wardens and Side-men diligently take notice of their names, who without a sufficient cause are absent from Divine Service and Sermons on the

Lords-dayes and other Holy-dayes? Do they by Warrant from the next Justices levy 12. pence by way of distresse (according to Law) upon their Goods, in case they refuse to pay it, for their wilful and causelesse absence? and is the money so levyed distributed to the poor of your Parish, and kept upon account in a Book?

IV. Do you suffer none to stand idle, or to play, or walk, or talk together, or to behave themselves rudely and unseemly within or without the Church during the time of Gods Holy Worship and Service, to the scandal and disturbance of the Minister and Congregation?

V. Do you provide fine White-Bread and good Wine against every Communion, according to the number of Communicants?

VI. Do you cause all strangers who preach in your Church to enter their names in a Book, and by what Bishop they are Licenced to Preach?

VII. Have you taken care to give a true Answer unto these Articles, and to draw up your presentments according to your Oaths, consulting with your Minister and other Neighbours?

This you are seriously to consider, That as the faithful discharge of your Offices according to your Oaths and Duties is a special means to repress, punish, and reform sins, scandals, and disorders in your parish; also to preserve the honour of Religion and the Peace of this Church, to the glory of our God and Saviour (which are the great Uses and Ends of all Church-Government and Discipline:) So if you neglect your Duties herein, you sin against God, your consciences, and the Churches Prosperity, being liable, in case of wilful Omission and Perjury, to those Punishments which are by the Law to be inflicted on you for your defaults.

The Ministers of every Parish, are desired to give in th Names of such as having not yet received the Lords Supper, are by them upon examination judged fit for Confirmation, and so for the Holy Communion.

THE END.

GRIFFITH, BISHOP OF ST. ASAPH, 1662.

ARTICLES of visitation & enquiry concerning matters Ecclesiastical: exhibited to the Ministers, Church Wardens, and Side-men of every Parish within the Diocese of Saint Asaph, in the Primary Episcopal Visitation of the Right Reverend Father in God George By Divine Providence Lord Bishop of Saint Asaph.

London:

Printed for *T. Garthwait*, at the King's Head in *S. Pauls* Churchyard, *M.DC.LXII.*

ARTICLES of Visitation and Enquiry within the Diocese of S. Asaph.

Articles concerning Publick Prayer and Administration of the Sacraments.

Depraving of the Book of Common Prayer and ceremonies.

First, Whether hath any of your Parish spoken or declared any thing in the derogation or depraving of the form of Gods worship in the Church of *England*, and Administration of the Sacraments, Rites and Ceremonies set forth and prescribed in the Book of Common Prayer?

Disturbing the Minister in the time of prayer.

2. *Item*, Whether hath any interrupted, hindred, let or disturbed the Minister to read divine Service, and to administer the Sacraments in such manner and form as is mentioned in the said Book? or interrupted him in his preaching?

Children refused to be Baptized, or dying without Baptisme.

3. *Item*, Whether is the Sacrament of Baptism refused to be administred to any children born in or out of wedlock, their birth being made known to the Minister of the Parish, and offered unio him to be baptized?

Private Baptisme.

4. *Item*, Whether haue there been any children baptized in private houses by any Lay-person or Midwife, or Popish Priest, or by any other Minister, but upon urgent occasion, when the child was in danger of death?

Baptizing of Papists children.

5. *Item*, Whether haue the children that haue been born to any Popish Recusants, or begotten by them in your Parish, been publickly baptized in your parish Church by your Parson, Vicar, or Curate? or by whom where they baptized, or where, to your knowledg?

Receiving of the Lord's Supper thrice a year.

6. *Item*, Whether hath the blessed Sacrament of the Lords Supper been duly and reverently administred every month, or thrice every year at least, whereof once at Easter, within your parish Church, to every parishioner being of sixteen years of age or upwards?

Articles concerning the Church, the Ornaments thereof, and the Churches Possessions.

First, Have you the Bible in the largest volume, the Common praier book, and the Books of Homilies in the Welsh tongue? Have you a Register book in parchment, and a Table of the degrees prohibited in marriage?

2. *Item*, Whether have you a Communion cup of silver, with a covering for it, a fair standing pot of silver or pewter for the wine, a fair covering of silk, or other decent stuff for the Communion Table, a fair linnen cloth to be laid over it at the administration of the Communion?

3. *Item*, Whether have you in your Church or Chappel, a convenient Seat for your Minister to read divine Service in, together with a comely Pulpit set up in a convenient place, with a decent cloth or cushion for the same, with all other ornaments necessary for the celebration of divine Service, and administration of the Sacraments? And whether have you a chest for Almes, with three locks and keyes, and another chest for keeping the Books and Ornaments of the Church, and the Register book? Whether have you a Register book in parchment for Christenings, Weddings and Burials? And is the same kept in all points according to the Canons? And is the mothers christian name therein registred as well as the Fathers?

Things appertaining to Churches.

4. *Item*, Whether is your Church or Chappel, with the Chancel thereof, and your Parsonage or Vicarage houses, your Parish Alms house and Church in good reparations, and are they imployed to godly and their right holy uses? If any be ruinated or wasted, in whom is the default? Is your Church, Chancel. and Chappel decently and comely kept as well within as without; and be the seats well maintained, the steeple and bels preserved, the windows well glazed, the floor kept paved, plain and even, and all things in orderly and decent sort?

Reparation of churches and Parsonage houses.

5. *Item*, Whether be your Church-yards well fenced and kept without abuse? if not, whose default is it? hath any person encroached upon the ground of the Church-yard? have any used a place consecrated to holy use, prophanely and wickedly? have any quarrelled or stricken another in Church or Church-yard, or abused and prophaned them with any unlawfull games, as bowles, Tennis, foot-ball, hand-ball, dancing and such like?

Fencing and keeping the Church-yard.

Profaning and annoying the Church-yard.

6. *Item*, Whether is your Church full, or vacant of an Incumbent? if vacant, who receiveth the fruits thereof, and who serveth the Cure, and by what authority? and whether is it a Parsonage, Vicarage, or Donative, or Appropriation?

Churches vacant.

7. *Item*, What Legacies hath been given to the use and benefit of your Church: how have they been bestowed: who received them, and retaineth them without due imployment? doth any detain or imbezel any of the Church goods, or any other gifts given to charitable uses?

Concealing of Church goods.

8. *Item*, Whether be not the Profits, Tithes, and other commodities Ecclesiastical, impiously and wickedly, to the dishonour of Almighty God, and prejudice of the sacred Ministery, converted to the use and benefit of covetous Patrons, and by them received and detained, and how long have they been so used to your knowledg?

Alienation of tithes and profits of the Church.

9. *Item*, Whether have there been made any bargain and sales, exchange, or other alienation of the Glebe lands, or Tithes of your Parsonage or Vicarage, being presentative; without the consent of the Ordinary and Patron? and if yea, specifie the said Lands and Tithes so sold, exchanged, or alienated, where it lay and lieth, and how it was and is abutted, together with the value of the same, and who made the same sale, exchange, or alienation, and to whom it was made:

A Terrier of Glebe Lands and other possessions of the Church.

10. *Item*, Whether have you the Terrier of all the Glebe Lands, Medows, Gardens, Orchards, Houses, Stocks, Implements, Tenements, and portion of tithes, (whether within your Parish or without) belonging unto your Parsonage, or Vicarage, taken by the view of honest men in your said Parish? and whether the said Terrier be laid up in the Bishops Registry, and in whose hands are any of them now? and if you have no Terrier already made in parchment, you the Churchwardens

and Sidemen, together with your Parson or Vicar, or in his absence, you are to make diligent inquiry and presentment of the premisses, and make, subscribe, and sign the said Terrier, as aforesaid.

Articles concerning Ministers and Preachers of Gods holy Word.

Observation of the form and time of Common Prayer and Sacraments.

First, Whether doth your Minister distinctly, reverently say Divine Service upon Sundayes and Holydayes, and other dayes appointed to be observed by the Boook of Common Prayer at fit and usual times? And doth your Minister duely observe the Orders, rites and ceremonies prescribed in the said book of Common Prayer, as well in reading publick Prayers, and the Letany, as also in administring the Sacraments, solemnization of Matrimony, visitation of the sick, burying the dead, churching of women, and all other rites and offices of the Church, in such manner and form as in the said Book of Common Prayer is enjoyned?

2. *Item.* Doth your Minister endeavour and labour diligently to reclaim the Popish Recusants in his Parish from their errors, (if there be any such abiding in your Parish) or whether is your Parson, Vicar or Curate over-conversant with, or a favourer of Recusants, whereby he is suspected not to be sincere in Religion?

3. *Item,* Doth your Minister, Curate, or Lecturer in his or their Sermons deliver such Doctrine as tends to obedience, and the edifying of their Auditory in Faith, Religion, and good life, without intermedling with particular matters of State, not fit to be handled in the Pulpit?

Preachers without Licence.

4. *Item,* Whether is your Minister a Preacher licenced or no? if no, whether doth he take upon him in his own Cure or elsewhere, to expound any Scripture, or matter of doctrine? And if he be licensed, doth he Preach usually in his own Cure, or in some other neighbour Church where no Preacher is? Or whether doth he, or his Curate, upon every Sunday when there is no Sermon, read a Homily, or some part thereof, according as he ought to do?

Preaching of false doctrine and new opinions.

5. *Item,* Whether doth your Minister publish in his Sermons any Doctrine which is new and strange, and disagreeing from the Word of God, and from the Articles of Christian Faith and Religion, agreed on and published, *Anno Dom.* 1562.

6. *Item,* Whether any victualling, tipling, or ale-selling, nave been used in your Parson, Vicar, or Curat his house, by themselves, or others dwelling therein, and by whom?

Names of strange Preachers to be taken.

7. *Item,* Whether are any strange Ministers admitted to preach in your Church, who do not before the Churchwardens subscribe their names in your Book for that purpose, the day when he preached, and the name of the Bishop of whom he had License to preach? and is any one admitted to preach before he shewed his License?

Opposition of Preachers in their Sermons.

8. *Item,* Doth any Preacher in your Pulpit particularly impugn and confute any Doctrine delivered by others his fellow-Preachers, before he hath acquainted the Bishop of the Diocese therewith, and received order from him what to do in that case?

Praying for His Majesty.

9. *Item,* Doth your Minister use to pray for the Kings Majesty, Clergy, Councel, &c. giving them their full titles?

Non-residence of the Minister.

10. *Item,* Whether is your Minister resident upon his Benefice, or absent? if absent, by whom is the Cure served, the fruits received? Doth your Minister or Curat serve any more Cures then one? if yea, then what other Cure doth he serve, and how far are they distant?

11. *Item,* Whether doth he Catechize the youth of his Parish, upon Sundays and Holy-days, before Evening Prayer, for half an hour or more, in the Catechism set forth in the Book of Common-prayer? and whether do all the Parishioners diligently attend his catechizing? and who refuse to send their children and servants to be catechized by him?

Ministers to call for relief of the poor and almes-deeds.

12. *Item,* Doth your Minister carefully look to the relief of the poor, and from time to time call upon his Parishioners to give somewhat, according to their ability, to godly and charitable uses, especially when they make their Wills?

Simony.

13. *Item,* Whether is your Minister suspected or known to have obtained his Benefice or Spiritual Promotion by any Simonaical compact, directly, or indirectly?

Demising of benefices.

14. *Item,* Whether doth your Minister demise the profits of his Benefice to any Lay-man above three years, and is not resident there, and keepeth no hospitality upon his Benefice, being of sufficient value?

Conferring with recusants.

15. *Item,* Whether hath he, being learned and sufficient, conferred with the Popish Recusants of his Parish, endeavouring to reclaim them from their errors, and presenting them being obstinate for their Recusancy?

Preaching in private houses.

16. *Item,* Hath your Minister, or any other Preacher, made any Sermon, administred the Sacraments, or churched women in any private houses, otherwise then is by Law allowed?

Curates not licensed, and laymen doing the offices of a Minister.

17. *Item,* What Curates or Preachers do read Prayers or administer the Sacrament in your Parish without lawfull License? or doth any Lay-man, not having Holy Orders, presume to read publick Prayers in the Church?

Ministers forsaking their calling.

18. *Item.* Whether is your Minister studious in the Holy Scripture, and abstaineth from mechanical Trades, or labour not befitting his Function, and from apparel unseemly for his calling, and from Gaming, Swearing, and Drunkenness, or such notorious crimes? or is there any in your Parish, who have been admitted into Holy Orders, either Deacon or Minister, doth relinquish or forsake his calling, and liveth in the course of his life as a Lay-man?

Articles concerning Marriage.

Marriage within Levitical degree.

1. *First,* Whether there be any in your Parish that have married within the degrees of affinity or consanguinity by the Law of God forbidden? if any, what be they?

Private Marriage, and without consent of Parents.

2. *Item,* Whether have any been married secretly in private houses, or without their Parents or Governors consent signified, being under the age of twelve years?

Married persons living apart.

3. *Item,* Whether do any persons lawfully married, live asunder unlawfully; and in whom is the default?

Marriage without banes or License.

4. *Item,* Whether any person (Banes being not thrice published in the Church) have been married without Licence: who were present at such marriages, and what Minister married them?

Persons married out of their Parishes.

5. *Item,* Whether any persons, by License, or without, have been married in your Parish Church, neither of them at that time dwelling in your Town?

Recusants marriage.

6. *Item,* What Popish Rescusants, or their children, have been married in your Parish; in what sort was that Matrimony solemnized, when, and by whom?

Articles concerning Church-wardens.

Election of Churchwardens.

1. *First,* Whether be the Churchwardens chosen by the Minister and Parishioners, and whether hath any taken him to be Churchwarden, being not so chosen? or hath any continued above one year in his Office without a new choice?

Church-wardens due accompt.

2. *Item,* Whether have any Churchwardens detained any of the Church goods, and not made a just accompt of what they have received and expended?

Church-wardens diligence in the Church.

3. *Item,* Have they been, and are they diligent in their Office, to see decency kept in the Church, and Order in the time of Common Prayer and administration of the Sacraments, and that there be no disturbance, but soberness and quietness in the Church?

Articles concerning the Parishioners.

Profaning the Lord's day

1. *First,* Whether do any in your Parish prophane the Sunday by unlawfull games, drinking or tipling in the time of Common-Prayer or Sermon, and by working and doing the ordinary works of their vocation and Trades?

Impugning the Rites of the Church.

2. *Item,* Is there any in your Parish that do impugn or speak against the Rites and Ceremonies of the Church of England, or the lawfull use of them, and Government of this Church under his Majesty by Archbishops, Bishops, and other Ecclesiastical Officers?

Reverent behaviour at divine service.

3. *Item,* Who in your Parish do come to the Sermon onely, and not to Divine Service? And who do not reverently

behave themselves during the time of Divine Service, devoutly kneeling when the general Confession of Sins, the Letany, the Ten Commandements, and all Prayers and Collects are read? or who do give themselves to babling, talking or walking, and are not attentive to hear the Word read and preached?

Leaving their own Churches to go to others.

4. *Item*, Are there any of your Parish having a preacher to their Minister, that do absent themselves from his Sermons, and resort to other places to hear other preachers? or do any in your Parish communicate, or baptize their children in any other Parish?

Opening of shops upon the Sunday.

5. *Item*, Whether do any in your Parish exercise any Trade or labour, buy or sell, or keep open shops, or set out any wares, to be sold upon Sundays and Holy-days, by themselves, their servants, or apprentices, or have otherwise prophaned the said days?

Keeping holy the fift of November.

6. *Item*, Whether is the Fifth of *November* kept holy, and thanksgiving made to God, according to the Order set forth in that behalf?

Adultery, fornication, Incest, &c.

7. *Item*, Are there any in your Parish that be, or are commonly known or reputed to be blasphemers of Gods holy Name, drunkards, adulterers, fornicators, incestuous persons, concealers or harbourers of fornicators or adulterers? Have any been detected of such notorious crimes, and what penance have they done for the same?

8. *Item*, Whether there be any Inn-keepers, Victuallers, or Alehouse-keepers within your Parish, that admit unto, or suffer in their houses any person at the time of Common-Prayer, or Sermon, upon any Sabbath-dayor Holy-day, and who they be that haunt such Taverns, Inns, or Tipling-houses at Prayer time?

9. *Item*, Whether any markets, or selling of any meat, or other wares, be suffered or used in your Church-yard, or near the same, upon the Sabbath-day? And whether any Butchers, Pack-men, Pedlers, or any Mercers or other Tradesmen, within your Parish, open their Shops, or make any common or open sale of their Stuff upon Sabbath-days and Holy-days?

10. *Item*, What Recusant Papists are there in your Parish? and whether do they, or any of them, keep any School-master in their house, which cometh not to Church to hear Divine Service, and receive the holy Communion? what is his name, and how long hath he taught?

11. *Item*, Whether hath your Minister, or any other of your Parishioners, been at any Schismatical Conventicles in any private house or houses within your Parish, and there have conferred about any private Orders for Prayers, Preaching, or Expounding the Scriptures, contrary to the Book of Common-Prayers, and the Laws established in that behalf? Or whether any Lay-men have then taken upon them to expound the Scriptures, or preach? If so, you shall present them all.

Articles concerning Schoolmasters, Physitians, and Chirurgians, and Parish-Clerks.

First, is there any School-master in your Parish, that teacheth publickly or privately, not licenced by the Ordinary? doth he teach any Papist or Sectaries children that come not to Church? And doth he instruct all his Schollars to learn the short Catechisme by Law established, contained in the Book of Common Prayer? Is he a Graduate and sufficient to teach?

Physitians not licensed.

2. *Item*, What Physitian or Chirurgian is in your Parish unlicensed, and being not a Doctor of Physick in either of the Universities, doth practise Physick? And what ignorant persons have left their trade, and taken upon them to profess Physick or Chirurgery, and who be they that so abuse the people? and do any in your Parish take upon them to heal and cure men, or cattel, by charms, spels, witchcraft, or any other unlawfull wayes or means?

Parish Clark.

2. [*sic.*] *Item*, Have you a fit Parish Clark, aged twenty years at least, of honest life, able to read and write? are his and the Sextons wages paid without fraud? if not, then whose default is it? by whom is he chosen? Is he diligent in his office, and serviceable to the Minister? doth he meddle with any thing above his office? doth he keep the Church clean, the doors locked? Is anything lost or spoiled by his default, and doth he execute his office duely?

Articles concerning Ecclesiastical Offices.

Excessive fees.

First, Whether be there any Ecclesiastical Officers that exercise Ecclesiastical jurisdiction within this Diocess, that take and receive, or exact any extraordinary fees for any cause? Whether have your Churchwardens and Questmen concealed any abuses or offences punishable in the Ecclesiastical Court? and whether such offences being presented, are suppressed and unpunished?

Table of fees in Court.

2. *Item*, Whether is there not a table of fees in the Court of the consistory, allowed and subscribed by the Judg and Register of the Court of Consistory, *Anno Dom.* 1597, and the same every Court-day, hung up in some publick place of the Court and Registry?

Abuses in Apparitors or Sumners.

3. *Item*, Have any Apparators or sumners, under pretence of authority, cited or summoned any person unlawfully, or hath taken any reward for the concealing of any offence or sin, or the avoiding of punishment of the offendors? and who be they that have done so? Or do they take any fees not accustomable? Have they thretened any to prosecute them if they have no reward? and do they summon any without a citation first had.

If you know any other default or crime, of Ecclesiastical cognisance, you are to present the same.

The Minister of every Parish may joyn in presentment with the Church-wardens, and Side-men: and if they will not present, the the Ministers themselves (being the persons that should have the chief care for the suppressing of sin and impiety in their Parishes) may present the crimes aforesaid, and such things as shall be thought to require due Reformation.

FINIS.

HACKET, BISHOP OF LICHFIELD, 1662.

ARTICLES of inquiry concerning Matters Ecclesiastical: Exhibited to the Ministers, Church-Wardens, and Sidemen of every Parish within the Diocesse of Lichfield and Coventry; In the first Episcopal Visitation of the Right Reverend Father in God John by Divine Providence Lord Bishop of Lichfield and Coventry, in the first year of his Consecration, An. Dom. 1662.

London, Printed for John Place, 1662.

The Oath to be given unto the Church-wardens and Sidemen, of every Parish.

You shall Swear to inquire with the best diligence that you may, and to make a true Answer unto every Article of this Book now given you in Charge; Presenting every Person of your Parish that hath done any Offence, or omitted any Duty, therein mentioned. And this you shall do, without any Favour or hatred, or fear of Displeasure; So help you God, and the contents of his Holy Gospel.

ARTICLES of Inquiry within the Diocess of Litchfield and Coventry.

Inquiries about the Church and Church-yard.

I. Is your Parish-Church and Chancel decently kept for Gods Honour? Are the Roofs, Walls, Pavements and Windows well repaired? are the Ten Commandements, Lords Prayer, and the Creed, drawn out in fair Letters, in convenient places? and are the Kings Arms set up?

II. Have you made Leavies for the reparation of the Church, and other holy uses? and are there any that refuse to pay the proportion leavied upon them?

III. Have you a Font of Stone decently covered, standing towards the lower end of the Church, for the Administration of Baptism? Have you a comely Table placed conveniently in Church or Chancel for the use of the Lords Supper? Have you a comely Carpet of Silk or good Stuff for that holy Table, with a fair Linnen Cloth to spread upon it in the time of Administration: And have you an handsome Cup of silver for the Wine, and a Cover of silver to the same to put the bread on? And have you one or more Flaggons of Pewter or better Metall for that use?

IV. Are your reading Desk and Pulpit conveniently set up, and placed, for the use of publick Prayer and Sermons? And hath your Pulpit a Cushion, and comely covering before it?

V. Have you in your Church the Common-Prayer Book of the largest Volume, set forth by Authority, with the Books of Divine Service for the fifth of November, the thirtieth of January, and the nine and twentieth of May? And have you the Bible in Folio, fairly bound, of King

James's Translation? Have you also a decent Surplice, (one or more) for your Parson, Vicar, Curate, or Lecturer, to wear in the time of all publick Ministrations?

VI. Are the Tombs, Monuments, Gravestones of the Dead in your Church, or Church-yard preserved; and not suffered to be broken, taken down, or removed?

VII. Have you a Book of Parchment, wherein be Registred the Christnings, Marriages, and Burials in your Parish? Have you a strong Chest, with three Locks, wherein to preserve your Church Furniture? and a Box for Alms, placed in a fit place for the Relief of the Poor?

VIII. Is the House and Out-houses of your Minister in good and sufficient repair? Doth he preserve the Gardens, Orchards, and Glebe belonging to him, without embezeling, changing, or any way damnifying them?

IX. Is the Church-yard decently kept, and well fenced to keep out beasts?

Inquiries about the Parson, Vicar, Curate, Lecturer.

I. Have the above-named received Episcopal Ordination, according to the Laws of the Kingdome?

II. Can you tell who did present your Parson, or Vicar, to his Benefice? Have you heard, or known, that he came Simoniacally? Was he inducted into his benefice before sufficient witness? And did he read the nine and thirty Articles before or at Morning or Evening Prayer? And did he give his consent to them?

III. Hath he read the Book of Common-Prayer as it is injoyned by the late Act of Uniformity for publick Prayer, Administration of the Sacraments &c. on some Sunday before the four and twentieth of August last past, and did, and doth he, wear the Surplice while he perform'd that Office, and other Offices mentioned in that Common-Prayer-Book?

IV. Hath he published his consent unto the said Book on some Sunday before the 24th of August above-named; openly in time of Divine Service, and hath he subscribed to the Declaration as it is exprest in the 77. page of the above-named Statute, and manifested it to the Congregation openly?

V. Doth he Preach a Sermon on every Sunday, or procure a Sermon then to be Preach'd? Or else sometimes read one of the Homilies which the Church hath appointed? And doth he often on Sundays and Holydays before Divine Service, instruct his Parishioners in the Catechism of the Church?

VI. Doth he read the Service appointed for the fifth of November, thirtieth of January, twenty ninth of May? and doth he keep the yearly Perambulation and Rogation daies before the Feast of our Lords Ascension?

VII. If your Parson or Vicar keep a Curate, is he of godly Life and sufficient Learning? Is he allowed by the Bishop, and can you tell whether the said Curate have a competent allowance according to the value of the Living?

VIII. Doth your Parish maintain a Lecturer? Is he a Vertuous and Orthodox divine? Is he Licensed by the Bishop? Doth he read the full Divine Service of Common-Prayer once a Moneth at the least, wearing a Surplice?

IX. Do you observe, to your best understanding, that your Parson, Vicar, Lecturer, or Curate, do Preach the true Word of God? Or do they, to your judgment, (having consulted with other grave Parishioners) vent dangerous Opinions, derogating to the Glory of God, and a pious life? Do they teach Sedition directly against his Majesty, his Laws, and Government, or do you note, that indirectly they cast out Seditious glances against the Civil State, or Government Ecclesiastical?

X. Doth you Minister celebrate the Lords Supper in the Church, according to the Service of the Common-Prayer-Book, often every year? Doth he repulse them from it that are scandalous by the sentence of the Laws? Doth he Baptize such Infants of his Parish according to the Service of the Common-Prayer, as, upon warning given before, are brought on Sundays or Holydays to the Church with God-fathers and God-mothers, and upon lawfull Summons doth he Baptize Infants at home in case of danger and necessity?

XI. Doth he visit the Sick at their Houses, when he is required, upon lawfull Summons? Doth he Pray with them, Exhort them to faith and repentance, and comfort them? Doth he give them the Holy Communion, professing faith in Christ, and sorrow for their sinns, if they require it; and doth he Exhort them to Brotherly Love, and works of Charity, if they be able to bequeath a portion to pious uses?

XII. Doth he prepare the young Men and Maidens of the Parish to be confirmed by the Bishop? Doth he Marry none clandestinely, but at due hours in the Church, and that upon Banes thrice publish'd on Sundays or Holydays, or Licence obtained from the Spiritual Court? And doth he bury the Dead according to the Book of Common-Prayer?

XIII. Is your Minister, Lecturer, Curate, a man of sober, chast, just, unblameable Life? And spare not to present him, or them, that are not every way examples of Godliness?

XIV. Doth your Minister with the Church-wardens take care duely every year, to send in the names of all such in his Parish, as have been Baptized, Married, Buried, Excommunicated, that they may be enrolled in the Bishops Registry?

XV. Doth your Minister maintain peace with his Neighbours? and study to keep them in peace as much as in him lies? Doth he take diligent care to reduce all Sectaries, Separatists, and Refractory persons to the obedience of the Doctrine and Government of this Church? And doth he offer himself being an able Learned man, to confer with Popish Recusants to convert them, and to bring them into the bosom of this Church?

Inquiries about the Parishioners.

I. Do all your Parishioners of due age resort to the Divine Service and Sermons in your Church on Sundays and Holy-days? and on Wednesday and Friday mornings, if conveniently they can?

II. Do they or any of their servants occupy themselues in bodily labours on Sundays or Holy-days? do they open their Shops and sell Wares on those daies? or do Vintners, Victuallers, Inn-keepers, or others, receive any into their Houses to tipple and waste time idely on those daies? except they be Travellers that are upon a Journey in necessary occasions.

III. Do your Parishioners in the time of Divine Service, Sermon, or Homily, behave themselves reverently? Men and youths with their Hats of, both Sexes giving due attention, none disturbing holy Duties, by talking, walking, removing, going out, or using any other offence? and do they all kneel, stand up, make answers in time of Divine Service, as you find it appointed in the Rubricks of the Common Prayer-Book?

IV. Such as may be discerned to be Papists, Hereticks, Scismaticks, Anabaptists, Separatists, Quakers and the like, are not only to be presented, but twelve pence is to be Leavied on every such person, and so many of them for every Sunday as absent themselves from the Church, and to be employed to the maintenance of the Poor, whereof account is to be made to the Justices of the Peace.

V. Such are to be presented as are known and much suspected to be Incestuous, or to be Married in Incestuous or unlawfull degrees of Blood; likewise you ought to present known Adulterers, Fornicators, Blasphemers, common Swearers, Drunkards, Sorcerers, or Resorters to Sorcerers.

VI. Are there any above the Age of sixteen years in your Parish, and especially that have been examined by your Minister in the Catechism before, that do not come to the Lords Supper, to partake it reverently upon their knees three times every year at the least, the Feast of Easter, or the time thereabout, being one?

VII. Are there any in your Parish that keep their children unbaptized? enquire diligently, and return the Parents or Governors names, and the list of those Children by such names as you can learn.

VIII. Do all Women that have been safely delivered come to the Church in due time to partake of the office of Thanks-giving after the Orders of the Common-Prayer, and do such Women pay their accustomed Duties?

IX. Do your Parishioners bring their Dead to be decently Buried after the Service of the Church in their own Parish grounds? or if they carry the Dead away to be Buried in some other place, whether they be Lodgers, or other Strangers, do they first obtain leave of the Minister of the Parish, and have his Certificate?

X. Do any of your Parish usually frequent other Parish Churches, and absent themselves from their own?

XI. Are there any that keep private Conventicles in their Houses, or abroad, which are resorted to, by those that are known or suspected for Sectaries, or any way disaffected to the present Church of England.

XII. Do your Parishioners pay their Easter Offerings, and accustomed Duties, called Vicarage Tithes, or by any other name, to their Minister?

XIII. Are there any Wills or Testaments of persons dead in your Parish, that are not proved by a lawfull Judge, or do you know or hear of any goods administred without due grant from the Ordinary?

XIV. What Legacies have been given to pious uses in your Parish, which are utterly defrauded or not imployed to the right use according to the Will of the Doner?

XV. Are your Seats and Pews in the Church decently kept? And are the Parishioners placed in them without offence and contention?

Inquiries about Church-Officers, and other Persons.

I. If any stranger come to Preach in your Parish Church or Chapel, on Sundays and Holy-days, at Christnings, Funerals, Marriages, or any other occasion, do the Church-wardens demand to see his Orders and Licence to Preach which he had from the Bishop? and if he can shew none, do you inhibit him from Preaching?

II. Do you suffer excommunicated Persons to be Buried in any part of your Church, Chancel, or Church-yard?

III. Doth your Parish Clark, and Sexton, (if you have any such) do their Duties obediently and diligently? Are they of honest Life and Conversation? Is your Parish Clark duely chosen by the Minister? And is he allowed by the Ordinary? Can he write and read? Doth he make Responsions to the Hymns and other Suffrages of the Liturgy?

IV. Is there a School publick or private in your Parish? Is the School-Master, (and Usher if he have one) allowed by the Bishop or his Chancellour? Doth he breed his Scholars Religiously? and doth he teach them the Church Catechism?

V. Have you any Physician, Chirurgion, or Mid-wife in your Parish, that practise without Licence?

VI. Are your Church-wardens duely chosen in the week after Easter day, and after the custom and manner of the Parish?

VII. Have the Church-wardens, who are to surrender their places upon the Election of new ones, given up their accounts to the Parishioners? and are their accounts allowed? or have they falsified their trust? wherein? and how much?

VIII. Also have your Church-wardens been diligent to repair the Church, to keep it decent and comely? Have they preserved the Font for Baptism fit and handsome for that use, likewise have they look'd carefully to the Communion Table, to the Plate, and all Utensills pertaining to it? And have they provided such fine white Bread, and good Wine, as was fit for the Sacrament, according to advice taken with the Minister?

Let the Church-wardens and Side-men inquire Diligently what answers they will and can give to all these particulars upon Oath, setting the fear of God and the good of his Church before their Eyes.

FINIS.

HENCHMAN, BISHOP OF SALISBURY, 1662.

ARTICLES to be Enquired of in the Diocese of Salisbury, in the Visitation of the Right Reverend Father in God Humfry Lord Bishop of Sarum *Anno Domini* 1662.

London,

Printed for *Timothy Garthwait* at the Kings Head in S. *Pauls* Church-yard, 1662.

The Tenor of the Oath to be Administred to the Church-wardens and Sidemen of every Parish.

You shall Swear to enquire with your best diligence, and to make a true answer unto every Article in this Book now given you in Charge; and to Present every Person that now is, or of late was, inhabiting within your Parish, that hath done any Offence, or omitted any Duty, therein mentioned. And this you shall do, as in the sight of God, uprightly and truly, without Favour or Malice, Hope of Reward, or fear of Displeasure. *So help you God, &c.*

ARTICLES of Visitation and Enquiry within the Diocese of Salisbury.

TITUL I.

Concerning Publick Prayer, and Administration of the Sacraments.

1. HATH any of your Parish spoken or declared anything in derogation, or to the depraving of the Form of Gods Worship in the Church of *England*, and administration of the Sacraments, Rites and Ceremonies prescribed in the Book of Common Prayer, as it is now established by Law? Do any preach, speak, or declare, that it containeth any thing that is not agreeable to the Holy Scriptures?

2. HATH any in your Parish caused, procured, or maintained any Minister to say any Common, or Publick Prayer, or to administer either of the Sacraments of Baptism and the Lord's Supper, otherwise, or in any other manner or form then is mentioned in the said Book of Common Prayer? Or hath any interrupted, hindred, let or disturbed the Minister to read Divine Service, and administer the Sacraments in such manner and form as is mentioned in the said Book, or interrupted him in his preaching or Sermons?

3. Is the Sacrament of Baptism rightly and duly administred according to the prescript Form expressed in the Book of Common Praier, with due observation of all Rites and Ceremonies prescribed in the Administration of the same?

4. Is the Administration of the Sacrament of Baptism deferred longer then the next Sunday or Holiday immediatly following the birth of the child?

5. Is the Sacrament of Baptism refused to be administred to anie children born in or out of wedlock, their birth being made known to the Minister of the Parish, and offered unto him to be baptized, or have anie such children died unbaptized?

6. BE the Parents of anie child to be baptized, admitted to be Godfathers and Godmothers to the same?

7. HAVE there been anie children baptized in private houses by any Lay-person, or Midwife, or Popish Priest?

8. HAVE there been anie children baptized in private houses by your Minister, or anie other Minister, but upon urgent occasion, when the child was in danger of death?

9. HAVE the children which have been born to anie Popish Recusants, or to anie who refuse to be present at Common Praier, been publickly baptized in your Parish Church, by your Parson, Vicar or Curate or by whom were they baptized or where to your knowledg?

10. HATH the blessed Sacrament of the Lords Supper been duly and reverently administred everie month, or thrice everie year at least, whereof once at *Easter*, within your Parish Church, to everie Parishioner being of sixteen years of age, or upwards, desiring to receive the same, and being duly qualified thereunto?

11. Is the said holy Sacrament delivered unto, or received by anie of the Communicants within your Parish that do not devoutly and humbly kneel upon their knees?

12. HAVE anie of your Parish which be openly known to live in notorious sin without repentance, or excommunicate persons or Schismaticks, without unfeigned sorrow shewn for their impiety and wickedness, been admitted to be partaker of the said holy Communion?

13. HATH anie of your Parish been debarred from the said holy Communion without just cause, and without intimation first given to the Ordinarie or Bishop of the Diocese, and by whose fault?

TIT. II.

Concerning the Church, the Ornaments thereof, and the Churches Possessions.

1. HAVE you in your Church or Chappel the whole Bible of the largest volume, and of the last Translation, the Book of Common Praier newly established and set forth, the two Books of Homilies, and Bishop *Jewels* Apologie, all well and fairly bound; a Font of stone set up in the usual ancient place, a convenient and decent Communion Table, with a Carpet of silk, or some other decent stuff continually laid upon the Table at time of Divine service, a fair linnen cloth at the time of administring the Communion? and whether is the same Table placed conveniently as it ought? and whether is it so used in or out of Divine service or Sermon, as is not agreeable to the holy use of it?

2. HAVE you in your said Church or Chappel, a convenient Seat for your Minister to read Divine Service in, together with a comely Pulpit set up in a convenient place, with a decent cloth or cushion for the same, a comely, large and fine Surplice, a fair Communion cup, a Flagon of silver or pewter, with all other things and ornaments necessary for the celebration of Divine Service, and administration of the Sacraments? and have you a chest for Alms, with three locks and keys, and another chest for keeping the Books and Ornaments of the Church and the Register Book? Have you a Register Book in parchment of Christnings, Weddings and Burials? and is the same kept in all points according to the Canons? And is the mothers Christen name therein registred, as well as the Fathers, and a Transcript thereof brought in yearly, within one month after the five and twentieth of *March*, into the Lord Archbishops, or the Bishop of the Diocess Register? And have you a Table set up in your Church, of the degrees wherein by Law men are prohibited to marry?

3. Is your Church or Chappel with the Chancel thereof, and your Parsonage or Vicarage-houses, your Parish Alms-house, and Church-house (if there be any Alms-house or Church-house within your Parish) in good reparations, and

are they imployed to their right uses? if any be ruinated and wasted, in whom is the default? Is your Church, Chancel and Chappel decently and comely kept, as well within as without? and be the Seats well maintained, the Steeple and Bells preserved, the Windows well glazed, the Floor kept paved plain and even, and all things in orderly and decent sort? Or have any Patrons or others decayed the Parsonage Houses?

4. Is your Church-yard well fenced, and kept without abuse? if not whose default is it? Hath any person encroached upon the ground of the Church-yard, or cut down any of the Trees growing therein? have any used a place consecrated to holy use, profanely or wickedly? have any quarrelled or striken another in Church or Church-yard?

5. Is your Church full or vacant of an Incumbent? If vacant, who receiveth the fruits thereof, and who serveth the Cure, and by what authority? is it Parsonage, Vicarage, Donative or Appropriation?

6. WHAT Legacies have been given to the use and benefit of your Church, or of the Cathedral Church of *Sarum?* how have they been bestowed? who receiveth them, detaineth them without due imployment? Doth any detain or imbezel any of the Church goods, or any other gifts given to charitable uses?

7. Is there any erecting of Pews, or innovating of Seats in your Church by any private man of his own authority: and what Seats have been so built, and by whose procurement and by what authority?

8. HATH any in your Parish defaced, or caused to be defaced any Monuments or Ornaments in your Church?

9. HATH any Popish Recusant being lawfully excommunicated, been interred or buried in your Church or Church-yard, before absolution of that Censure and Excommunication? If yea, then by whom and when?

10. BE not the Profits, Tithes, and other Commodities Ecclesiastical, impiously and wickedly to the dishonour of Almighty God, and prejudice of the sacred Ministry, converted to the use and benefit of covetous Patrons, and by them received and detained, and how long have they been so used to your knowledg?

11. WHETHER hath there been made any bargain and sale, exchange, or other alienation of the Glebe-lands, or Tythes of your Parsonage or Vicarage, being presentative, without the consent of the Ordinarie and Patron? and if yea, specifie the Lands and Tythes so sold, exchanged or alienated, where it lay and lieth, and how it was and is abutted, together with the value of the same, and who made the same sale, exchange or alienation, and to whom was it made?

12. HAVE you the Terrier of all the Glebe-lands, Meadows, Gardens, Orchards, Houses, Stocks, Implements, Tenements, and portions of Tythes: as also a note of all Pensions and Rate Tythes (whether within your Parish or without) belonging to your Parsonage or Vicarage, taken by the view of honest men in your said Parish? And whether the said Terrier be laid up in the Bishops Registry, and in whose hands are any of them now? And if you have no Terrier already made in Parchment, you the Churchwardens and Sidemen, together with your Parson or Vicar, or in his absence, you are to make diligent enquirie and presentment of the premisses, and make subscribe and sign the said Terrier as aforesaid.

TIT. III.

Concerning Ministers and Preachers of Gods Holy Word.

1. DOTH your Minister distinctly and reverently say Divine Service upon Sundaies and Holy-daies, and other daies appointed to be observed by the Book of Common-Praier at fit and usual times? And doth your Minister duely observe the Orders, Rites and Ceremonies prescribed in the said Book of Common-Praier, as wel in reading all publick Praiers and the Letany, as also in administring of the Sacraments, solemnization of Matrimony, visitation of the Sick, burying of the Dead, churching of Women, and all other like rites and offices of the Church, in such manner and form as in the said Book of Common-Praier is enjoined?

2. DOTH your Minister reading Divine Service and administring the Sacraments and other Rites of the Church, wear the Surplice according to the Canons?

3. HATH your Minister married any without a Ring, or without Banes published three several Sundaies or Holydaies in time of Divine Service in their several Churches or Chappels of their several abode, according to the Book of Common-Praier, or in times prohibited, albeit the Banes were thrice published, without a license or dispensation from the Archbishop, or Bishop of the Diocess, or his Chancellor first obtained in that behalf, or not betwixt the hours of eight and twelve in the forenoon, or have married any in a private house, or if the parties be under the age of One and Twenty years, before their Parents or Governors have signified their Consents unto him?

4. DOTH your Minister diligently instruct the youth of your Parish in the Church Catechism? and doth he prepare and present them being so instructed, to be confirmed by the Bishop? and doth he endeavour to reclaim all Popish Recusants and other Sectaries (if any such be inhabiting within your Parish) to the true Religion established in the Church of *England*, and to their bounden duties in obeying of the Lawes, and submitting to the Government thereof?

5. DOTH he neglect to visit the Sick, or delay the Baptism of any Infant that is in danger of death? Is there any Child past Infancy or other person of more years, through your Ministers default, yet remaining unbaptized in your Parish? Doth he baptize without Godfathers and Godmothers?

6. HATH your Minister taken upon him to appoint any publick or private Fasts, Prophecyings or Exercises not appointed by Authority? Or doth he, or any other, either Minister or Lay person hold any Conventicles or Meetings in private houses within your Parish, for people of several Families to resort unto, under the pretence of Preaching, Praying, Thanksgiving or Humiliation, contrary to the Lawes and Canons in that case provided?

7. Is your Parson, Vicar, Curate or Lecturer, a man of sober, unblameable and exemplary life? Doth he familiarly converse with ungodly, vicious and excommunicate persons? Is he a frequenter of Taverns and Alehouses? a common Gamester? a prophane or obscene Jester? a Swearer, Rayler, Scoffer, or Quarreller? Doth he set Neighbours at variance one with another, or encourage them to Suit or Contention? Is he noted to be an intemperate Drinker? or vehemently suspected of Incontinency with any person, either within your Parish or without? Doth he wear his hair of an immoderate or uncomely length? Is his Apparel grave and decent, both for fashion and colour, as the Canons of the Church require? Or is his Carriage and Conversation in any kind whatsoever, disorderly or scandalous, and unbeseeming a Minister of Jesus Christ?

8. Doth your Minister bid Holy-daies and Fasting-daies as is appointed? Doth he receive the holy Communion himself, on everie day that he administreth it to others, and useth he the words of Institution according to the Book without alteration, at everie time when the Bread and Wine is renewed? Doth he use and never omit the sign of the Cross in Baptism? or doth he ever baptize in a Bason, or other thing but the usual Font?

9. Is your Minister a Preacher licensed, or no? If no, Doth he take upon him in his own Cure or elsewhere, to expound any Scripture or matter of Doctrine, and doth not keep himself onely to the reading of Homilies published by Authority? If so, then you are to present the same, the time and place where he did it. And if he be licensed, doth he preach usually in his own Cure according to the 45 Canon, or in some other neighbour Church, where no Preacher is? Doth he or his Curate upon every Sunday when there is no Sermon, read a Homily, or some part thereof, according as he ought to do?

10. DOTH your Minister publish in his Sermons any Doctrine which is new and strange, and disagreeing from the Word of God, and from the Articles of Christian Faith and Religion, agreed on and published, *Anno Dom.* 1562. or hath he at any time preached against the Rites and Ceremonies of the Church of *England*, or the lawfull use of them, or against the Government of this Church under his Majesty, by Archbishops, Bishops, and other Ecclesiastical Officers?

11. ARE any strange Ministers admitted to preach in your Church, who do not before the Churchwardens subscribe their names in your Book for that purpose, the day when he preached, and the name of the Bishop of whom he had license to preach: and is any one admitted to preach before he sheweth his License?

12. DOTH any Preacher in your Pulpit particularly impugn and confute any Doctrine delivered by others his fellow Preachers, before he hath acquainted the Bishop of the Diocess therewith, and received Order from him what to do in that case?

13. DOTH your Minister use to pray for the Kings Majesty, Clergy, Councel, &c. and doth he alwayes conclude his prayer with the Lords-prayer, as in the Canon is required?

14. Is your Minister resident upon his Benefice or absent? if absent, by whom is the Cure served, the fruits received? Doth your Minister or Curate serve any more Cures then one? if yea, then what other cure doth he serve, and how farre are they distant?

15. DOTH your Minister carefullv look to the relief of the poor, and from time to time call upon his Parishioners to

give somewhat according to their ability, to godly and charitable uses, especially when they make their Wills?

16. Is your Minister suspected or known to have obtained his Benefice or Spiritual promotion by any Simoniacal compact directly or indirectly?

17. Doth your Minister demise the profits of his Benefice to any Lay man above three year, and is not resident there, and keepeth no hospitality upon his Benefice, being of sufficient value?

18. Doth your Minister in the Rogation daies go in perambulation of the circuit of the Parish, saying and using the Prayers, Suffrages and Thanksgiving to God, appointed by Law according to his Duty, thanking God for his blessings, and praying for his grace and favour?

19. Hath your Minister or any other Preacher made any Sermon, administred the Sacraments, or churched Women in any private houses, otherwise then is by Law allowed?

20. What Curates or Preachers do read Prayers, or administer the Sacraments in your Parish without lawfull license from the Bishop of the Diocess under his hand and seal, according to the Canon? or doth any Lay man not having Holy Orders, presume to read publick Praiers in the Church?

21. Have you any Preacher or Lecturer in your Parish? is he thereunto licensed by the Archbishop or Bishop of the Diocess under his Seal? did he since the nineteenth day of *May* last past (before his Sermon) openly, publickly and solemnly, read the Common Praiers and Service in, and by the said Book appointed to be read for that time of the day, and then and there publickly and openly declare his assent unto, and approbation of the said Book, and to the use of all the Praiers, Rites and Ceremonies, Forms and Orders therein contained and prescribed, according to the late Act of Vniformity?

22. Doth your Minister everie Six Months, denounce in his Parish all such of his Parish as do persevere in the sentence of Excommunication, not seeking to be absolved? hath he received any excommunicate person into the Church without Certificate from the Ordinary? Who are encouragers and keepers of company with such as remain excommunicate? be anie dying excommunicate buried in Christian burial?

Tit. IV.

Concerning Marriage.

1. Are there anie living in your Parish who have been unlawfully married contrary to the Laws of God? Or anie that being lawfully divorced, have married again? Or anie that being lawfully married, and not separated or divorced by course of Law, do not cohabit together?

2. Have anie been married secretly in private houses, or without their Parents or Governors consent signified, being under the age of 21 years?

3. Have anie persons (the Banes being not thrice published in the Church) been married without License? who were present at such marriages, and what Minister married them?

4. Have anie persons by license or without, been married in your Parish Church, neither of them at that time dwelling in your Town?

5. What Popish Recusants or Sectaries, or their Children have been married in your Parish, in what sort was that Matrimony solemnized, when, and by whom?

Tit. V.

Concerning Church-wardens.

1. Be the Church-wardens chosen by the Minister and Parishioners, according to the 89 Canon? Hath anie taken upon him to be Churchwarden, being not so chosen, or hath anie continued above one year in his Office without a new choice?

2. Hath anie Churchwarden retained anie of the Church goods, and not made a just account of what they have received and expended?

3. Have they been, and are they diligent in their Office, to see decency kept in the Church, and order in the time of Common-Praier, and administration of the Sacraments: and that there be no disturbance, but soberness and quietness in the Church? And do the Churchwardens keep a Book in your Parish, wherein everie strange Preacher in your Parish is to set down his name, and the name of the Bishop that licensed him to preach? And have the Churchwardens suffered anie to preach, not shewing or having no license?

4. Do you the Churchwardens and Side-men take diligent care, and see who of your Parishioners be absent from Divine Service and Sermon in your Church or Chappel upon Sundaies and Holy-daies? And if you find anie to have absented themselves without a sufficient cause, do you by warrant from some of the Justices of Peace, levie of them by way of distress upon their goods, the sum of 12 pence, for everie such day of their absence, according to the Act of Parliament in that case provided? And do you distribute the several sums so levied among the poor of your Parish according to Law?

Tit. VI.

Concerning the Parishioners.

1. Do anie in your Parish profane the Sunday by unlawfull games, drinking or tippling in the time of Common-Prayer, or Sermon?

2. Is there any in your Parish that doth impugn, or speak against the Rites and Ceremonies of the Church of *England*, or the lawfull use of them, and government of this Church under his Majesty, by Archbishops, and other Ecclesiasticall Officers?

3. Who in your Parish do come to the Sermon onely, and not to Divine Service? and who do not reverently behave themselves during the time of Divine Service, devoutly kneeling when the general Confession of Sins, the Letany, the Ten Commandments, and all Prayers and Collects are read? or who do cover their heads in the Church, during the whole time of Divine Service, unless it be in case of necessity? Or who do give themselves to babling, talking or walking, and are not attentive to hear the Word read and preached?

4. Are there any in your Parish, having a Preacher to their Minister, that do absent themselves from his Sermons, and resort to other places to hear other Preachers? or do any in your Parish communicate or baptize their Children in any other Parish?

5. Is there any in your Parish that refuse to have their Children baptized, or themselves to receive the Communion of the Minister, taking exception against him? or have you any Wives that refuse to come to Church, according to the Book of Common-Prayer, to give thanks to God for their safe deliverance, in a decent habit, as hath been anciently accustomed?

6. Hath any in your Parish spoken slanderous and reproachfull words against your Minister, to the scandal of his vocation, or against their marriage or wives, or against his neighbours, defaming them touching any crime of Ecclesiastical cognizance?

9. Do any in your Parish exercise any trade or labour, buy or sell, or keep open any Shops, or set out any Wares to be sold upon Sundaies and Holy-dayes, by themselves, their Servants or Apprentises; or have otherwise profaned the said Dayes?

8. Are the Fifth of *November*, the Nine and Twentieth of *May*, and the Thirtieth of *January*, observed and kept holy, according to the Order set forth in that behalf?

9. Are there any in your Parish that be or are commonly known or reputed to be blasphemers of Gods holy Name, Drunkards, Adulterers, Fornicators, Incestuous persons, concealours or harborers of Fornicators or Adulterers? have any been detected of any such notorious crimes? and what penance have they done for the same?

10. What corporal punishment for any such Offences have been commuted or exchanged into a pecuniary mulct or summe of money by any Ecclesiastical Judg, exercising jurisdiction within this Diocess by vertue of any grant or Commission? or what was the summe of money by them, or any of them so received and taken, and to what uses was the same bestowed? or upon such Commutations was the unfained repentance of the delinquents published in the Church?

11. Are there any belonging to your Parish, who refuse to pay their duty for Easter Offerings to your Minister? or any that refuse to contribute and pay the rate assessed upon them for the repair of your Church or Chappel? and for providing of such Books, Furniture and Ornaments, as be requisite for the performance of all divine Offices there?

12. Do you know or have heard of any Patron, or other person in your Parish, having the presentation or gift of any Ecclesiastical Benefice, who hath made gain thereof by presenting a Clerk or Minister to it upon any bargain, either for money, or pension, or lease, reserve of Tythes or Glebe, or any part thereof, or upon other Simoniacal compact whatsoever?

13. Have any in your Parish administred the goods of any person deceased, without lawful Authoritie, and before he or they have proved the Will and Testament of the partie deceased, or have obtained Commission from the Ordinarie, to dispose the said moveable goods? Or are there any Wills unproved, or goods not administred?

14. Do any refuse to bury their Dead according to the Rites of the Church of *England?* Have there been within

your several Parishes since the second day of *July* 1662. any Wills proved, or Administrations granted by the Arch-deacon or his Official, or any known incontinent persons, or any suspected of that vice, or any other offendors whatsoever against the Ecclesiastical Affairs, having not before the said Second day of *July*, been duely presented by their Churchwardens for the same, being called or cited by the Arch-deacon, or his Official? If yea, then you must present their names and their offences now at this Visitation; for that since the said Second day of *July*, the Archdeacons authority was restrained and suspended by inhibition, and all Jurisdiction Ecclesiastical hath ever since been in the Lord Bishop?

15. What persons be Excommunicate within your Parish, and for what cause to your knowledg? Do any of them repair to the Church in the time of Praier unabsolved?

16. What Recusant Papists or Sectaries are there in your Parish? Do they, or any of them keep any Schoolmaster in their house, which cometh not to Church to hear Divine Service, and receive the Holy Communion? What is his name, and how long hath he taught?

Tit. VII.

Concerning School-Masters, Phisitians, Chirurgeons and Parish-Clerks.

1. Is there anie School-master in your Parish, that teacheth publickly or privately, not licensed by the Ordinarie or Bishop of the Diocese? Doth he teach anie Papists or Sectaries Children that come not to Church? Doth he instruct all his Scholars to learn the shorter Catechism by Law established, contained in the Book of Common-Praier? Is he a Graduate, and sufficient to teach?

2. What Physician or Chirurgion is in your Parish unlicensed, and being not a Doctor of Physick in either of the Vniversities, doth practise Physick? And what ignorant persons have left their Trade, and taken upon them to profess Physick or Chirurgerie? and who be they that so abuse the people?

3. Have you a fit Parish Clerk, aged twenty years at least, of honest life, able to read and write? Are his and the Sextons wages paid without fraud? if not, then whose default is it? By whom is he chosen? Is he diligent in his Office? Doth he keep the Church clean, the doors locked? Is he serviceable to the Minister? Doth he meddle with any thing above his Office? Is any thing lost or spoiled by his default? and doth he execute his Office duely?

Tit. VIII.

Concerning Ecclesiastical Officers.

1. Be there any Ecclesiastical Officers that exercise Ecclesiastical Jurisdiction within this Diocese, that take and receive, or exact any extraordinarie Fees for any cause? Have abuses or offences punishable in the Ecclesiastical Court been presented by Churchwarden and Questmen? Are such offences being presented, suppressed and punished?

2. Is there not a Table of Fees in everie Court of the Bishop, Archdeacons and Commissaries, allowed and subscribed by the Judg and Register of the Court of Consistorie, *Anno Domini* 1597. and the same hung up in some publick place of the Court and Registrie?

3. Doth any Ecclesiastical Judg speed any Act in any cause privately of himself, and not in the presence of some publick Notary or Actuary?

4. Is there any excessive number of Apparators and Sumners in this Diocese? Have any of them under pretence of Authority, cited or summoned any person unlawfully, or hath taken any reward for the concealing of any offence or sin, or the avoiding of the punishment of the Offendors? and who be they that have done so? Or do they take any Fees not accustomable? Have they threatned any to prosecute them if they have no reward? and do they summon any without a Citation first had?

5. Hath any Ecclesiastical Judg or Officer, Advocate, Register, Proctor, Clarks, or other such Ministers, anie way offended in their Offices, contrarie to the Law and Canons in that behalf provided?

6. Lastly, Have you and everie of you sincerely, uprightly and without anie partial affection and concealing, presented and made known, all and everie the Offendors in anie of the matters mentioned in the precedent Articles exhibited unto you, either as they are taken in truth to be, or by common fame reported?

If you know of any other default or crime of Ecclesiastical cognizance, you are to present the same.

The Minister of every Parish may joyne in Presentment with the Churchwardens and Sidemen; and if they will not present, then the Ministers themselves (being the persons that should have the chief care for the suppressing of sin and impiety in their Parishes) may present the Crimes aforesaid, and such things as shall be thought to require due Reformation. *Canon* 113.

There must be several Presentments made to every several Article.

Humfr. Sarum.

IRONSIDE, BISHOP OF BRISTOL, 1662.

Articles to be ministred, enquired of, and answered, concerning Matters Ecclesiastical: in the first Episcopal Visitation of the Right Reverend Father in God Gilbert by Gods Divine Providence Lord Bishop of Bristol in the second year of his Consecration.

London, Printed for *H. Brome,* M.DC.LXII.

The Tenor of the Oath to be Ministred to the Churchwardens and Side-men.

Your Oath is,

That *you the Church-Wardens for your parts and you the Side-men for your parts, shall well and faithfully execute and performe your several Places and Offices respectively, for this your Parish, for this year following; in all things according to the use and custom there, and the Law in that behalf; And also duely and truly to present all such Crimes and Offences (punishable by the Laws Ecclesiastical of this Land) which upon view and consideration of these Articles given you in Charge, by fame, report, or otherwise (by your diligent inquiry) shall come to your knowledge or notice: All Favour and Affection, Hatred, and Malice, or sinister respect set apart;* So help you God in Jesus Christ.

Articles to be Ministred, Enquired of, and Answered: in the Diocess of Bristol.

Concerning the Kings Majesties Authority in Causes Ecclesiastical.

1. Have you any in your Parish, that oppugne or gainsay any part of his Majesties Supremacy in the said Causes Ecclesiastical?

2. Have you any that affirm, That the Civil Magistrate ought not to prescribe any thing to Ecclesiastical persons, in or about the publique Worship of God, but that their duty only is, to protect and defend the said persons?

Of the Church of England.

1. Have you any in your Parish that affirm, That the Church of *England,* as now by Law Established, is not a True and Apostolical Church, reproaching the same as Anti-christian?

2. Have you any that affirm, That the Book of Common-Prayer, now established by Law, containeth any thing in it that is Superstition, and contrary to the Word of God; and therefore that godly men ought not to approve and subscribe to the same?

3. Have you any that seperate themselves from the Church of *England* and the publique Worship thereof; and combine themselves in a new Brotherhood, making Rules and Orders amongst themselves, to be Ruled and Governed by, in Church-matters? or, that come not to Church till Divine Service be ended, and the Sermon to begin?

Of Divine Service.

1. Are the Lords-dayes, and other Holy-dayes kept in your Parish, according to the Orders of the Church of *England,* prescribed in that behalf, by frequenting the publique Worship, and using all charitable and sober Conversation?

2. Do your Church-wardens diligently observe, what Irregular persons, or Non-conformists absent themselves from their own Parish Church? and do they repair to the Justices of the Peace for their warrants, to levy twelve pence upon the Goods of such person, according as by Law is required of them?

3. Is the Common-Prayer Reverently used in your Church or Chappel, upon such dayes as are appointed? And is the Letany used upon Wenesdayes and Frydayes weekly by your Minister, without adding or diminishing in the matter and form thereof? And do the Parishioners resort thereuntos

4. Have you any in your Parish that cover their head?

in Church or Chappel, in time of Divine Service, except he hath some known Infirmity, and then to wear a Cap only? Or do your Church-wardens suffer any Idle persons to loyter, either in the Church-yard, or Church-porch, in the time of Divine Service, or Sermon?

Of the Sacraments.

1. Is the Sacrament of the Lords Supper duly administred in your Parish, at the least thrice a year, *Easter* being one? And doth the Minister give warning thereof at Morning Prayers the Sunday before such time? And doth the Church-wardens provide a sufficient quantity of Bread and Wine for the same?

2. HAVE you in your Church or Chappel, a convenient Table covered in time of Divine Service, with a Carpet; and in the time of Administration, with a fine Linnen Cloth? Is the wine brought to the Communion-table in a clean Stoope or Pot?

3. DOTH your Minister admit any to the Sacrament of the Supper, that are Excommunicate persons? or any that are known to live in any grievous crime? or live in open contention with their Neighbours? Or any Church-wardens or Side-men that have heretofore neglected, or refused to present such publique Offences as they know to be committed in their Parishes, and so incur the horrible crime of Perjury?

4. Is the Sacrament of Baptism duly Administred in your Church or Chappel, according to the form thereof prescribed by the Church of England? Is there a Font of Stone placed towards the lower end of the Church for that purpose? And are there such Godfathers and Godmothers used therein, as are of Age? or have received the Sacrament of the Lords Supper?

5. HAVE you any in your Parish, that refuse to bring their Children to be Baptized by the Minister, according to the Book of Common-Prayer? who are they? and, how long have they done so?

For Ministers.

1. DOTH your Minister, when he readeth Publique Prayers, or Administer the Sacrament, wear a comly Surplice with sleeves? And if he be a Graduate, such Hood as by the Orders of the Vniversity is agreeable to his Degree?

2. HATH your Minister more Benefices with cure then one? and if so, how far distant one from another? upon which doth he reside? Hath he a sufficient Curate to teach and instruct the People? Doth he Catechize the youth and ignorant persons of the Parish, in the Ten Commandements, the Creed, and the Lords Prayer? And do all Fathers, Mothers, Masters, and Mistresses send their Children and Servants to be instructed accordingly, when required thereunto?

3. DOTH your Minister solemnly bid Ember-weeks, Holydayes and Fasting-dayes, as they are set down in the Kalender? Doth he also use to visite the Sick?

4. DOTH any Person Preach in your Parish as a Lecturer? Doth he before his Lecture read Divine Service? and is he Conformable to the Orders established in the Church of *England?*

5. DOTH your Minister Preach or Administer the Sacraments in private Houses? Or appoint private or publique Fasts without Authority?

6. DOTH your Minister frequent Taverns or Alehouses, or any suspected places? or is he of an honest and sober Conversation, such as becometh the Gospell of Christ?

Of School-Masters.

1. HAVE you any School-Master in your Parish? Hath he a License from the Bishop to teach School? Doth he instruct his Schollers in the Catechism, and good Manners, as well as Learning?

2. DOTH your School-Master upon Sundayes and Festival-dayes, when there be Sermons preached in your Church or Chappel, bring the Schollers to Church, and see them there orderly to behave themselves, and examine them at times convenient, what they remember of the said Sermons?

Of the Church and Church-yard.

1. HAVE you in your Church or Chappel, a Bible of the largest Volum, and of the late Translation? The Book of Homilies, set forth by Authority? And have you the Book of Common-Prayer, approved and commanded by the late Act of Parliament?

2. HAVE you in your Church or Chappel a convenient Seat, or Desk, for your Minister, to read Divine Service in? And a comely and decent Pulpit, with a Cloth or Cushion for the Preaching of Gods Word?

3. Is your Church or Chappel sufficiently repaired, the windows glased, and all things there in such orderly sort as becometh the house of God?

4. Is your Church-yard well and sufficiently fenced by those who by Law ought to fence the same?

5. HAVE you in your Church or Chappel a Chest for Almes, with a hole in the upper part thereof, with three Keyes, one for the Minister, one for the Senior Church-warden, and one for the Overseer for the Poor?

6. HAVE you in your Church the Book of Divine Service, to be used upon the Fifth of *November*, the Thirtieth of *January*, and the Nine and Twentieth of *May*? And doth your Minister and the Parishioners duely observe those dayes yearly, as they are appointed? Have you also the Book of Canons and Constitutions?

7. ARE the Seats in your Church kept in good repair? And are the Ten Commandements set up in some convenient place, in your Church, with the Creed and the Lords Prayer, and some choyse sentences of Scripture?

HAVE you a Terrier of the Glebe-lands and other Possessions belonging to your Church? Is your Ministers house kept in sufficient repair?

Of Church-wardens.

ARE your Church-wardens chosen by the Minister and Parishioners, the Minister chusing one? and do your Church-wardens at the end of the year, give up an account of such Moneys as they have received?

Of Parish-Clerks.

HAVE you a Parish-Clerk, chosen by the Minister, sufficient for his Reading, Writing, and a competent skill in Singing? And doth he receive his accustomed wages?

Of Marriages.

1. Is there any in your Parish that have Marryed within the Degrees prohibited by the Laws of God, expressed in a Table, and set forth by Authority, *Anno* 1563? And have you the Table set up in your Church?

2. HATH your Minister Marryed any in your Parish under the age of 21 without the consent of their Parents? Or, hath he Marryed any Persons in private houses?

Of Physitians, Chirurgeons, and Midwives.

DOTH any Man in your Parish take upon him to practise Physick, or Chirurgery? And doth any Woman take upon her to exercise the Office of a Midwife, without approbation and license from the Ordinary?

Of Burials.

HAVE any been buried in your Parish-Church or Church-yard, that have been know, Recusants, or Excommunicated persons, or such as have been *Felones de se*? And doth your Minister bury the Dead, according to the form prescribed in the Book of Common-Prayer?

Of the Parishioners.

Doth any in your Parish use bodily labour in their Vocations upon Sundayes and Holydayes, or suffer their Servants so to do? Or, do any of your Parish go to Taverns, or Alehouses, to tipple or game on those dayes?

2. ARE there any married Women in your Parish, who after Child-birth, refuse publiquely to give thanks to God for their safe delivery, as is prescribed by the Book of Common-Prayer?

3. Is there any in your Parish that is known or vehemently suspected of Adultery, Fornication, Incest, or that are common Swearers and Drunkerds, or Sowers of Sedition? *You are to present all such. Knowing that the discharge of your duty herein, is a means to reform such disorders in your Parish, and to prevent the Judgements of God from falling on the same.*

GILB. BRISTOL.

MORLEY, BISHOP OF WINCHESTER, 1662.

ARTICLES of Visitation and Enquiry Concerning Matters Ecclesiastical: Exhibited To the Ministers, Church-Wardens, and Side-men of every Parish within the Diocese of Winchester, In the Primary Episcopal Visitation Of The Right Reverend Father in God George by Divine Providence Lord Bishop of Winchester.

London Printed for *T. Garthwait*, at the Kings-Head in *S. Pauls* Churchyard. M.DC.LXII.

The Tenor of the Oath to be Administred to the Churchwardens and Sidemen of every Parish.

You shall Swear to enquire with your best diligence, and to make a true answer unto every Article in this Book now given you in Charge; and to Present every Person that now is, or of late was, inhabiting within your Parish, that hath done any Offence, or omitted any Duty, therein mentioned. And this you shall do, as in the sight of God, uprightly and truly, without Favour or Malice, Hope of Reward, or fear of Displeasure. *So help you God.*

ARTICLES of Visitation and Enquiry within the Diocese of Winchester.

[Collated with copies of the following Articles, which are all re-issues of the same text:—

Piers,	Bishop of	Bath and Wells,	1662.
King,	,,	Chichester,	1662.
Ward	,,	Exeter,	1662.
Croft,	,,	Hereford,	1662.
Sanderson,	,,	Lincoln,	1662.
Lloyd,	,,	Llandaff,	1662.
Skinner	,,	Oxford,	1662.
Laney,	,,	Peterborough,	1662.
Lucy,	,,	St. David's,	1662.
Laney,	,,	Lincoln,	1663.
Honywood,	Dean of	Lincoln,	1666.
Blandford,	Bishop of	Oxford,	1666.
Lucy,	,,	St. David's,	1671.
Crew,	,,	Oxford,	1672.
Morley,	,,	Winchester,	1674.
Fuller,	,,	Lincoln,	1674.
Mew,	,,	Bath and Wells,	1676.
Lamplugh	,,	Exeter,	1677.
Mew,	,,	Bath and Wells,	1679.
	(and the same without date)		
Lloyd,	Bishop of	Peterborough,	1683.

Abridgments of these Articles were also issued by:—

Paske,	Archdeacon of	London,	1662.
Franck,	,,	St. Alban,	1662.
Commissary of Westminster,			1662.
Willford (?)	Archdeacon of	Bedford,	1667.
Layfield,	,,	Essex,	1672.
Clutterbuck,	,,	Winton,	1685.

These have been collated with the present text, and occasional additions, with all variations which are not in the way of simple abridgment, are entered in the notes.]

TITUL. I.

Concerning Churches and Chappels, with the Ornaments and Furniture thereunto belonging.

I. Is your Parish Church or Chappel* kept in good and sufficient repair? Are the Roofs thereof well covered with Lead, Tile or Slate? the Windows well glazed, the Floors well paved, the Seats well fastned, and conveniently placed, and all things so decently ordered, as becometh the House of God?

II. HATH the Steeple or Tower of your Church or Chappel, or any part thereof, been pulled down, or any of the Lead or Bells formerly belonging thereunto, been imbezelled, sold or made away? In whose hands or custody doth the same, or any part thereof remain? Declare what you know, or have heard herein.

III.† Is there a Font of stone, with a good Cover thereunto, standing in a convenient place towards the lower part of your Church* for the Administration of Baptism?† Anp is there in your Chancel a decent Communion Table, for the Administration of the Lords Supper;‡ with a Carpet of Silk, Stuff, or fine Woollen cloath, and another Covering of white and pure Linnen to spread thereupon? And have you a fair Communion-Cup, or Chalice, with a Cover of silver, and one or more Flagons of silver, or pewter, thereunto belonging?§

IV. HAVE you in your said Church or Chappel, a convenient Seat, or Pew, for your Minister to read Divine Service in? A Pulpit, with a comely Cloath or Cushion for the same? A Bible of the last Translation, in a large Volume, and the Book of Common-Prayer,‖ both well and substantially bound? Have you likewise the Book of Homilies¶ set forth by Authority? A Book of Canons and Constitutions Ecclesiastical? **And a Printed Table of the Degrees wherein Marriage is prohibited?††

V. HAVE you a comely large Surplice for the Minister to wear at all times of his Publick Ministration in the Church provided, and to be duely washed at the Charge of the Parish.

VI. HAVE you a Register Book of Parchment, wherein to Register the Names and Sirnames of all such persons as are married, Christned, or Buried, within your Parish? together with the Names and Sirnames of both the Parents of the Children so Christened, expressing the day,‡‡ month, and year of all such Christenings, Marriages, and Burials? And is the transcript thereof yearly, within one Month next after the 25 of *March*, brought into the Bishops Registry?

VII. HAVE you likewise another Book of§§ Paper, wherein to record the Names and Licences of all such Strangers as are admitted at any time to Preach in your Church or Chappel? As also a third Book wherein to write down the Churchwardens Accompts: together with a strong Chest, with Locks and Keys, wherein to keep the aforesaid Books, and all other the aforementioned Furniture in safe Custody? And lastly, have you a Bier, with a black Hears-cloath, for the Burial of the Dead?‖‖

TIT. II.

Concerning the Church-yard, the Houses, Glebes, and Tithes, belonging to the Church.

I. Is your Church-yard sufficiently fenced with Walls, Rails, or Pales; and decently kept¶¶ from the annoyance of Swine, Horses, and other Cattel?*** Hath any person encroached upon the same? or made any door into it, out of his own ground or habitation, without allowance from the Ordinary? Have any Trees there growing been cut down? how long since, by whom? and to whose use and benefit?

II. Is the House of your Parson, Vicar, or Curate (with all the out-houses thereunto belonging) kept in good and

---

* or Chappel] Chappel or Chappels. *St. David's & Llandaff*, 1662, *St. Dav.* 1671.

† *Article III. is as follows in St. Alban's*, 1662:—

3. Is there a decent Font of Stone with a cover? and doth the same stand at or near the neather end of your Church, in such manner as anciently and usually Fonts have stood for the baptizing of children? or hath your Font been removed and converted to any profane or private use? and to whom?

4. What Vessels, Furniture, Books, Desks, or other Utensils, Ornaments, or things belonging formerly to your Church, have been taken or made away, or concealed? declare the person or persons that have done it, and what you know concerning it?

5. Is there a decent Communion-table in your Chancel, with a decent Carpet and another Covering of white Linnen, to be spread thereon at the time of the Administration of the Lord's Supper? Is the same Table placed conveniently as it ought? and whether is it so used in or out of Divine Service or Sermon, as is not agreeable to the holy use of it? And have you a fair Chalice [&c.]

* or Chappel. *St. David's*, 1662 & 1671.

† Doth your Minister Baptise publickly only in the Font? *Added, Bedford*, 1667, *Essex*, 1672, *Exeter*, 1677; *Winton*, 1685.

with a good—Baptism] standing in the usual place for publick Baptism, and doth your Minister therein publickly Baptize as the Law orders and requires? *Peterborough*, 1683, *where the rest of the Art. is omitted.*

standing—Baptism] and doth the same stand at or near the neather end of your Church, in such manner as anciently and usually Fonts have stood for the Baptizing of Children? *London*, 1662; *Westminster*, 1662; *Bedford*, 1667; *Essex*, 1672.

‡ placed at the East end of your Chancel, with the Ends North and South, with Rails before it. *Added St. David's*, 1671.

§ Are they prophaned by common vses? *Added, Exeter*, 1677. Have they been prophaned by common use? [*Bedford*, 1667, *Essex*, 1672.] Is the Table kept from laying on of Hats, or being sate on, or for writing accounts on, or other ordinary uses? *Added, Winton*, 1685.

‖ the Book of Common Prayer] lately published. *Anno* 1662. *Added, Exeter*, 1677. two Books of Common Prayer, one for the Minister, and the other for the Clerk, all. *Oxford.*, 1666. two Books of C. P. *Lincoln*, 1674. two Books of Common Prayer, established by Act of Parliament, *Anno* 1662. *Bath and Wells*, 1676 & 1679. Book of Common Prayer (established by the late Act of Parliament). *Peterb.* 1683.

¶ all these in Welsh and in English, where the Welsh is used. *Added St. Dav.* 1671.

** A book—ecclesiastical] *Omitted in Oxford*, 1662. The Book of the Thirty-nine Articles of Religion. *Added Oxford*, 1666. The Forms of Divine Service for the fifth of November, The thirtieth of January, and the nine and twentieth of May? *Added in Chichester*, 1662.

†† Have you also his Majesties Proclamation commanded to be read Yearly, upon the Sunday before the Thirtieth day of *January*. *Added, Oxford*, 1666.

And are the Ten Commandments set upon the East end of your Church or Chappel? *Added, London*, 1662; *St. Alban's*, 1662; *Westminster*, 1662.

‡‡ wherein to Register—the day] for all who are Christned, Married, or Buried in your Parish? Doth your Minister every Lord's day, in the presence of your Church-Wardens, set down the names of Parties with the day. *Lincoln*, 1674.

§§ of] or. *Bath & Wells*. 1662.

‖‖ VIII. HAVE you a Box with a lock and key, fit to receive and keep the Alms of charitable men given to your poor, according to the 84 Canon? *Added in St. David's & Llandaff*, 1662, *St. Dav.* 1671.

VIII. Have any new Pews, or Seats been erected in your Chancel, or in the Body of the Church (or Chappel) without Licence from the Ordinary? *Lincoln*, 1674.

¶¶ from youth and from childrens playing there, and all manner of prophanation and uncleaness. *Added in Oxford*, 1662.

*** or any other abuse whatsoever. *Added in Bath & Wells*. 1662, 1676, & 1679. Horses and other Cattel] *Omitted, Oxford*, 1666.

sufficient repair? Or, have any of the said Houses, or Out houses, been defaced or pulled down without licence from the Ordinary? and by whom? Hath any person encroached upon any Garden, Yard, or Close, belonging to your Parsonage or Vicarage house? or cut up any Trees growing theron? or changed or removed the ancient Marks and Bounds of the same?*

III. Have you a true and proper Terrier of all the Glebe lands, Gardens, Orchards, Tenements or Cottages, belonging to your Parsonage or Vicarage? As also a Note of such Pensions, Rate-tythes, and Portions of Tythes, or other yearly Profits (either within or without your Parish) as belong thereunto? Have any of the same been withheld from your Minister? or by whom; as you know, or have heard?

IV. Have any of the Ancient Gleb-lands belonging to your Parsosonage (*sic*) or Vicarage been taken away, or exchanged for other, without the free consent of the Incumbent,† and licence from the Ordinary? Have any Inclosures been made in your Parish, to the detriment of the Church, by the decay of Tillage, and converting Arable-land into Pasture?‡ by whom hath the same been made? and how many years since?§ and how much is your Parsonage or Vicarage damnified thereby in the yearly value thereof; as you know, believe, or have heard?‖

Tit. III.

Concerning Ministers.

I. Is your Minister a Priest or Deacon,¶ Episcopally Ordained, according to the Laws of the Church of *England*?**

II. Is he defamed or suspected to have obtained either his Benefice or Orders by any Simonaical compact?

III. Hath he been legally Instituted and†† Inducted into his Benefice?‡‡ and did he within two months after his Induction, publickly in the Church, upon some Sunday or Holy-day, in the time of Divine Service, read the 39 Articles of the Church of *England*, established by Authority,§§ and there publickly declare his assent thereunto?‖‖

IV. Hath he any other Ecclesiastical Benefice, Prebend, or Dignity?¶¶ Is he constantly resident upon his Benefice amongst you? How many weeks in any one year hath he been absent from it, without urgent necessity?***

V. Hath your Minister a Curate to assist him? Is the said Curate in Holy Orders? an able and discreet person, and conformable to the Laws and Orders of the Church of *England?* Is he allowed by the Bishop to serve in your Church or Chappel?††† and doth he serve in any other Church beside? and what yearly Stipend doth your Minister allow him?

VI. ‡‡‡Doth your Parson, Vicar, or Curate, in reading the daily* Morning and Evening Service, Administration of the holy Sacraments, Celebration of Marriage, Churching of Women after Child-birth, Visitation of the Sick, Burial of the Dead, and pronouncing Gods Commination against impenitent Sinners, use the form and words prescribed in the Book of Common-Praier, without any addition, omission, or alteration of the same? And doth he use all such Rites and Ceremonies in all parts of Divine Service, as are appointed in the said Book?†

VII. Doth your Minister at the Reading or Celebrating any Divine Office in your Church or Chappel,‡ wear the Surplice, together with such other Scholastical Habit as is suitable to his Degree?§

VIII. Doth he observe the Holy-daies and Fasting-daies, as also the Ember-weeks and the yearly Perambulation in Rogation-week, as in the Common-Praier-book, or by the Ecclesiastical Canons‖ is appointed? Giving notice to the Parishioners of every of the same in the Church, in the time of Divine Service, upon the Sunday next before?¶

IX. Hath your Minister been licenced to preach by the Bishop, or either of the two Vniversities?** If so; Doth he then constantly (unless in case of sickness, necessary absence, or other reasonable impediment) himself preach in your Church or Chappel, one Sermon everie Sunday? Or if he be not a Licensed Preacher, or being so Licensed, be hindred by sickness, or otherwise, as aforesaid; doth he procure a Sermon to be so preached by some other Minister, a Licensed Preacher? or one of the Homilies set forth by Authority to be there read by a Priest or Deacon lawfully Ordained?††

X. Doth your Minister diligently instruct the youth of your Parish, in the Church Catechism? and doth he prepare and present them, being so instructed, to be confirmed by the Bishop? And doth he endeavour to reclaim all Popish Recusants, and other Sectaries, (if any such be inhabiting within your Parish) to the true Religion established in the Church of *England*, and to their bounden duty in obeying the Laws, and submitting to the Government thereof?

XI. Doth he neglect to visit the Sick, or delay the Baptism of any Infant that is in danger of death? Is there any Child past Infancy, or other person of more years, through your Ministers default, yet remaining unbaptized in your Parish? Doth he baptize any without Godfathers and Godmothers, or admit either of the Parents to be Godfather or Godmother to their own Children?

XII. ‡‡Doth he in his Sermons preach sound Doctrine, tending to the edification of the people in the knowledg and faith of Jesus Christ, and obedience to Gods holy Commandments? or§§ hath he at any time (as you know, or have heard) preached any False, Heretical, Seditious, or Schismatical Doctrine, thereby to seduce the people into parties and factions, to the disturbance of the publick peace and unity either of Church or State?

XIII. Hath he presumed to Marry any persons in private houses? or such as being under age, have not the consent of their Parents, or without the Banes first published on three‖‖ Sundaies or Holy-daies in the Church? or at any other hours then between Eight and Twelve

---

* Or is there any House belonging to your Minister, or any part of his Glebe detained from him by the Patron or any other. *Added, Oxford*, 1666. declare what you know, or have credibly heard thereof. *Added in Bath & Wells* 1676 & 1679.

† and Patron. *Added, Bath & Wells*, 1676 & 1679.

‡ Have any—Pasture] *Omitted, Exeter*, 1677, *Peterb.* 1683.

§ and how many years since] *Omitted. Oxford*, 1666.

‖ and how much—have heard] *Omitted, Lincoln*, 1674. Have any inclosures—have heard] *Omitted, Bath & Wells*, 1676 & 1679.

The following Art. is added in Peterb. 1683:—

V. Have any dying in your Parish given any Legacy to the Church, or Poor, and hath it been misemployed, or disposed of to other uses?

¶ or Deacon] *Omitted, Bath & Wells*, 1679.

** a priest—England] (so far as you know or believe) in Holy Orders, according to the Church of England? *Peterb.* 1683. If so, let him produce his Orders. *Added in St. David's & Llandaff*, 1662, *St. Dav.* 1671. *Article* 1. *omitted, Oxford*, 1666, *Winchester*, 1674, *Exeter*, 1677.

†† instituted and] *Omitted, Oxford*, 1666, *Winch.* 1674, *Exeter*, 1677.

‡‡ Hath he been—benefice] *Omitted, Peterb.* 1683.

§§ without omitting anyone. *Added in St. David's & Llandaff*, 1662, *St. Dav.* 1671.

‖‖ And hath he published the Bishops Certificate of his subscribing the declaration for the Book of Common Prayer, and against the Covenant openly in the Church, at the time of Divine Service. *Added, Oxford*, 1666. And hath he likewise read the Declaration enjoin'd by the Act of Uniformity. *Bath & Wells*, 1676 & 1679. *Similarly, St. Alban's*, 1662. And did he according to the Act of Uniformity. 14 *Car.* 2, two months after he had the possession of his Living, publickly read Morning and Evening Prayer, and declare his unfeigned Assent and Consent unto it? and did he subscribe, and publish those other Declarations as that Law directs? *Added, Winton*, 1685.

¶¶ Prebend or Dignity] *Omitted, Oxford*, 1666, *Winch*, 1674, *Exeter*, 1677, *Peterb.* 1683.

*** without urgent necessity] *Omitted, Oxford*, 1666, *Exeter*, 1677, *Peterb.* 1683.

††† Is the said—Chappel] who is that Curate? Is he conformable to the Laws and Orders of the Church of England? *Oxford*, 1666, *Winch.* 1674, *Exeter*, 1677, *Peterb.* 1683. And is he absent from the place of his Cure above 40 days in a year. *Added, Winton*, 1685.

‡‡‡ *Art. VI. is as follows in St. Alban's*, 1662:

5. Doth your Parson, Vicar, Curate, or Lecturer, if you have any, perform his Office in all things according to the Rubrick of the book of Common-prnier lately established, and the Act of Uniformity published therewith? Doth he read the prayers distinctly, gravely, plainly, and with due attention and reverence? Doth he read them wholy and fully, or wherein is he deficient?

Arts. VI. VII. VIII. are as follows in Peterb. 1683:

VI. Doth your Parson, Vicar, or Curate diligently attend upon his Ministry, in reading the Lessons and Prayers, Preaching the Word, Administring the Sacrament, Catechising the Youth, Visiting the Sick, and in all other the Offices of his Ministerial Functions, in such manner and form as is directed by the Book of Common-Prayer lately established, and the Act of Uniformity therewith published, and doth he in the reading or celebrating every Office in your Church or Chappel wear the Surplice?

VII. Doth your Minister give notice of the Holidays, and of the Ember Weeks, that the people may be minded to pray for such as are to be duly and solemnly called to the work of the Ministry? as also of the yearly Perambulation in Rogation week, for preserving the Bounds of the Parish, and for desiring Gods blessing upon the fruits of the earth? doth he also observe the fifth of *November*, the thirtieth of *January*, and the twenty ninth of *May*, according to the Statutes and Orders set forth in that behalf?

VIII. Doth your Minister every year in your Church or Chappel publish the Statute made against prophane Swearing and Cursing, and against the Prophanation of the Lords day, according as it is thereby enacted, 21 *Jac.* 20. *Cap.* 29. *Car.* 2.

* daily] *Omitted, Bath & Wells*, 1676 & 1679.

† so far as you have observed. *Added, Oxford*, 1666, *Winch.* 1674, *Bath & Wells*, 1676 & 1679, *Exeter*, 1677.

‡ in your Church or Chappel] *Omitted, Bath & Wells*, 1676 & 1679.

§ together with—degree] *Omitted, Oxford*, 1666, *Winch.* 1674, *Exeter*, 1677.

‖ or by the Eccl. Canons] *Omitted, Oxf.* 1666, *Winch.* 1674, *Exeter*, 1677.

¶ Doth he give notice of the Celebration of the Holy Communion on the Lords-day, or some Holy day immediately preceding? and doth he then Read the Exhortation enjoyned by the Rubrick? *Added, Lincoln*, 1674.

** or either—Universities] *Omitted, Oxf.* 1666, *Winch.* 1674, *Exeter*, 1677, *Peterb.* 1683.

†† lawfully ordained] *Omitted, Exeter*, 1677, *Peterb.* 1683.

‡‡ *Art. XII. omitted in Lincoln* 1674, *and the following substituted*:—

XII. Doth your Minister after private Baptism, openly in the Church examine, whether, and by whom such Child has been Baptized, and doth he perform all matters relating thereunto according to the Rubrick?

§§ Doth he—Commandments? or] *Omitted, Oxf.* 1666, *Winch.* 1674, *Bath & Wells*, 1676 & 1679, *Exeter*, 1677, *Peterb.* 1683.

‖‖ three] *Omitted, Lincoln*, 1674.

in the Morning; unless he had License or Dispensation so to do?*

XV. (*sic*) Doth any person preach in your Parish as a Lecturer? Hath he allowance from the Bishop for so doing? Doth he before his Lecture read Divine Service, according to the Book of Common-Prayer? and is he in all respects conformable to the Laws and Orders of the Church of *England?*

XV. Hath your Minister taken upon him to appoint any publick or private Fasts, Prophecyings or Exercises, not appointed by Authority? or doth he, or any other, either Minister or Lay person, hold any Conventicles or Meetings in private houses within your Parish for people of several Families to resort unto,† under the pretence of Preaching, Praying, Thanksgiving, or Humiliation, contrary to the Laws and Canons in that case provided?

XVI. Is your Parson, Vicar, Curate, or Lecturer, a man of sober, unblameable, and exemplary Life? Doth he familiarly converse with ungodly, vicious, and excommunicate persons?‡ Is he a frequenter of Tavern or Ale-houses? a common Gamester? a prophane or obscene Jester?§ a Swearer, Rayler, Scoffer,‖ or Quarreller? Doth he set Neighbours at variance one with another? or encourage them to Suits and Contention? Is he noted to be an intemperate Drinker? or vehemently suspected of Incontinency with any person, either within your Parish, or without? Doth he wear his hair of an immoderate or uncomely length?¶ Is his apparel grave and decent, both for fashion and colour** as the Canons of the Church require? Or is his Carriage and Conversation, in any kind whatsoever, Disorderly or Scandalous, and unbeseeming a Minister of Jesus Christ?††

Tit. IV.

Concerning the Parishioners.

I. Is there in your Parish any person a known or reputed Heretick or Schismatick? any Papist,‡‡ Familist, Anabaptist, Quaker or other Sectary, that refuse to come unto the publick Assemblies, Prayers, or Services of the Church, or that make profession of any other Religion then what is established in the Church of *England?* and if there be any such, what are their Names?

II. Is there any person in your Parish that lieth under a common fame, or vehement suspition of Adultery, Fornication, or Incest? Are there any common drunkards within your Parish, or common swearers, or blasphemers of Gods Name, or any that are noted to be railers, unclean or filthy talkers,* or sowers of sedition, faction and discord amongst their neighbours?†

III. Do any of your Parish upon the Sundayes or Holy dayes, follow their bodily and ordinary labour? or permit their servants so to do? are any shops kept open, or wares sold? or do any Vintners, Innkeepers, or other Victuallers and sellers of Bear or Ale,‡ suffer any persons to tipple or game in their houses upon those dayes?

IV. Doth every person inhabiting or sojourning within your Parish duely resort unto your Church, or Chappel upon every Sunday and Holiday appointed for§ Divine Service? Do they then and there abide quietly with reverence, order and decency, during the whole time of Common-Prayer, Preaching, or other service of God there used? ‖and are there any among you that come onely to the Preaching,¶ and not to the Common-Prayers of the Church?

V.** Doth every person reverently uncover his head, and so continue all the time of Divine Service and Sermon†† in the Church? Do they all reverently kneel at the Prayers, and stand up when the Creed and Gospel are read, making due reverence when the Name of our Lord Jesus is mentioned?

VI. Are there anie in your Parish that refuse to send their Infant-children to be baptized publickly in the Church, unless in case of urgent danger; in which case, the child may be baptized at home by a lawfull Minister, after the form and rites appointed in the Liturgy? Or do they send them to be baptized in any other Parishes, or after other form than is appointed? Or do they keep them unbaptized any longer time than the Church alloweth? And are there any Infants or more aged persons in your Parish as yet unbaptized?‡‡

VII. Doth every Houshoulder in your Parish cause their children and servants§§ to learn their Catechism, and to give an account thereof unto your Minister, as he shall require it of them openly in the Church upon Sundaies and Holy-daies, as in the Book of Common-Praier is appointed: that when they are well instructed in the same, they may be confirmed by the Bishop?

VIII. Is there anie person in your Parish, who being 16. years of age, and well instructed in Religion,‖‖ doth not receive the Sacrament of the Lords Supper, at least three times in the year, of which *Easter* is alwaies to be one? Doth anie in your Parish refuse to receive the same kneeling? or from the hands of your own Minister, repairing for it to other Parishes and Ministers abroad? Or are there anie strangers not of your Parish, that forsake their own Churches, and usually repair to yours for it?

IX. Have you anie among you that be denounced and declared excommunicate for anie crime committed? How long have they been so excommunicated? And do anie of your Parish keep society with them, before they be reconciled to the Church, and absolved?

X. ¶¶Are there any living in your Parish who have been unlawfully married, contrary to the laws of God?***Or anie that being lawfully divorced, have married again? Or anie that being lawfully married, and not separated or divorced by course of Law, do not cohabit together?

XI.¶¶¶Are there anie married-women in your Parish, who after their delivery from the peril of Child-birth, refuse to make their publick thanksgiving to God in the Church?†††

---

* unless—to do] *Omitted in Bath & Wells.* 1662. *Lincoln,* 1674. Who are the persons so married, and when were they so married? *Bath & Wells,* 1676 & 1679. Or hath he buried with Christian Burial, any who died Unbaptized, or Excommunicate, or that have laid violent hands upon themselves. *Added, Oxf.* 1666.

† within—unto] within the number of five persons. *Peterb.* 1683.

‡ otherwise then to instruct or reform them. *Added, Bath & Wells,* 1676 & 1679.

§ a prophane or obscene Jester] *Omitted, Oxf.* 1666, *Winch.* 1674, *Exeter,* 1677, *Peterb.* 1683.

‖ scoffer] *Omitted, Oxf.* 1666, *Winch.* 1674, *Exeter,* 1677, *Peterb.* 1683.

¶ Doth he—length] *Omitted in Bath & Wells,* 1662, 1676, & 1679, *Oxf.* 1666, *Winch.* 1674, *Exeter,* 1677, *Peterb.* 1683.

** both for fashion and colour] *Omitted, Oxf.* 1666, *Winch.* 1674, *Exeter,* 1677, *Peterb.* 1683.

†† *The following article is added in Bath & Wells,* 1662.

XVII. Doth your Minister use before his Sermon to pray for the Kings Majesty, King Charles his Royal Consort Queen Katherine, Mary the Queen Mother, James Duke of York, and the Royal Progeny; giving unto His Majesty such Stile and Title of Supreme Governour in all causes and over all persons, aswell Ecclesiastical as Temporall, as are due unto His Majesty?

The following in Bath & Wells, 1676 *and* 1679.

XVII. Hath any person presumed to execute the office of a Priest or a Deacon in your Parish Church, and to say, read, or celebrate Divine Service there, or to serve the Cure of your Parish, not being a Deacon, or to do any other Ministerial Office in your Church belonging to a Priest or Deacon? If so, you are to present what his name is, where he dwelleth, and how oft he hath offended therein.

XVIII. Doth your Minister use [*&c. as above*] Hath your Parson, Vicar, Curate or Lecturer a Certificate under the Hand and Seal of the Archbishop, Bishop, or Ordinary, of his Subscription to the Declaration appointed by the Act of Uniformity, and hath he publickly and openly read the same together with the Declaration upon some Lords-Day, within three moneths after the date of the said Certificate, in your Parish Church, in the presence of the congregation in time of Divine Service.

The following in St. David's, 1671.

XVII. Hath your Parson, Curate, Vicar, Lecturer, or Schoolmaster subscribed the Declaration against the Covenant, as is by Law prescribed? if so let him produce it.

XVIII. Hath your Parson, Vicar, or Curate at any time refused to read Briefs enjoyned by His Majesty, or Citations or Monitions, or denounce Excommunications enjoyned by the Ordinary? or hath he buried with Christian Burial any persons that for contempt to Holy Church, or Ecclesiastical Laws, have been denounced Excommunicated, and not restored to the Church again?

Added in St. Alban's, 1662, *at the end of Art.* XVI.

If so, either declare and manifest it, or defame not the Governours of the Church as the Countenancers of vitious and scandalous Ministers, seeing they cannot otherwise come to the knowledge of them.

The following Article is added in Winton, 1685:—

13. Doth your Minister give in to the Bishop, or his Chancellour every year, within 20 days after Easter, the names both of Male and Female in his Parish, that are above the age of sixteen years, who received not the Sacrament of the Supper, as they are requir'd by Law, and of those persons who refused to be Catechized, and the names of those Parents and Masters who do not send their Children and Servants to be Catechized?

‡‡ Presbyterian. *Added in St. David's and Llandaff,* 1662, *St. Dav.* 1671.

* railers—talkers] unclean, lowd or obscene talkers. *Bath & Wells,* 1676 & 1679.

† If so, who are they? *Added in St. David's & Llandaff,* 1662, *St. Dav.* 1671, *with a similar query after most of the Articles in this Title, and in Tit. VI.*

‡ or sider. *Added, Bath & Wells,* 1676 & 1679.

§ appointed for] to. *Bath & Wells,* 1676 & 1679.

‖ or other—used] *Omitted, Bath & Wells,* 1676 & 1679.

¶ Preaching] Sermon. *Bath & Wells,* 1676 & 1679.

** *Art. V. omitted, ibid. Peterb.* 1683.

†† and Sermon] *Omitted, Exeter,* 1677.

‡‡ or any that have been privately baptized that are not afterward brought to the Church as is appointed? *Added, Bath & Wells,* 1676 & 1679.

§§ to come to Church] *Added, Oxf.* 1666, *Winch.* 1674, *Exeter,* 1677, *Peterb.* 1683.

‖‖ and well—Religion] *Omitted, Peterb.* 1683.

¶¶ *In Lincoln,* 1674, *Articles* X. XI. *are as follows:*—

X. Are there any in your Parish, who are known or suspected to be unlawfully Married, contrary to the Laws of God and this Church? Are there any (who being lawfully Married and never Divorced) do yet live asunder? Or any who being lawfully Divorced, do live together again? Or being separated for Adultery, have afterwards intermarried with any other, during the life of their first Consort?

XI. Are there any Married Women in your Parish, who after their safe Delivery from Child-birth, neglect to make their humble and publick Thanksgivings to God, decently apparelled, according to the appointment of the Church? or refuse to pay the offerings according to Custom.

*** who have—God] as man and wife, who are within the degrees prohibited. *Oxford,* 1666, *Winch.* 1674, *Bath & Wells,* 1676 & 1679, *Exeter,* 1677, *Peterb.* 1683.

††† in such manner, as by the Law and Book of Common Prayer is required? *Added in Bath & Wells,* 1676 & 1679, *where the last clause of the Art. is omitted.*

And when they come so to do, do they come decently apparelled, and make their offerings according to custom.

XII. Are there anie belonging to your Parish, who refuse to pay their duty for *Easter* offerings to your Minister? Or anie that refuse to contribute, and* pay the rate assessed upon them, for the repair of your Church or Chappel, and for the providing of such books, furniture and ornaments, as be requisite for the performance of all Divine offices there?†

XIII. Do any refuse to bury their dead according to the Rites of the Church of *England:* And are there any Wills or Testaments, of persons dead in your Parish, that be yet unproved? Or any goods administred, without a due grant from the Ordinary? Did any dying in your Parish or else where, leave any Legacy to your Church or Chappel, or to the use of the poor, or to any other pious and charitable purposes?‡ What were those Legacies, and how have they been bestowed?

XIV. §Do you know, or have you heard, of any Patron or other‖ person in your Parish, having the presentation or gift of any Ecclesiastical Benefice, who hath made gain thereof by presenting a Clerk or Minster (*sic*) to it upon any bargain,¶ either for money or pension, or lease, reserve of Tithes or Glebe, or any part thereof, or upon** other Simoniacal compact whatsoever?

XV. ††Is there any strife and contention among any of your Parish for their Pews or Seats in your Church? Have any new Pews been erected in your Chancel, or in the Body of your Church or Chappel without leave from the Ordinary?‡‡

Tit. V.§§

Concerning Parish-Clerks, and Sextons.

I. Have you belonging to your Church or Chappelry‖‖ a Parish Clark, aged 21 years at the least? Is he of honest life and conversation? and sufficient or able to perform his duty in reading, writing, and singing? Is he chosen by your Minister, and doth he duly attend him in all Divine Services at the Church?* Are his wages duly† paid unto him? or who withholdeth the same from him?

II. Doth he or your Sexton (if there be any such appointed in your Parish) diligently look to the doors of your Church, that they be locked and opened at due time? And doth he keep your Church or Chappel clean from dust, cobwebs, and other annoyance? Doth he toll or ring the Bells at the due accustomed hours before the beginning of Divine Service, Morning and Evening, that the people may be warned to come unto the Church?. And when any person is passing out of this life, doth he upon notice given him thereof, toll a Bell, as hath been accustomed, that the neighbours may thereby be warned‡ to recommend the dying person to the grace and favour of God?

Tit. VI.

Concerning Hospitals, Schools, School-masters, Physitians, Chirurgeons, and Midwives.

I. Is there any Hospital, Almes-house, or Free-School founded in your Parish?§ Who was the Founder, or is now the Patron thereof? And what is the yearly Revenue, or Stipend, belonging to the Governors, orMasters of the same? Is the same ordered and governed in every respect as it ought to be? and are the Revenues thereof rightly employed, according to the intention of the Founder, and of such Grants and Ordinances as have been made concerning the same?

II. Doth any man keep a publick or private School in your Parish,‖ who is not allowed thereunto by the Bishop, or his Chancellor?¶ Doth your School-master teach his Scholars the Catechism of Religion, set forth by Authority?** Doth he†† cause them, upon Sundaies and Holy-daies, orderly to repair to your Church or Chappel, and see that they behave themselves there quietly and reverently, during the time of Divine Service and Sermon?‡‡

III. Doth any man§§ in your Parish, practise Physick, or Chirurgery, or any Woman take upon her to exercise the Office of a Midwife, without approbation and‖‖ licence from the Ordinary?

Tit. VII.¶¶

Concerning Church-wardens and Side-men.

I. Are the Churchwardens of your Parish yearly and duly chosen by the joynt consent of your Minister and Parishioners; or one of them by your Minister, and the other by the Parishioners?***

II. Have the former and last Churchwardens given up their due Accompts to the Parish, and delivered up to the succeeding Church-wardens the moneys remaining in their hands, together with all other things belonging to your Church or Chappel?

III. Do you the Churchwardens and Side-men take diligent care, and see who of your Parishioners be absent from the Divine Service and Sermon in your Church or Chappel, upon Sundays and Holy-days? And if you find any to have absented themselves without a sufficient cause, do you by Warrant from some of the Justices of Peace, levie

---

* contribute and] *Omitted, Bath & Wells*, 1676.

† Have you a Rate for the reparation of your Church, confirmed by my Lord Bishop or his Ordinary. *Added, Oxford*, 1666. Have you a rate confirmed by your Ordinary? *Added, Oxford*, 1677. And what is each persons particular Rate who refuseth so to pay. *Added, Bath & Wells*, 1676 & 1679.

‡ or to any—purposes] *Omitted, Winch.* 1674.

§ *Art. XIV. omitted, Bath & Wells*, 1676 & 1679. *Exeter*, 1677, *Peterb.* 1683.

‖ patron or other] *Omitted in Bath & Wells*, 1662.

¶ having—bargain¶ who hath made any gain by presenting or procuring a presentation for any Clerk or Minister to any Ecclesiastical benefice upon any bargain. *Bath & Wells*, 1662.

** or upon] or any. *Bath & Wells.* 1662.

†† *Art. XV. omitted, Lincoln*, 1674: *see Art. VIII. Tit. I.*

‡‡*The following articles are added in Bath & Wells*, 1662, *and the first three in Bath & Wells*, 1676 & 1679.

XVI. Is the fifth day of November observed and kept in your Parish and also the thirtyeth of January, and the nine and twentieth day of May, every of them yearly according to the several Acts of Parliament, and in such form, and as by publick Authority is appointed for the same?

XVII. Is there any in your Parish who hath depraved, vilifyed or spoken against the Book of Common-Prayer now established in the Church of England or any part thereof, or against the government of the Church under His Majesty, by Archbishops, Bishops and other Ecclesiastical Officers, or have spoken disgracefully of the Courts Ecclesiastical?

XVIII. Do you know of any that have abused the Church-wardens of your Parish, or given them evil words for executing their Office, or to dishearten and deter them, executing it as by Oath and Duty they are bound?

XIX. Do you know likewise of any that have any way abused the Apparators or other sworn Officers of the Court Ecclesiastical in the execution of their Office?

The following Article is inserted in St. David's & Llandaff, 1662, *St. Dav.* 1671.

XVI. If any brawl or fight one with another in your Church or Churchyard, present them.

The following in Winchester, 1674.

XV. Do e you know, or have heard of any person, or persons, who detain in their hands any Mony Collected for the poor afflicted by the late Plague or Burning of the City of London, what is the sum, and by whom is it detained?

The following in Peterb. 1683:

XIV. Is there any in your Parish who hath lately or heretofore paid any Sum of Money to any Ecclesiastical Officer for Commutation of Penance? What was the Sum, and to what use hath it been employed?

XV. Are there any in your Parish that are Blasphemers of Gods holy Name? any common Drunkards or Swearers? any commonly known or justly suspected to be guilty of Fornication, Adultery, Incest, or any other crime of Ecclesiastical cognizance? declare who they are, that they may be proceeded against, and punished according to their deserts.

§§ *Tit. V. and VII. in Lincoln*, 1674, *are incorporated thus:—*

Tit. V.

Concerning the Officers belonging to the Church.

I. Are the Church- wardens of your Parish yearly chosen according to Law? And are ther e Side-men appointed to assist them for the due ordering of the Churc h?

II. Have the forme r and last Church-Wardens given up their Accompts to those that succeed t hem, together with all Moneys and other things belonging to your Church or Chappel?

III. Have you a Parish Clerk aged One and twenty years at least, who is of sober life and good Report? Is he chosen by your Minister, and approved by your Parish? and is he able for Reading, Writing, and Singing, as a Clerk? Are his wages duly paid him?

IV. Doth He or your Sexton take care of your Church, to keep it Lock'd, and clean, to open the Doors, and Ring the Bells in due time, to call the Inhabitants to the Worship of God? And when any Person [&c., *as above*].

‖‖ Chappelry] Chappel. *Bath & Wel s*, 1662.

---

* at the Church] *Omitted, Bath & Wells*, 1676 & 1679.

† his wages duly] his due wages justly. *Bath & Wells*, 1676 & 1679.

‡ to meditate upon their own death, and. *Added, Peterb.* 1683.

§ founded in your Parish] not of the Kings Foundation or Patronage. *Bath & Wells*, 1676 & 1679, *Exeter*, 1677, *Peterb.* 1683.

‖ or is there any Tutor or Schoolmaster in any Private familie. *Added, Bath & Wells*, 1676 & 1679.

¶ Bishop or his Chancellor] Ordinary. *Ibid. Exeter*, 1677, *Peterb*, 1683.

** and doth he teach them any other Grammar than what is heretofore licensed by the King? *Added, Winton*, 1685.

†† himself repair and also. *Added, Bath & Wells*, 1676 & 1679.

‡‡ *The following article is inserted here in Bath & Wells*, 1662.

III. Doth your School-master teach any other Grammar then that which was sent forth by King Henry the eight, and hath since continued?

§§ man] *Omitted, Bath & Wells*, 1676 & 1679.

‖‖ approbation and] *Omitted, ibid.*

¶¶ *The whole of this Title* (*excepting the final note about Confirmation*) *is omitted in Oxf.* 1672. *See Tit. V. for Lincoln*, 1674. *In Oxford*, 1666, *Winchester* 1674, *Bath & Wells* 1676, & 1679, *Exeter* 1677, *Peterb.* 1683, *the heading is*:—Quæries to be put to the Minister, concerning the Church-wardens and Side-men.

The following additional Title is inserted in Peterb. 1683:—

Tit. VII.

Concerning Ecclesiastical Officers.

I. Are there any Ecclesiastical Officers that exercise Ecclesiastical Jurisdiction within this Diocess, that demand, take and receive any Extraordinary Fees for any cause that is transacted by them, by virtue of their respective offices? And have any Abuses or Offenses presented by the Church-wardens or others, been by them suppressed or left unpunished?

II. Is there a Table of fees publickly fastned and set up in the Consistory or Ecclesiastical Court, to which you are called to appear and make your presentment, that so every one may know what Fees he ought to pay, as the Canons enjoyn?

III. Have any Apparitors taken any reward for the concealing of any offence, or for the avoiding the punishment, or reformation of offenders? and do they summon any to appear at the Consistory without citation first had and granted from the Ecclesiastical Judge?

If you know of any other default or crime of Ecclesiastical cognizance you are to present the same.

*** by the joynt-Parishioners.] *Omitted, Bath & Wells*, 1676 & 1679. or as the custom of the Parish is? *Added Peterb.* 1683.

of them by way of distress upon their goods, the sum of 12 pence for everie such day of their absence, according [to] the Act of Parliament in that case provided: And do you distribute the several sums so levied, among the Poor of your Parish, according to the Law?

IV. Do you note them* that come late to Church after Divine Service is begun, or depart before it be ended? Do you suffer none to stand idle, or talk together in the Church-porch, or to walk in the Church, or Church-yard, during the time of Praiers, Preaching, or other Sacred Offices?†

V. Do you suffer no mis-behaviour or disorder to be done by men, women, or servants,‡ or children, in your Church or Chappel? Are you carefull that none of them sit, lean, or lay their Hats upon the Communion-Table? Do you permit no Minstrels, no Morris-dancers, no Dogs, Hawks, or Hounds,§ to be brought or come into your Church, to the disturbance of the Congregation?

VI. Do you against every Communion appointed in your Church or Chappel, provide a sufficient quantity of fine white Bread, and of good Wine, according to the number of Communicants?

VII. Do you cause all Strangers that preach in your Church or Chappel, to subscribe their names the same day in a Book provided for that purpose, together with the name of the Bishop that licensed them to preach in this Diocese, and do you permit no other to preach?

VIII. HAVE you (the Churchwardens and Side-men) now sworn to give in a true answer unto all these Articles of Inquiry in all their several Titles, taken sufficient time to draw up your Presentment, and therein consulted with your Minister for his faithfull assistance?

‖FOR know you assuredly, That as the true discharging of your Office is the chief means whereby publick Disorders, Sins, and Offences in your Parish may be reformed and punished: So if you wilfully refuse to present such crimes and faults as either you know to have been committed, or otherwise have heard of by publick fame; That in such cases, the Bishop¶ and his Officers are to proceed against you, in their Ecclesiastical Courts, as in Cases of wilful Omission and Perjury.

GEO. WINTON.

THE Ministers** of every Parish are desired to give in the Names of such of the younger sort, in their several Parishes, as they judge fit to receive Confirmation from the Bishop, and to present them to be confirmed; especially such as having competently learned their Catechism, have not yet received the Holy Communion.††

* Do you note them] Do they present them. *Oxf.* 1666, *Winch.* 1674, *Exeter*, 1677, *Peterb.* 1683.

† Do they take care, and see that all Persons Excommunicated, and so denounced, be kept out of the Church? *Added, Oxf.* 1666.

‡ or servants] *Omitted, Bath & Wells*, 1676 & 1679.

§ no minstrels—hounds] any Dogs or Hawks. *Bath & Wells*, 1676 & 1679.

‖ You the Church-Wardens are duely to consider these Articles and well and faithfully to perform your duty in all the premisses, and to consult with your Minister (as the case requires) for his assistance to you in making your Presentments thereupon. *Added Bath & Wells* 1676 & 1679.

The Minister of every Parish, or the Curate in his absence, may join in Presentments with the Church-Wardens and Sides-men, and if they will not present, then the Ministers (being the persons that have the chief care upon them for the Suppressing of Sin and Impiety in their Parishes) may present the crimes aforesaid, and such things as shall want due Reformation. *Added Peterb.* 1683.

¶ Bishop] Ordinary. *Bath & Wells*, 1676 & 1679, *Exeter*, 1677.

** Ministers] Curates. *Peterborough*, 1662.

†† as they judge—Communion] as by examination in the Catechism they find capable of confirmation, and to present them to the Bishop to be confirmed, as there shall be opportunity. *Peterborough*, 1662. And to present them to the Bishop to be confirmed, as there shall be opportunity. *Added, Exeter*, 1677, *Peterb.*, 1683. And every Person that is to be confirmed, is to have a Godfather, or Godmother as a witness at their Confirmation, as is appointed by the Book of Common Prayer. *Added, Oxf.* 1666.

The following paragraph is subjoined in Peterb. 1662:—

Whereas in the late Act of Uniformity of publique Prayers, it is provided, That all Benefices now in the possession of any person who is not or before the feast of *St. Bartholomew* shall not be in holy Orders: (*sic*) The Bishop not willing to be wanting to the necessity of such whom it may concern, hath appointed an Ordination to be held the Sunday before the said Feast of St. Bartholomew at the Cathedral Church. Where such as shall at the Visitation give in their Names, and at a convenient time, before the day of Ordination, present themselves to the Bishop to be examined, concerning their learning and other qualities requir'd by the Laws and Canons of the Church, and bringing with them a Testimonial of their honest, sober and peaceable Conversation, then (God willing) being approved, may be admitted into holy Orders.

The two last paragraphs in the text are omitted in St. David's & Llandaff. 1662, *Lincoln*, 1666, *St. Dav.* 1671.

The following paragraph is added in Hereford and Lincoln, 1662.

Also the Clergy within the County of [Hereford] [Lincoln] are desired to bring with them in Writing a Note of all such Coats of Arms as are in the Church-windows, and of all such Monuments, Gravestones and Inscriptions, whether ancient or later times, as are yet remaining in their several respective Churches or Chappels, or the Chancels thereof.

The following paragraph is added in Lincoln, 1674.

The Minister and Churchwardens are desired to give in an account of what Moneys have been paid from their respective Parishes towards the Redemption of the Captives in *Algiers*, and to whom? And likewise if there be any Money remaining in their hands upon that account to bring it in at this Visitation.

Directions for making Terriers are added in Winton, 1685, *which are almost verbally the same as those to be found in the Articles of Bishop Strafford, of Chester, in* 1701.

REYNOLDS, BISHOP OF NORWICH, 1662.

ARTICLES to be Enquired of in the Diocesse of Norwich in the First Visitation of the Right Reverend Father in God; Edward Lord Bishop of Norwich.

London, Printed by *T. R.* for *G. T.* 1662.

The Tenor of the Oath, to be tendred to the Church-wardens and Sidemen.

YOU shall, upon due consideration of these Articles given you in Charge, diligently Enquire, and true Presentment make of such defaults and offences against the same, as are Enquirable by the Laws Ecclesiastical of this Land: *So help you God.*

ARTICLES of Visitation and Enquiry within the Diocess of Norwich.

Concerning Churches or Chappels, with the Ornaments and Furniture belonging to them.

I. Is your Parish Church or Chappel with the Chancel thereof, the Steeple, or Tower, the Roofs, Walls, Pavements, Windows, Seats, and all things thereunto belonging, kept in good and sufficient Repair, as becometh the House dedicated to Gods Publick Worship.

II. Is there a Font of Stone standing in the ancient usual place for the Administration of Baptism?

III. Is there a comely Table conveniently placed for the Administration of the Lords Supper with a Carpet of Silk, or other decent stuffe to cover it in time of divine Service, and a fair Linnen Cloth to spread on it at the time of Administration? What Cup, Chalice, Patten, or Flagons, have you belonging to that service?

IV. HAVE you a convenient Seat for the Minister to read divine service in? and a comely Pulpit with a fair Cushion or Pulpit-Cloth seemly kept for the Preaching of Gods Word? Have you a Bible of the largest Volume, and of the last Translation, with the Book of Common Prayer now established, the Books of Homilies allowed by Authority, and the Book of Canons or Constitutions Ecclesiastical? And have you the works of Bishop *Jewel*, in defence of the Church of *England*, and a printed Table of the Degrees, wherein by Law men are prohibited to marry?

V. HAVE you a Register-book of Parchment, wherein to set down the names and sir-names of all that are Baptized, Married, and Buried within your Parish? Is there a Book wherein to keep the Church-Wardens Accompts? and another book, wherein to enter the name of any stranger that preacheth in your Parish, and of the Bishop that gave him a License to preach?

VI. HAVE you a large Surplice for the use of the Minister in his publick Administrations?

VII. HAVE you a Box wherein to keep the Alms for the poor? and have you a strong Chest with locks and keys, wherein may be safely kept the plate, vessels, books, carpets, vestments, belonging to the Church? and have you a Bier with a Herse-cloth for the decent burial of the Dead?

Concerning the Church-yard, Houses, Glebe, and Tythes belonging to the Church.

I. Is your Church-yard sufficiently fenced and maintained with Walls, Railes, or Pales as hath been accustomed, and so as it may be kept from all Annoyance? Hath any person encroached upon the same? Have any Trees there growing been cut down, by whom, and for what use?

II. ARE all the Houses and out-houses belonging to your Minister kept in good and sufficient repair? Have any encroached upon the Gardens, Orchards, or Closes belonging to the same? or cut up any trees growing thereon? Are there any other Houses belonging to the Church; and are they likewise kept in good repair?

III. ARE there any Glebe-lands belonging to your Parsonage or Vicaridge, and have you a true and perfect Terrier kept of the same? and a Copy thereof delivered into the Bishops Register? And have you a note of such Pensions, Rate-Tythes, and portions of Tythes as do belong thereunto? Are any of these taken away, or withheld from your Minister? or hath the just value of your Parsonage or Vicaridge by any undue means been diminished?

IV. Is there any Hospital, Alms-House, or free-School (being not of the Kings foundation) in your Parish? and are they and their Endowments preserved and employed to their right use?

Concerning Ministers.

I. HATH your Minister been freely presented, and legally instituted, and inducted into his Benefice? Did he within two moneths after his Induction read upon some Sunday or Holy-day publickly in the Church in the time of divine

ervice, the thirty nine Articles of Religion, and declare his Assent thereunto?

II. Is your Minister constantly Resident upon his Benefice? or hath he any other Benefice or Dignity, and is he qualified to hold the same? How many weeks in a year hath he been Absent without urgent necessity?

III. Hath your Minister a Curate to assist him? and is he a Man of able parts, and of a pious and discreet conversation, and allowed by the Bishop to serve in your Church?

V. Is your Minister a person of a Godly, sober, and peaceable conversation? Doth he so frame his own Life, and the Lives of such as are of his Family, that he and they may be Examples to the Flock of Christ? Or on the contrary, is he a frequenter of Taverns and Alehouses, a common Gamester, a profane or obscene person, a Swearer, Curser, Blasphemer, Railer, Scoffer, Quarreller, Fomenter of Suits, and contention, among Neighbours, an ordinary Companion of Drunkards and Riotous persons in such their wicked Courses: a Resorter unto suspected and infamous Houses? Is his carriage and course of Life in any kind scandalous, and such as becometh not a Minister of Jesus Christ? Doth he exercise himself in any such secular Imployments, or sordid Labour, as is unbefitting the Duty and Dignity of his Office? Is he grave and comely in his Hair and Apparrel? and doth he in all his behaviour, so carry himself, as that he may adorn the Gospel, whereof he is a Minister?

V. Doth he with all diligence attend upon his Ministry, and discharge all the duties belonging thereunto? Doth he read the publick Prayers, Psalms and Lessons out of the Old and New Testament, and other parts of divine service, and celebrate every divine Office, in such form, manner, and habit as is prescribed?

VI. Doth he rightly and duly administer the holy Sacraments, of Baptism and the Supper of the Lord? Doth he take care that Godfathers and Godmothers present Infants unto Baptism, and undertake for them? and doth he being thereunto desired baptize Infants at home in case of weakness or danger? Doth he frequently, or at the least thrice every year whereof Easter to be one, administer the Lords Supper? and doth he give warning therof the Lords day before at Morning-prayer, and exhort the people duly to prepare for the same? Is he careful not to admit thereunto any strangers, or any that live in any atrocious or grievous Crime, or in open Malice and Hatred, to the offence and scandal of the Church? and doth he, having upon just Reasons not admitted them, give within a fortnight notice thereof unto the Bishop? or doth he admit any before they have been first Catechised and instructed in the Principles of Religion, and are able to give an accompt of the same, and before they have been Confirmed, and are ready and desirous to be Confirmed?

VII. Doth he give notice of Holydays, and of the Ember-weeks, that the people may be minded to pray for such as are to be solemnly called to the work of the Ministry? Doth he give notice of the yearly Perambulation in Rogation week for preserving the Bounds of the Parish, and for desiring Gods blessing upon the fruits of the Earth? Doth he observe the *5th* of *November*, the *30th* of *January*, and the *29th* of *May?*

VIII. Is he a Licensed Preacher? Doth he, if not hindred by some necessary Impediment, constantly Preach in your Church every Lords day; or being hindred, doth he take care that it be done by another? and doth he dilligently instruct children and servants, and Ignorant persons of the Parish in the principles of Religion, contained in the Creed, ten Commandments, Lords prayer, and doctrine of the Sacraments, according to the Church-catechism, that so they may be brought to understand and take upon Themselves their Baptismal Covenant, and be Confirmed and admitted Communicants? Doth he in his Sermons preach only sound and wholsome doctrine, tending to Peace, Holinesse, and Edification; consonant to the Holy Word of God, and the doctrine contained in the Articles of the Church of *England?* And doth he four times in the year teach the doctrine of the Kings Supremacy, and put the people in mind to be subject to Principalities and Powers, and to obey Magistrates; or doth he at any time preach any false, Heretical, seditious, dangerous doctrine, tending to publick disturbance, and to alienate the Hearts of the people from their Loyalty and obedience?

IX. Doth he endeavour to reclaim Popish Recusants, or any other Persons of corrupt Judgements, from such their Errours to the acknowledgement of the Truth.

X. Hath he celebrated Matrimony between any persons (without faculty granted by such as have Authority to grant it) except the Banes of Matrimony have been first published three severall Sundayes or Holy-dayes in the time of divine Service, in the Parish Churches, or Chappels where the said parties dwell? or doth he Marry Persons, though Licensed, at any unseasonable times, and not between the hours of eight and twelve in the forenoon? Or, doth he Marry them in any private place, and not in the Church or Chappel? Or doth he, after the banes are thrice asked, Marry any under the age of one and twenty years before the Parents or Governours of the said Parties have either personally, or by sufficient testimony, signified their consent to the said marriage?

XI. Doth he, when any Persons are dangerously sick having notice thereof, resort unto them to pray with them, to instruct, to comfort, to exhort them to faith, repentance, brotherly love, and works of charity?

XII. Doth he refuse, having had convenient warning given him, to bury any Corpse that is brought to the Church or Church-yard, the dead Person being such as is not denied Christian burial?

XIII. Doth he and the Church-Wardens cause the names of all that have been baptized, marryed, and buried, to be entred into the Register-Book, and a transcript from thence yearly sent into the Bishop's Office? If not, you are to send in such transcripts for the several years past as have not been hitherto sent in.

XIV. Have you a weekly Lecture in your Parish, is it preached by the Parson or Vicar himself, or by a combination of neighbour-Ministers? or by one single Lecturer? if so, is he in holy Orders, of good learning, of a godly and peaceable life? is he Licensed to preach your Lecture, and doth the herein behave himself as by the Lawes and Constitutions of this Church is required?

Concerning Parishioners.

I. Are there any in your Parish that come not to the Publick Assemblies and services of the Church, or that make profession of any other than the true Reformed Religion which is professed and established in the Church of *England*, or do any wayes reproach the same Religion, or seduce others from it?

II. Have you any in your Parish that oppugne or gain-say his Majesties Supremacy over all persons, and in all causes Ecclesiastical and Civil, within any of his Dominions?

III. Do any in your Parish profane the Lords day by working in their ordinary callings, by loytring, tipling, or any other unlawful practices? and do they observe all the holy days appointed by the Church, according to the orders of the Church prescribed in that behalf? Or, do any Vintners, Inne-keepers, or any other Victuallers or sellers of Beer or Ale; suffer any persons to tipple and game in their houses upon those days in the time of divine service?

IV. Do all in your Parish resorting unto your Church or Chappel, upon every Lords day, and holy day appointed for divine service, in their carriage and gesture there behave themselves with such reverence, order, decency and attention, during the time of common Prayer, preaching, and other service of God there used, as the nature of such holy duties, and the order of the Church doth require; none neglecting or disturbing the publick service by sleeping, talking, walking, laughing, removing, going out, or any other profane, rude or offensive behaviours? or do any interrupt the Minister in any of his Administrations?

V. Are there any in your Parish that keep their Infant-children unbaptised, or are there any persons of riper years in your Parish unbaptised?

VI. Do all Governours of Families instruct their children and servants in the Catechism, and send them to the Minister to give an account thereof openly in the Church upon the Lords days and holy days, as is appointed?

VII. Do all Communicants thrice at the least every year, whereof Easter to be one, in that meek and reverent manner which is required, partake of the Lords Supper: and do such signifie their names, and purpose to communicate unto the Minister, at least the day before the celebration of the said holy Sacrament?

VII. Do any persons that are open and notorious evil doers, who live in malice and hatred, with whom for such their wickedness the Congregation is justly offended, presume to come to the Lords Table, not having first declared their repentance that the Congregation may thereby be satisfied?

IX. Do all Communicants pay their Easter dues to your Minister, and do they pay all other Rates assessed upon them for relief of the poor, repairs of the Church, and providing all things required of them to provide in order to divine Offices?

X. Are there any in your Parish that have married within the forbidden degrees of affinity or consanguinity? Have any been clancularly married in private houses? Do any lawfully married and not separated by due course of Law, yet live asunder, and not co-habit together? Do married women after they have been safely delivered, come

in due time to the Church to offer thanksgiving unto God for so great a mercy, and pay their accustomed duties?

XI. Are such as dye in your Parish decently buried according to the order of this Church?

XII. Are there any Wills or Testaments of persons dead in your Parish that be not yet proved, or are any goods administred without a due grant from the Ordinary? Have any left Legacies to pious uses in your Parish, and how are those Legacies bestowed?

XIII. Are there in your Parish any that are common swearers, or blasphemers of Gods holy Name, drunkards, adulterers, fornicators, concealers or harbourers of fornicators and adulterers, incestuous persons, railers, unclean and filthy talkers, sowers of sedition, faction, and discord amongst their Neighbours? and who are they?

XIV. Is there any person in your Parish, who having the gift of any Ecclesiastical Benefice, hath made gain thereof by presenting a Clerk or Minister to it by any bargain or symoniacal compact? or is suspected thereof?

Concerning Parish Clerks and Sextons.

I. Have you a Parish Clerk chosen by your Minister, Aged twenty years at the least, of honest conversation, and sufficient for the executing of his place by skill in reading, writing, and singing?

II. Doth he diligently attend the Minister in all divine services at the Church, and are the antient wages belonging unto him duly paid without fraud or diminution? Doth he or the Sexton (if you have any) keep your Church or Chappel clean, and free from all annoyance, in due time ring or Toll the Bells before the beginning of divine Service; open and lock the Church-doors, and carefully preserve all the things belonging unto the Church, that are committed unto his custody?

Concerning School-masters.

I. Have you any Publick or Private School in your Parish, is your School-master of sober, honest, and religious conversation? And is he allowed by the Bishop or his Chancellor? doth he instruct his Schollars in the Church-catechism, and take care to train them up, not onely in Learning, but in Religion, and in the Fear of God, framing their manners unto Modesty and Vertue? Doth he upon holy and Festival dayes cause his Schollars orderly to repair to your Church or Chappel, and there to behave themselves attentively and reverently, during the whole time of service and Sermon? and doth he enquire after their proficiency in the things which they have there learned, by examining them at convenient times what they have remembred of such Sermons?

Concerning Physitians, Chirurgions and Midwives.

I. Do any practise Physick or Chirurgery in your Parish without due License; Or doth any woman take upon her to exercise the Office of a Midwife there, without approbation and License from the Ordinary?

Concerning Church-Wardens.

I. Are the Church-Wardens of your Parish, chosen every year in Easter week by the joint consent of the Minister and Parishioners, or one by the Minister, and the other by the Parishioners? And are Side-men likewise chosen by the Minister and Parishioners;

II. Have the last Church-Wardens within a moneth after the end of their year, given before the Minister and Parishioners, a just account of the moneys they have received, and what they have expended for reparations and other uses in the Church? And have they truly delivered up to the Parishioners whatsoever money or other things are of right belonging to the Church or Parish?

You the Church-wardens and sidemen are to take diligent care to see the Parishioners duly resort on the Lords dayes and holy dayes to their Church and there continue the whole time of Publick Worship in due attendance thereupon; You are not to suffer any to Walk, or Talk, or play, or stand Idle, or any way to behave themselves unseemly in the Church, Church-porch, or Church-yard, during the time of the publick Worship to the disturbance and offence of the Congregation: if any so do, you are to present them; as also all such, as at any time Strike, Quarrel or Brawle in the Church or Church-yard.

Concerning Ecclesiastical Officers.

Have any Ecclesiastical Judge or Officer any Advocate, Register, Procter, Clerk, Aparitor, or Summoner, any way offended in their Offices, Ministeries, or Services, contrary to the Laws and Canons Ecclesiastical in that behalf provided.

Finis.

LAYFIELD, ARCHDEACON OF ESSEX, 1662.

Articles to be enquired of within the Archdeaconry of Essex, by the Church-wardens and Sworne-men in every Parish. And presentment to be made thereof to the Archdeacon. With particular answers unto every Article.

London, Printed by *Richard Hodgkinson*, living in *Thames street* over against *Baynards* Castle, 1662.

The tenor of the Oath ministred to the Church-wardens and Sworne-men.

Ye shall sweare, that all affections, favor, hatred, hope of reward or gain, or feare of displeasure or malice set a side, you shall upon due consideration of the Articles given you in charge, present all and every such person, of, or within your Parish, as hath committed any offence or fault, or made any default mentioned in any of these Articles, or which are vehemently suspected, or otherwise defamed of any such offence, fault or default, wherein you shall deale uprightly and according to equity: neither of malice presenting any contrary to Truth, nor of corrupt affection sparing to present any, and so conceale the Truth, having in this action God before your eyes, with an earnest zeale to maintaine Truth, and to suppresse Vice: So help you God and his faithfull promisses in Christ Jesus.

Articles to be enquired of within the Archdeaconry of Essex, for this present yeer of Our Lord God 1662.

Articles concerning the Clergy.

Whether hath your Minister since his Majesties returne to the Crowne read the Constitutions set forth by his late Majesty, once in the yeer, upon some Sunday or Holiday, in the afternoon, before divine service: according as by the Canons he is bound.

2. Whether doth your Minister use to pray for the Kings most Excellent Majesty our gracious Queen *Catharine*, *Mary* the Queen Mother, the Duke of *York*, and all the Royall Progeny, giving unto him such stile and title of Supreme Governour in all causes, and over all persons, as well Ecclesiasticall as Temporall, as by law are due unto him, exhorting their parishioners to yield him obedience according to the same, and also in their said Sermons, doe pray for all Arch-bishops, Bishops, and other Ecclesiasticall persons, according to the 55 Canon.

3. Whether since the time aforesaid is the prescript forme of divine service used by your Minister upon Sundaies, Holidaies, Wednesdaies, and Fridaies, according to the book of Common-Prayer. And whether doth your Minister duly observe all the orders, rites, and ceremonies prescribed in the said book of Common Prayer: as well in reading publick prayers, the Letanie, as also in administring the Sacraments in such manner and forme, as by the book of Common Prayer by law now established is injoyned.

4. Whether doth your Minister administer the holy Communion so often, and at such time, as that every Parishioner may receive the same, at the least thrice in every yeer, whereof once at Easter, as by the book of Common Prayer is appointed. And whether doth your Minister receive the same himself on every day that he administreth it to others, kneeling at the same, and administreth it to none but to such as doe kneele at the receiving thereof, and use the words of the Institution according to the book, at every time that the Bread and Wine is Consecrated, in such manner and forme as by the proviso of the 21. Canon is directed, or wherein is he faulty, and whether is warning given by him before hand for the Communion as the Canon requireth.

5. Whether hath your Minister admitted any notorious offenders, or schismatickes to the Communion: without satisfaction, by due course of law before injoyned them; or rejected any from the Communion, who were not by publick presentment or other open scandall infamous, and detected of some notorious crime by common fame published in the parish.

6. Whether the Minister, together with the Church-wardens and Questmen, doe take diligent heed and care, that not all and every of your own Parishioners do receive thrice in every yeer, as aforesaid; but also that no strangers of any other parish do forsake their own Minister and parish, to receive with you contrary to the 28 Canon.

7. Whether doth your Minister use to sign the children with the sign of the crosse when they are baptized, according to the booke of Common Prayar, (*sic*) and whether he hath deferred, or wilfully refused to baptize any infant in his parish being in danger, having been duly informed of the weaknes thereof, and whether the child hath died by his default without baptisme, contrary to the 68. and 69. canons.

8. Whether is your Minister continually resident with

you upon his benefice: or for how long time hath he been absent, and where is he resident for the most part, and what other benefice hath he.

9. Whether doth your Minister, being a Preacher, preach usually according to the constitutions, either in his own cure with you once every Sunday, or else in some other Church or Chappell neer adjoyning, where no Preacher is, or how hath he been negligent in that behalfe.

10. Whether is your Minister a Preacher allowed: if so, then by whom: if no, whether doth he procure Sermons to be preached among you once in every month at the least by such as are lawfully licensed, or doth contribute toward a licensed Preacher, if his living will beare it.

11. Whether hath your Minister another benefice: and whether doth he supply his absence by a Curate, that is sufficiently licensed to preach in that cure of his, whereone he himself is not resident: or otherwise in case he do not find a preaching Minister there, by reason of the smallnesse thereof whether doth he preach at both his benefices usually himself.

12. Whether is your Curate licensed to serve by the Bishop of this Diocess or by any other, and by whom: whether doth your Minister or Curate serve more cures then one, contrary to the 48. Canon. If so, then what other cure doth he also serve.

13. If your Minister be not licensed to preach as aforesaid, whether doth he read homilies, or take upon him to expound the Scriptures either in his own cure or elsewhere, contrary to the 49. Canon: If so, then you are to present him, and specifie the place where he so hath preached.

14. Whether hath any person been admitted to preach within your Church or Chappell within these two yers past but such as you have well known to be sufficiently licensed: whom have you so admitted? you shall present their names, and how often have any such been admitted to preach, and by whose procurement: if he were licensed, then by whom he was licensed: And whether have they, or any other preacher (*sic*) in your Church, not being soberly and decently apparralled according to the 74 Canon.

15. Whether doth your Lecturer and Preacher read divine Service, and administer the Sacraments in his own person twice every yeer, observing all the ceremonies in the book of Common Prayer established, according to the 56 canon.

16. Whether doth your Minister every Sunday and Holiday, before evening prayer, for halfe an houre or more examin and instruct the youth, and ignorant persons of his parish, in the ten Commandements, the Articles of beliefe, and the Lords Prayer, as also in the Catechisme set forth in the book of Common prayer, whereby the Children of the parish may be prepared for confirmation, according to the 90 Canon.

17. Whether hath your Minister without licence from the Archbishop the Bishop of the Diocess, his Chancellor, or from this Court solemnized marriage betwixt any parties, the Banes being three severall Sundaies or Holidaies first published, in time of divine service, in the several Churches or Chappels of their severall abode, according to the book of Common prayer, and the 62 canon: and that also betwixt the houres of eight and twelve in the forenoon, contrary unto the 112 Canon.

18. Whether doth your Minister upon Sundaies at morning prayer, declare unto the Parishioners what holidayes and fasting dayes are appointed to be kept the weeke following, according to the 64 Canon, whereby they may be put in mind to prepare themselves accordingly, and to repaire to Church to publick prayer, as by law they are bound.

19. Whether doth any Minister in the Rogation dayes, use the perambulation of the circuit of the Parish appointed by law, and in the same perambulation, move the people to give thanks to God for his benefits, using such Psalmes, Praiers, Homilies, as are to that end set forth.

20. Whether doth any man (being neither Minister nor Deacon) read Common prayer openly in your Church or Chappell, or administer the Sacrament of Baptisme, or solemnize Matrimony, or take upon him to practise any other ministeriall duty in the Church, then is prescribed to be executed particularly by such, as are either Ministers, or Deacons, and what is his name that so doth.

21. Whether doth your Minister being a Preacher, endeavour and labour diligently with mildnesse and temperance to conferre with, and there by to reclaim the popish Recusants in his Parish from their errors, if there be any such: and whether is he painfull in visitation of the sicke, according to the book of Common prayer, and the Canons in that case provided.

22. Whether is your Parson, Vicar, Lecturer, or Curate too much conversant with, or a favourer of Recusants, whereby he may be suspected not to be sincere in religion.

23. Whether hath your Minister, or any other taken upon him the place of a Minister, preached, baptized children (unlesse in case of necessity) solemnized marriage, churched any woman, or ministred the holy Communion in any private house or houses: if so, then where, whom, and how often hath he so offended in any of the premises.

24. Whether hath your Minister taken upon him to appoint any publick or private fasts or prophecies, not approved and established by law or publick authority: contrary unto the 72. Canon.

25. Whether hath your Minister since his said Majesties returne or any other person or persons within your parish used to meet in any private house or other place, and to hold private conventicles, contrary to the 73. Canon: if so, then you shall present them all or every one of them, or at least as many as you know.

26. Whether doth your Minister use such decency and comlinesse in his apparel, as by the 74 constitution is injoyned him, as well at home as when he goeth abroad.

27. Whether do you know in your parish, any that having heretofore taken upon him or them, the order of Priesthood or of a Deacon, hath since relinquished the same, and betaken himself in the course of his life as a Lay-man, If so, then you shall present his name and the place of his aboad.

28. Whether is your Minister noted or defamed to have obtained obtained his Benefice by Simonie, or reputed to be an incontinent person, or doth keep any man or woman in his house, that are suspected either to be of euill religion or bad life, himself to be a common drunkard, or to be a common hunter of Taverns, Alehouses, or other suspected places, a common gamster or player at dice, or other unlawfull games, a common swearer or notorious person, or faulty in any other crime punishable by Ecclesiasticall censures, whereby he is offensiue, and scandalous to his function or ministry.

29. Whether doth your Minister use the form of thanksgiving to women after their childbirth, and whether hath he admitted any thereunto that was begotten with child in adultry or fornication, without licence of his Ordinary, and whether have any married wives refused to come to Church, according to the book of Common prayer, to give God thanks, after child birth; If any be faulty herein, you shall present their names.

30. Whether since his Majesties return doth your Minister baptize any children in any Bason, or other vessels then the ordinary Font being placed in the Church, according to the 81. canon, or doth use to put any bason into it.

Articles concerning the Church.

Whether have you in your severall Churches and Chappels the book of Constitutions or Canons Ecclesiasticall, ready to be read by your Minister, according to his Majesties pleasure, published by his highnesse authority under the great Seale of England.

2. Whether is there in your Church or Chappell, one parchment Register Book provided for Christnings, Marriages, and Burialls: and whether is the same duly and exactly kept, according to the constitutions in that case provided, and a transcript thereof brought in yeerly within one moneth after Easter into my Lord Bishops principall Registers office.

3. Whether have you provided the Book of Common Prayer lately commanded by his Majesties authority onely to be used, and the book of Homilies and two Psalters: and whether have you in your Church or Chappell a Font of stone set up in the ancient usuall place: a convenient and decent Communion table standing upon a frame, with a Carpet of Silk, or some other decent stuff; and a faire Linnen cloth to lay thereon at the Communion time: and whether is the same then placed in such convenient sort withing the Chancell or Church, as that the Minister may be best heard in his Prayer and administration, and that the great number may communicate: and whether are the ten Commandements set upon the east end of your Church or Chappel, where the people may best see and read them.

4. Whether haue you a convenient seat for the Minister to read service in, together with a comly Pulpit set up in a convenient place, with a decent cloth or Cushion for the same; a comely large Surples, a faire Communion Cup of Silver, and a cover agreeable for the same, with all other things and ornaments necessary for the celebration of divine Service, and administration of the Sacraments, and a strong chest for the alms of the poor, with three locks and keys, and another chest for the keeping of the ornaments of the Church and Register Book.

5. How many Bells are there at this present hanging in the belfres of your Parish Church. And how many have there been heretofore: whether any of your said Bells haue been taken downe and sold, or made away: and what other Church goods are now wanting in your Church.

6. Whether are your Church or Chappels with the Chancels thereof, and your Parsonage or Vicarage house, and all other housing thereto belonging, in good reparations, decently and comely kept as well within as without: the

seates well maintained, your Church-yards well fenced and kept without abuse, according to the 85. Canon: if not then through whose default, and what defects are? All these things in these Articles, to be prepared, according to the Canons under the title appertaining to Churches.

Articles concerning Schoolmasters.

Whether the Schoolmaster or Schoolmasters within your parish, openly or privately, in any Noble or Gentlemans house, or in any other place, be of good and sincere religion, life and conversation, and be diligent in the teaching and bringing up of youth: and whether they have been examined, allowed and licensed for schoolmasters, by the Ordinary in that behalfe: and how many severall Schoolmasters have you, and what be their names?

2. Whether your Schoolmaster or Schoolmasters doe themselues receive the holy Communion as often as they ought to doe: and whether doe all their Schoollers which be of age sufficient, and of capacity by instruction, to receive the Lords Supper, come to the Communion either in your Church, or where their parents dwell, once every yeer, and be diligent to heare Common Prayer.

3. Whether the schoolmaster or schoolmasters, either private or publick, doe teach their schoollers the Catechisme authorized by publick authority, at the least once every week, and doe instruct and examine them in the same, or doe teach any other catechisme, and what catechisme it is that they doe so teach.

4. Whether your schoolmaster or schoolmasters, or any of them be known or suspected to read unto their schoollers privately any unlawfull books, or privately to instruct them in their young yeers, either in popery, superstition, prophaneness, or disobedience, contempt to his Majesty, and his laws Ecclesiasticall by publick authority allowed.

5. What Recusant Papists are there in your parish, and whether doe they, or any of them keep any schoolmaster in their house, which cometh not to Church to heare Divine service and receive the Communion; what is his name, and how long hath he taught.

6. Whether the Schoolmaster or Schoolmasters within your parish, doe teach his or their Schollers any other Grammer then that which is called the Kings Grammer, set forth by the authority of King *Henry* the Eight, teaching the prescript forme thereof, whereby the Schollers may perfectly understand their Grammer rules and constructions.

Articles concerning Parishioners, and others of the Laity.

Whether is there any within your parish, that hath or doth impugne the Kings Majesties supremacy and authority in causes Ecclesiasticall, or doe any way or in any part impeach the same, being restored to the Crowne by the lawes of this Realme established in that behalfe.

2. Whether is there any in your parish that denieth the Church of England, by law established under the Kings most Excellent Majesty, to be a true and Apostolicall Church, teaching and maintaining the doctrine of the Apostles.

3. Whether is there any in your parish that doe impugne or speake against the rites and ceremonies established in the Church of *England*, or the lawfull use of them: you shall present their names.

4. Whether are there any in your parish, that doe impugne the government of the Church of *England*, under the Kings most Excellent Majesty, by Archbishops, Bishops, Deanes, Arch-deacons, and the rest that beare office in the same, affirming that the same is Antichristian or repugnant to the word of God.

5. Whether is there any in your parish, that impugne the forme of consecration and ordaining of Archbishops, Bishops, Priests or Deacons, affirming that the same is repugnant to the word of God, or that they, who are so ordered in the same forme, are not lawfully made.

6. Whether is there any in your parish that doth hold or frequent any conventicles or private meetings, and there doe confer or agre upon any private orders, other then such as are by the canons set forth by publick authority, to be by them or any others in Church government observed.

7. Whether any persons have lurked or tippled in Taverns or Alehouses, on Sundaies or other Holy-daies, or used his or their manuall craft, trade, or keep their shops open upon the said dayes or any of them, especially in the time of Divine service.

8. Whether are there in your parish, that doe or have prophaned (since his Majesties last generall pardon) the Lords day called Sunday or other Holiday, contrary to the orders of the Church of *England* prescribed in that behalfe.

9. Whether hath any person in your parish quarrelled, stricken, or used any violence unto, or with your Minister, or any other in the Church or Church-yard, or used himself disorderly in the Church, by filthy and prophane talke, or any other rude and immodest behaviour.

10. Whether is that due reverence and humble submission used in your Church or Chappell, in the time of divine service, as by the 18. constitution is prescribed? and whether each one in the Church or Chappell, doe apply and order himself there in time of divine service, as by the latter part of the same constitution is most commendably enjoyned.

11. Whether the Churchwardens and Questmen from time to time doe their diligence in not suffering any idle persons or loyterers to abide either in the Church-yard or church-porch in service or sermon time, but causing them either to come into the church to heare divine service or to depart, and not to disturbe such as are hearers there.

12. Whether the Churchwardens doe provide against every Communion with the advice of the Minister, a sufficient quantity of fine white Bread, and of good and wholesome Wine for the number of the Communicants that shall receive, and that to be brought in a cleane and sweet standing Pot of Pewter or other pure mettle?

13. Whether have any in your parish been Godfathers or Godmothers to their own Children? or whether your Minister, or any Godfathers or Godmothers have used or doe use any other forme, answer, or speech in Baptisme then is in the book of Common Prayer appointed?

14. Whether is there any in your parish, that doe refuse to have their children baptized, or themselves to receive the Communion at the hands of your Minister, because he is no preacher? you shall present their names.

15. Whether do all Fathers, Mothers, Masters and Mistresses, cause their children, servants, and apprentises, to come to the Catechisme, upon the Sundaies and Holydaies before evening prayer to heare and to be instructed and taught therein: and those that doe not their duties herein, you shall present their names.

16. Whether have you or your predecessors Churchwardens there, suffered since the last pardon, any playes, feasts, banquets, church ales, drinkings or any other prophane usages, to be kept in your Church, Chappell or Church-yard.

17. How many inhabitants within your parish, men or women, above the age of 16 yeers doe refuse to frequent divine service established by publick authority of this Realme, or to receive the holy Communion, or are negligent therein.

18. Whether do any of the Inhabitants of your said parish entertain within their house, any sojourners, lodgers, or any common resorters and guests, who refuse to frequent Divine Service, or to receive the holy Communion as aforesaid: what be their names: of what quality or condition are they?

19. Whether are any Recusants of insolent behaviour not without publick offence: that doe boldly busie themselves in seducing and withdrawing others, either abroad or in their own families, by instructing their children in a contrary Religion, or by refusing to entertain any, especially in place of greatest service, or trust, but such as concurr with them in their Opinions of Religion, and what be their names that so doe.

20. Whether were you the Churchwardens and Questmen chosen by the consent of the Minister and Parishioners in Easter week, according unto the 89 and 90 canons, and whether have the Churchwardens before you given up a just account for their time, and delivered to you their successors, whatsoever mony or other things of right belonging to the church which was in their hands according to the 89 canon.

21. Whether doe all persons above the age of sixteen yeers usually resort to hear divine service upon Sundayes and Holydaies approved, and whether hath each one of your Parishioners, being above the age of sixteen yeers as aforesaid, received the holy Communion thrice a yeer, chiefly once at Easter in your parish Church kneeling, if no, then you shall present their names, which have not so done.

22. Whether have you a fit Parish Clarke aged twenty yeers at the least, of honest conversation, and sufficient for reading and writing, and whether he be paid his wages without fraud, according to the most ancient custome of your parish: if not, then by whom he is so defrauded and denied, and whether he be chosen by the Parson or Vicar, or by whom, according to the 91 Canon.

23. Whether have any in your Parish since his Majesties returne been married within the prohibited degrees, forbidden by the law, and expressed in a certain Table, published by Authority in the yeere Anno one thousand five hundred sixty and three. If so, then you shall present their names, and whether have you the said Table publickely set up in your Church, and fastned to some convenient place?

24. Whether doth any heretofore divorced, keep company with any other at bed and board as man and wife?

what be their names? when and where they married: and how long have they so continued.

25. Whether have you any in your parish to your knowledge or by common fame and report which have committed adultery, fornication or incest, or any bawds, harborers or receivers of such persons, or publickly suspected thereof, which have not been publickly punished to your knowledge? If so, then with whom: and whether are there any which are by common fame and report reputed and taken to be common drunkards, blasphemers of Gods holy name, common and usuall swearers, filthy speakers, railers, sowers of discord amongst their neighbours; or speakers against Ministers marriages, Usurers, contrary to the statute made in the 17. yeare of Henry the Eight, Symonyacall persons, fighters, brawlers or quarrellers in Church or Church-yard? you shall not faile to present their names.

26. Whether since his Majesties returne have any in your parish received or harboured any woman gotten with child out of wedlock, and suffered them again to depart without pennance, first inflicted upon them by the Ordinary: you shall truly present as well the party harbouring as harboured and who is suspected to have committed incontinency with her.

27. Whether any person or persons suspected or detected heretofore of incontinency, and therefore departing out of your parish, for a season is now returned againe, or in what place else, is he or she now abiding, to your knowledge, or as you have heard; you shall not faile to present the whole truth in that behalfe.

28. Whether there be any persons Ecclesiasticall or Temporall within your parish that have retained and kept in their custody or that read, sel utter, disperse, carry or deliver to others any English or Latine books or libels, set forth either on this side or printed beyond the Seas, by Papists or Sectaries, against the Kings Supremacy in causes Ecclesiasticall, against true Religion and Catholick doctrine, now publickly professed in this Church or the government and discipline of the Church of England, now within this Realm received and established by Common Authority, and what their names and Sirnames are.

29. Whether there be any in your parish who are known, or suspected to conceale or keep hidden in their houses any Masse books, portesses, breviaries, or other books of Popery or superstition whereby the people are seduced.

30. Whether there be any Inkeepers, Alewives, Victuallers, or Tiplers, that suffer or do admit any person or persons in their houses to eate, drinke, or play at dice, cards, tables, bowles, or such like games in the time of Common Prayer or Sermon on Sundayes, or Holydayes: or any Butchers, or others that commonly use to sell meat or other things in the time of Common-Prayer, preaching or reading of Homilies.

31. Whether hath your Minister or any of your parish without the consent or privity of the Ordinary, caused any to do penance or be punished either openly: or otherwise for any crime punishable by the Ecclesiasticall lawes onely, and what be the names of the parties that have been so punished, and in what manner.

32. Whether there be any in your parish who will come to heare the Sermon, but will not come to the publick prayer appointed by the book of Common prayer, making a schisme or divisian (as it were) between the use of publick prayer, and preaching; and whether there bee any who being present at publick prayer, doe not devoutly and humbly kneele upon their knees, at such times as by the book of Common prayer they are appointed; to wit, when they make a generall confession of their sins: when all prayers and collects are read, and at the receiving of the holy Communion &c. and what are their names that have at any time shewed themselves undutifull and unreverent in that behalfe.

33. Whether there be any married woman or others within your parish, which after child birth, refuse or contemn to come to the Church to give God thanks for their safe delivery, and to have their prayers publickly appointed in that behalfe by the book of common prayer.

34. Whether any within your parish, do resort into barnes, fields, woods, private houses, or to any extraordinary places for exposition of Scriptures or conferences together: or that be drawers, or perswaders of others to any such Schismaticall conventicle.

35. Whether any doe keep their children unbaptized longer than is convenient, unlesse that it be for urgent occasion: and whether any doe carry their children from the parish they are borne in, to other parishes to be baptized, and so refuse their own parish: or doe bring strange Ministers into their own houses, to baptize their children privately, according to their own fantasies.

36. Whether doe you know of any other matter of Ecclesiasticall cognizance, worthy the presentment in your judgment above not expressed, which you hold fit to be reformed, and if you doe, you shall likewise present the same by virtue of your oathes.

37. Whether doe you know of any within your parish, that refuse to pay towards the support or repaire of your parish Church, or the due and necessary Ornaments of the same, if you doe you shall present the same.

FINIS.

ROB. PORY, ARCHDEACON OF MIDDLESEX, 1662.

ARTICLES to be enquired of within the Archdeaconry of Middlesex, in the Visitation of the Right Worshipful Dr. Robert Pory, Archdeacon of the said Archdeaconry of Middlesex.

Holden in the year of our Lord God, 1662.

London. Printed for *Timothy Garthwait* at the Kings-head in *St. Paul's* Church-yard, 1662.

The Oath to be administred to the Churchwardens and Sworn-men.

You shall swear that you and every of you shall diligently enquire of the Articles given you in charge; and without affection, favour, hatred, hope of reward and gain, or fear of displeasure, or malice of any person, you shall present all and every such person and persons that now is, or of late was within your Parish, as hath committed any incest, adultery, fornication, or simony, and any misdemeanour or disturbances committed or made in any Church or Chappel, in time of Common Prayer, Preaching, or Divine Service there used, to the disturbance thereof: and also that have committed or done any other offence, fault or default, presentable in the Ecclesiastical Court, according to the Articles now delivered to you. Wherein you shall deal uprightly, fully, and according to truth, neither of malice presenting any contrary to truth, nor of corrupt affection sparing to present any, and so conceal the truth: having in this action God before your eyes, with an earnest zeal to maintain the truth, and suppresse vice. So help you God, and the Contents of this Book.

Concerning Religion, and the true worship of God, in this Realm established.

Can. 5. Is there any who doth affirm and teach that the 39 Articles agreed upon by the Archbishops and Bishops in both Provinces, and the whole Clergy in the Convocation holden at *London*, *Anno* 1562. are in any part superstitious or erroneous, or such as he may not with a good conscience subscribe unto? Who is that so teacheth or affirmeth, and what is his name?

Can. 4. 2. Is there any who doth affirm and teach, that the form of Gods worship in the Church of *England*, established by the Law, and contained in the Book of Common Prayer and administration of the Sacraments, is a corrupt, superstitious, or unlawful worship of God, or containeth any thing in it that is repugnant to the Scriptures, who is it that so teacheth, &c.

Can. 6. 3. Is there any who doth affirm to teach, that the Rites and Ceremonies of the Church of *England* by Law established, are wicked, antichristian, or superstitious, or such as being commanded by lawful Authority, may not with good conscience be approved, used, or subscribed unto, by men who are zealously and godly affected, who is it, &c.

Can. 9. 4. Is there any that separateth himself from the Communion of Saints, as it is approved by the Apostles Rules in the Church of *England*, and combine themselves together in a new brotherhood, accounting the Christians who are conformable to the Doctrine, Government, Rites, and Ceremonies of the Church of *England*, to be prophane or unmeet for him to join with in Christian profession, who are they that so separate themselves, and what are their names?

Concerning the Church, the Government, Authority, and Discipline thereof.

Can. 3. 1. Is there any who doth affirm or teach, that the Church of *England* by Law established under the Kings Majesty, is not a true and Apostolical Church, teaching and maintaining the Doctrine of the Apostles. Who is it that doth so affirm and teach, &c.

Can. 7. 2. Is there any who doth affirm and teach, that the Government of the Church of *England* under his Majesty by Archbishops, Bishops, Deans, Archdeacons, and the rest that bear office

in the same, is antichristian and repugnant to the Word of God. Who is it that doth, &c.

Can. 8. 3. Is there any who doth affirm and teach, that the forms or manner of Making and Consecrating Bishops, Priests, and Deacons, containeth any thing in it, that is repugnant to the Word of God: or that they who are made Bishops, Priests, and Deacons in that form, are not lawfully made, nor ought to be accounted either by themselves or others, to be truly either Bishops, Priests, or Deacons, untill they have some other calling unto those Divine Offices, Who is it, &c.

Art. 20, 34. 4. Is there any who doth affirm or teach, that the Church hath no power to decree Rites or Ceremonies, nor any authority in controversies of Faith, or in the changing and abolishing of Ceremonies and Rites of the Church, ordained only by man's authority, contrary to the 20. and 34. Articles of the Church of *England*. Who is it, &c.

Can. 2. & 1. 5. Is there any who doth affirm or teach, that the Kings Majesty hath not the same Authority in causes Ecclesiastical, that the godly Kings had among the Jewes, and Christian Emperours in the Primitive Church. Or that the Kings Majesty within his Realms of *England, Scotland,* and *Ireland,* and all other his Dominions and Countries, is not the highest Power under God, to whom all men, as well Inhabitants as born within the same, do by Gods law owe most loyalty and obedience. Or that impeach any part his Royal Supremacy in the said causes restored to the Crown; and by the Lawes of the Realm therein established. Who is it, &c.

Can. 140. 6. Is there any who doth affirm or teach, that no manner of person either of the Clergy or Laity are to be subject to the Decrees and Constitutions of the Church in causes Ecclesiastical, made and ratified by the Kings Supream authority, other then such as are particularly assembled in the sacred Synods of the Church for the making of the said Decrees, and Constitutions, and have given their voices to the same. Who is it, &c.

Can. 12. 7. Is there any that doth affirm or teach, that it is lawful for any sort of Ministers and lay persons, or either of them to joyn together, and make rules, orders, and Constitutions in Causes Ecclesiastical without the Kings Authority, or any that submit themselves to be ruled and Governed by the same. Who is it, &c.

Can. 10. Can. 11. 8. Is there any who doth affirm, teach, maintain or publish, that such Ministers who refuse to subscribe to the form and manner of Gods worship in the Church of *England,* and their adherents may truly take unto them the name of another Church: or that there are within this Realm, other meetings, assemblies, or congregations of the Kings born Subjects, then such as by the lawes of this Land are held and allowed, which may rightly challenge to themselves the name of a true and lawful Church. Who is it that doth so affirm, &c.

Can. 27. 9. Doth any Minister or Ministers, without the Licence and direction of the Bishop of the Diocess first obtained, appoint or keep any solemne Fasts publickly, or in any private houses, other then such as are or shall be appointed by lawful authority, or not being Licensed as afore is said, presumes to appoint or hold any meeting for Sermons, Sermon-lectures, Prophesies, or exercises in Market Towns or other places, or doth attempt without such Licence upon any pretence whatsoever, either of possession or obsession, to cast out any Divel or Divels. Who is it that offendeth in the premisses, &c.

Can. 73. 10. Do any Priests or Ministers of the Word of God, or any other persons meet together in any private house or elsewhere, to consult upon any matter or course to be taken by them or by any other, upon their motion and direction, which may any way tend to the impeaching or depraving of the Church of *England,* or of the book of Common Prayer, or of any part of the Government or Discipline in the Church of *England* now established, and who are they?

Concerning Churches, the Ornaments, Vtensils, and other necessaries to the same belonging.

Can. 85. 1. Is your Parish Church or Chappel well and sufficiently repaired, and so from time to time maintained and kept? Are the windowes well glazed, the floor kept paved, plain and even, and all things there in such an orderly and decent sort, without dust, or any thing that may be either noysome or unseemly, as best becommeth the house of God.

Can. 82. 2. Are the ten Commandments set upon the East end of your Church or Chappel, where the people may best see and read the same, and other chosen sentences written upon the wals of your said Church or Chappel, in convenient places?

Rubr. before Morning Prayer. 3. Do the Chancels remain as they have done in times past, that is to say, in the convenient situation of the Seates, and in the ascent or steps unto the place appointed anciently for the standing of the holy Table? Is the Chancel of your Church or Chappel

Orders of Queen Elizabeth, An. 1561. clean kept, and repaired within and without, in the windowes and otherwhere as appertaineth? And is there a comely partition betwixt your Chancel and the body of the Church or Chappel, as is required by the law?

3 b Order 3. Can. 85. 4. Is the Church-yard of your Church or Chappel well and sufficiently fensed, maintained and kept with walls, rails or pales, as hath been heretofore accustomed: And if not, then by whose negligence or default is it, that the fenses of the same are grown into decay?

Can. 88. 5. Are there any Playes, Feasts, Banquets, Suppers, Church-Ales, Drinkings, Temporal Courts or Leets, Lay juries or Musters: or is there any other prophane usage kept in your Church, Chappel, or Church-yards, of what sort soever. By whom are your said Church or Chappel, or Church-yard so prophaned as afore is said, and by whose permission?

Injunct. of Q. Eliz. Orders of Q. Eliz. Can. 82. 6. Have you in the Chancel of your Church or Chappel a decent and convenient table for the celebration of the Holy Communion? Is it so set as is directed in the Queens Injunctions, and appointed by the Canon made in the Synod held at *London, Anno* 1640. Have you a carpet of silk or other decent stuffe, appointed by the Ordinary, to lay upon the Table in the time of Divine Service, and a fair linen cloth to lay upon the same in the time of the Communion? And is the

Com. Book. said Carpet and linen cloth laid constantly upon the Table, at the times aforesaid?

Can. 20. 7. Have you a fair Communion Cup, or Chalice of silver, with a cover of the the same, and a decent standing pot or flagon of pewter, if not of purer metal, in which the wine for the Communion is to be brought unto the holy Table: Is the said Table, Carpet, Linencloth, Cup, or Flagon or either of them any wayes prophaned, or otherwise imployed, then

Can. 81. to their own proper and right holy uses?

8. Have you in your Church or Chappel a Font of stone where Baptism is to be administred, decently made, and kept as it ought to be? Is the same set in the Ancient usual place appointed for it, and doth your Minister

Can. 82. publickly baptize in the same Font only?

83. 9. Have you in your Church or Chappel, a convenient Seat made for the Minister to read Service in, as also a comely and decent Pulpit set in a convenient place within the same for the preaching of Gods word, and there

Can. 84. seemly kept?

10. Have you in your Church or Chappel a strong Chest with a hole in the upper part thereof, for the Alms of the poor? Hath the same chest three several keyes, and is the one of them in the custody of the Parson, Vicar, or Curate? Is the same so set and fastned in the most convenient place, to the intent the parishioners may put into it their Almes, for their poor neighbours?

Can. 87. 11. Have you a true note and Terrar of all the Glebes, Lands, Meadowes, Gardens, Orchards, Houses, stocks, implements, Tenements and portions of tythes lying out of your Parish, which belong unto your Parsonage, or Vicarage; And is the same, or a true Copy of the same layed up in the Bishops Registry for a perpetual memory thereof;

Can. 58. 12. Have you a comely decent Surplisse with sleeves for the use of your Minister in saying the publick prayers, or ministering the Sacraments, and other rites of the Church: together with an University hood, according to the degree of your said Minister? And doth the Parson, Vicar, or Curate use the same, as oft as he officiates Gods publick Service, administreth the Sacraments, or dischargeth any publick duty in the Congregation?

Can. 80. 13. Have you a Bible of the largest volume, allowed by Authority, the book of Common Prayer, and the booke of Homilies, all very well, and fairly bound? As also a book of the Canons and Constitutions, made in the Synod held at *London, Anno* 1603 and ratified by the Kings Authority? A book

of prayers for the 5 of *November*, and for the 30th of *January*, and the 29th of *May*?

Can. 70. Have you a parchment Register booke, wherein to keep upon record, the several Christenings, Weddings, and Burials which happen weekly, quarterly, or yearly, in your Parish? Have you

Can. 52. also a Register book wherein to write the names of all Preachers, which come and Preach in your Church from other places? And have

Can. 70. you one sure Coffer with three locks and keyes, for keeping of the books aforesaid? And doth one of your keyes remain alwayes in the hand of the Minister?

Whether is your Parsonage-house or Vicarage-house, Barnes, Stables, and other out houses thereto belonging, in good and sufficient repair.

Whether hath any person incroached upon the ground of your Church-yard, or other consecrated ground; if any hath, then you shall present him, and set out what quantity of grounds is so incroached upon, and whether any new door or window hath been lately made into your Church or Church-yard, and by what authority?

Concerning the Celebration of Divine Service, the administration of the Sacraments, &c.

Rubrick after the Preface. Doth your Minister or Curate that ministreth in your Parish Church or Chappel, say dayly the Morning and Evening Prayer, in the same Parish or Chappel where he ministreth, unlesse he be lawfully hindred? And doth he cause a Bell to be tolled thereunto, a convenient time before he begin, that such as be disposed may come to hear Gods Word, and to pray with him? Especially,

Can. 14. Is the Common Prayer said or sung distinctly and reverently upon such dayes as are appointed to be kept holy, and upon their Eves? Is the same said or sung at convenient and usual times of those dayes, and in such place of every Church as the people may be most edified thereby? And doth the Parson, Vicar or Curate, observe the Orders, Rites, and Ceremonies prescribed in the book of Common Prayer, as well in reading the holy Scripture, and saying of prayers, as in administration of the Sacraments; without either diminishing in regard of Preaching, or in any other respect, or adding any thing, in the matter and form thereof;

Rubrick of the Common Prayer book. 2. Doth the Minister read the Psalms, and Lessons appointed in the Kalendar for Morning and Evening Prayer? And at the end of every Psalm throughout the year, and likewise at the end of the *Benedictus*, *Benedicite*, *Magnificat*, and *Nunc demittis* (*sic*), doth he repeat, Glory be to the Father, &c. And at the reading of the lessons, doth he stand and turn him so, as he may best be heard of all such as be present? And is the Creed called *Athanasius* Creed, beginning with (*Whosoever will be saved*) said by your Minister constantly at the times appointed in the Common Prayer booke, and doth your Minister sing or say any other Psalms or Hymns then aforesaid in the place of those, contrary to Law?

Can 15. 3. Doth your Parson, Vicar, or Curate say the Litany on every Sunday duely throughout the year, as also upon all Wednesdayes and Fridaies weekly, though they be not holy-dayes? In what convenient Place of your Church or Chappel doth he say the same, and by whom was that place appointed? Doth he say the same at the accustomed houres of Service, and is there warning given to the people by the tolling of a Bell? And doth every house-holder dwelling within halfe a mile of the Church, come, or send one at the least of his household to joyn with the Minister?

Rubr. after the Communion. 4. Doth your Minister read the Communion Service, or the second Service on every Sunday or Holy day throughout the year, though there be no Communion, according as it is appointed in the Book of Common Prayer?

Can. 45. 5. Doth your Minister reside upon his Benefice or not. If yea, then, being a licensed Preacher, doth he preach one Sermon every Sunday in the year in his own Cure, or in some Church or Chappel neer adjoining, having no lawful impediment?

Can. 49, 46. And being not a licensed Preacher, doth he offer at any time to preach or expound the Scriptures, or rather doth he procure Sermons to be Preached in his Cure once every moneth at the least by Preachers which be lawfully licensed? If he be licensed by the Lawes of this Realm not to reside upon his Benefice, then in that Case doth he supply

Can. 47. his cure by one that is a sufficient and Licensed Preacher? And is your Curate allowed to serve

Can. 48. there by the Bishop of the Diocese, or by the Ordinary of the place having Episcopal jurisdiction and by no other?

Rubr. 6. Doth your Parson, Vicar, or Curate upon every Sunday and holy-day throughout the year when there is no Sermon, read one of the Homilies set forth by publick Authority? Doth he use to read the same in the Pulpit only, according as he is

Cap. 4. required in the Canons of the year 1571. And doth your Minister as well before the Homilies as before his Sermon move and exhort the people to joyn with him in Prayer according to the form

Can. 55. laid down in the book of Canons, and doth he use any other form then is there prescribed?

Can. 55, 56. 7. Have you in your Parish, besides your Parson, Vicar, and Curate, any Lecturer or Lecturers not having cure of souls therein? Doth your Lecturer use before his Lectures, the form of prayer before rememrbed, and no other form? and doth he twice at the least every year read the Divine Service on two several Sundays both in the fore-noon and afternoon, publickly and at the usual times, and doth he as oft in every year administer the Sacraments of Baptism and the Lords Supper, in such manner and form, and with the observation of such Rites and Ceremonies as are prescribed in the book of Common Prayer?

8. Do your Lecturer or Lecturers preach in their Gowns and not in their Cloaks, according to his Majesties Instructions, *An.* 1629. Doth he professe his willingnesse to take upon him a Living with cure of souls, in that place or Parish, in the which he Lectures or elsewhere? And doth he actually take such Cure or Benefice if any hath been offered to him?

Can. 53. 9. Is your Lecturer licensed by the Bishop of the Diocese? And doth your Lecturer or any other Preacher that Lectureth or preacheth in your Church or Chappel, impugne or confute any Doctrine formerly delivered in the same, or in any Church neer adjoyning, before he hath acquainted the Bishop of the Diocesse therewith, and received order from him what to do in that case for the avoiding of dissention;

Can. 54. 10. Doth your Lecturer conform himself to the Lawes, Ordinances, and Rites Ecclesiastical established in the Church of *England*? If not, you are to certifie the same unto the Bishop of the Diocesse, or other Ordinary of the place, to the end that if the said Lecturer do not conform himself after admonition, his License may be voided, and himself removed:

Can. 21. 11. Doth your Parson, Vicar, or Curate, administer the Communion in your Church or Chappel so often, and at such time, as every parishioner may communicate at least thrice in the

Can. 22. year, whereof the Feast of Easter to be one? And doth he give warning to his parishioners publickly in the Church at Morning prayer the Sunday before, for the better preparation of themselves; And do such as purpose to communicate signifie their minds unto the Curate over night or the Morning early?

Can. 26. 12. Doth your Minister admit to the receiving of the holy Communion, such of his Cure which be openly known to live in sin notorious without repentance, or any who have openly or maliciously contended with their neighbours, and will not be induced by him to a reconcilement? Or any Church-wardens or Sidemen, who having taken oath to present to their Ordinaries every such publick offence, as they are particularly charged to enquire of in their several parishes, shall wittingly incurre the horrible crime of perjury?

Can. 27. 13. Doth he wittingly administer the same to any but such as kneel, or to any that refuse to be present at the publick prayers, or to any that be common and notorious depravers of the book of Common-prayer, or of any thing contained in the Book of Articles agreed upon in the Convocation, *Anno* 1562. Or in the book of Ordering Priests and Bishops, or to any that hath spoken against, and depraved his Majesties Soveraign Authority in causes Ecclesiastical, except such persons do first acknowledge to the Minister before you the Church-wardens that he is sorry for the same, and promise either by word of mouth, or under his hand to do so no more?

Rubr. 14. Is the bread provided for the Holy Sacrament of the Lords Supper, of the best and purest white-bread that may conveniently be gotten? Doth the Minister take the same into his hands to blesse and consecrate it to that holy use as oft as he administreth the Communion? Doth he so likewise with

the wine provided? And if any bread or wine be newly brought, doth he first use the words of the Institution before it be distributed to the Communicants?

Can. 22.

15. Doth your Minister as oft as he celebrateth the Communion receive the Sacrament first in both kinds himself, and having so received the same, doth he severally deliver the bread and wine to every Communicant in their hands kneeling? And at his delivery of the same doth he rehearse the whole forme mentioned in the Communion Book saying (*The body of our Lord Jesus Christ*, &c.) or doth he only use some part thereof as he list himself?

Rubr. Can. 21.

16. Doth your Parson, Vicar or Curate administer the Communion at any time publickly in the congregation except there be four or three (at the least) to communicate with him? Doth he administer the same to any strangers, which come often and commonly from their own Parish Churches? And do you the Church-wardens give notice to your Minister of such strangers, that so he may remit them home to their own Parish Churches, there to Communicate with their own Minister and neighbours?

Rubr. Can. 28, 57.

17. Doth your Minister, except it be in times or cases of necessity, Preach or administer the holy Communion in any private house in which there is no Chappel dedicated and allowed by the Ecclesiastical lawes of this Kingdom? Doth any Chaplain living within your Parish, preach or administer the Communion in any other place then in the Chappel of the said houses? Doth the Lords and Masters of such Chaplains, or houses, at other times resort to their own Parish Churches, and there receive the holy Communion, at least once in the year? And do any under Noble men, and men qualified by law keep any private Chaplain in their house or houses?

Can. 71. Instructions.

18. Doth your Minister refuse or delay to Christen any child that is brought to him to the Church on Sundays or Holydays, knowledge thereof being given to him over night or in the morning before Morning prayer? Doth he proceed therein in all things according to the form of publick Baptisme in the Common prayer Book doth he neglect, refuse, or pretermit at any time to sign the child baptized with the sign of the crosse, or doth he admit the parent of a child to answer as a Godfather to his own child, or any other person to be a Godfather or Godmother, before the said person so undertaking hath received the holy Communion?

Can. 68. Rubr. of Bap. Can. 30. Can. 29.

19. Doth your Minister being duly informed of the weaknesse and danger of death of any infant unbaptized in his Parish, and being thereupon desired to go unto the place and baptize the same, either willfully refuse to do it, or negligently delay the time, so that the child departeth without Baptism through his default: if the child so baptized do recover afterwards, is it brought into the Church by the Godfathers and Godmothers, to the intent the congregation may be certified of the Baptising thereof, according to the form prescribed in the Common prayer Book?

Can. 69.

20. Doth your Minister having Cure and charge of souls do his best endeavour to prepare children, and make them ready for confirmation? And to that end, doth he on every Sunday and Holy day before Evening prayer for the space of half an hour and more instruct the youth and ignorant persons of the parish, according to the Catechism set forth in the Common prayer book? And are the afternoon Sermons in your parish (if you had any formerly) turned into Catechising by way of questions and answers according to the Kings Instructions?

Can. 61. Can. 59. Rubr. of Confir. Instructions.

21. Doth your Minister either bring, or send in writing to the Bishop of the Diocesse the names of all those Children of his parish which can answer to the questions contained in the Catechism, that by the imposition of hands and prayer they may receive strength and defence against temptation? And doth he admit any person or persons to the holy Communion, untill such time as he or they can orderly say the catechism and be confirmed?

Rubr. of Confir.

22. Doth your Parson, Vicar, or Curate celebrate Matrimony betwixt any persons, without a faculty or licence granted by authority Lawful, or without the Banes of Matrimony first published on three several Sundayes or Holydays in the parish Church or Chappel where the said parties dwell, or at the times by Law prohibited without special License? Or doth he celebrate the same in any other place then in the Church, or in the Church at any other time then between the hours of eight and twelve in the forenoon, and at that time betwixt such persons as are under the age of twenty one years, without the consent of their parents signified unto him, or a Licence granted to him so to do?

Can. 62.

23. Doth your Minister in the solemnizing of holy Matrimony keep himself to the form and Ceremonies prescribed in the Common Prayer book? Doth he at any time marry any without a Ring, or without going to the Lords Table as it is appointed? Doth he in case there be no Sermon read those Texts of Scripture, wherein the offices of man and wife are declared, according as it is prescribed? And do the new married persons the same day of their marriage receive the holy Communion, as by Law they ought?

Rubr. of Matrimony.

24. Doth your Minister or Curate resort to such of your parish as are dangerously sick (if the disease be not probably suspected to be infectious) to instruct and comfort them in that distresse, doth he exhort the sick party to be in charity with all the world, and to dispose of his goods, and declare his debts, and doth he move him, and that most earnestly to liberality towards the poor, and to unburden his conscience?

Can. 87. Rubr. of Visitation.

25. If any sick person find his conscience troubled with any weighty matter, and doth unburden the same to his Priest or Minister. doth the said Priest or Minister give him absolution according to the form prescribed? And have you ever heard that the said Priest or Minister hath revealed and made known at any time to any person whatsoever, any crime or offence committed to his trust and secrecy, either in case of such extremity, or any other case whatsoever (except they be such crimes as by the laws of this Realm, the life of the said Priest or Minister may be called in question for concealing of it) declare the name of the offender, when and by whom you hear the same?

Rubr. of Visitation. Can. 130.

26. Doth the Curate that ministreth in your parish, upon convenient notice given him, administer the Communion unto such as be dangerously sick, and not able to come unto the Church, and yet are desirous to receive the same in their houses, and are unquiet for the lack thereof: Or doth he obstinately and wilfully refuse so to do being thereunto required, and finding all things necessary for the doing of it?

Rubr. of Com.

27. Doth your Minister refuse or delay to bury any corps that is brought into the Church or Church-yard, convenient warning being given him before, except the party deceased were denounced excommunicate for some grievous crime, *Majori Excommunicatione*, and no man able to testifie of his repentance: And doth he do it decently and gravely not swerving from the form prescribed by the Church in the Common prayer book?

Can. 68.

28. Doth any woman in your parish after her delivery from the pains and peril of Childbirth refuse to come into the Church to render thanks to God for so great a mercy: Doth she go thither covered with a decent veil according to the laudable and ancient custome: And being come doth she go neer unto the place where the Table standeth, and offereth her accustomed offerings: And doth your minister do his duty in churching the said woman according to the form prescribed: And doth the woman that cometh to give her thanks, receive the holy Communion if there be any?

Rubr.

39 (*sic*). Doth your Minister at and upon seasonable times, especially on the first day of Lent, cause the people, to be called together and assembled in the Church by the ringing of a Bell? And being drawn together doth he read unto them the Commination against sinners, with the other prayers appointed?

Concerning the Clergy, their Duty, Carriage, &c.

Can. 1.

Doth your Parson, Vicar, Curate, or Lecturer, (if you have any) purely and syncerely teach, manifest and declare four times every year at the least in his Sermons and other Collations and Lectures, that all usurped and forraign power is for most just causes taken away and abolished, and that therefore no obedience or subjection within his Majesties Realms and Dominions, is due unto any such forraign power. And doth he preach the Doctrine of obedience, and the Kings authority according to the Canons published, and set out by the late holy Synod, *Anno* 1640.

2. Doth your Minister declare to the parishioners, every Sunday at the time appointed in the Communion book whether there be any Holy dayes or fasting days in the following week: And doth he call upon them to observe the same, according to the Laws of the Land, and of holy Church?

Can. 64 and Rubr. of Com.

3. Doth your Minister or Curate in the Rogation dayes go in perambulation about your parish saying and using the Psalms and suffrages, by Law appointed,

Injunctions and Advertisements of Q. Eliz.

as viz, *Psalm* 103 and 104: the Litany and suffrages, together with the Homily set out for that end and puppose: (*sic.*) Doth he admonish the people to give thanks to God if they see any likely hopes of plenty, and to call upon him for his mercy, if there be any fear of scarcity: And do you the Churchwardens assist him in it?

Can. 48. 4. Doth your Curate serve more than one Church or Chappel upon one day, except the said Chappel be a member of the parish Church or united thereto: How far distant are the said Churches or Chappels which he serveth from one another? What wages hath he for his pains?

Can. An. 1571. Cap. ult.

Can. 65. 5. Doth your Minister if he be commanded by the Ordinary, openly on some Sunday denounce and declare for excommunicate, all those, who either for refusing to frequent the divine service of the Church, or for notorious contumacy, or other notable crimes stand lawfully excommunicated by the laws of the Church, that others thereby may be admonished to refrain their Companies: And doth your Minister himself refrain the company of persons excommunicated and so denounced?

Can. 74. 6. Doth your Parson, Vicar or Curate usually wear such apparel as is prescribed by the Canon, that is to say, a gown with a standing collar and wide sleeves strait at the hands, and a square cap: Or doth he go at any time abroad in his doublet and hose without coat or cassock, or doth he use to wear any light coloureed stockings, doth he wear any coife, and wrought nightcaps, or only plain nightcaps of silk, sattin, or velvet: And in his journeying, doth he usually wear a cloak with sleeves, commonly called the Priests cloak, without guards, welts, long buttons or cuts?

Can. 75. 7. Doth your Parson, Vicar, or Curate resort at any time, other then for his honest neccessities to any Taverns, or Alehouses, or doth your Curate lodge or board in any such places: Do they or either of them give themselves to any base or servile labour, or to drinking or Riot, or to play at dice, cards or Tables, or to any other unlawful game or games: or do they otherwise spend their time idly by day or by night?

Can. 76. 8. Is there any in your Parish, who having been a Deacon or Minister hath voluntarily relinquished his callling, and doth use himself in the course of his life as a lay man, what are their names that have forsaken their said callings?

Can. 66. Can. 66. 9. Doth your Minister (if he be a Preacher, and thought fit by your Bishop) having any popish Recusant, or Recusants in his parish, labour diligently with them from time to time thereby to reclaime them from their errours: And if he be no Preacher, or not such a Preacher, doth he procure some that are Preachers so qualified, to take pains with them to that purpose?

Can. 114. 10. Doth your Parson, Vicar, or Curate carefully inform himself every year how many popish Recusants, men, women, and children above the age of thirteen years, or being otherwise popishly given, are inhabitants within their parish or parishes, or make their abode there, either as sojourners, or common guests?

Can. 70. 11. Doth your Minister every Sunday weekly (if there be occasion) in the presence of you the Church-wardens write and record in the Register-book the names of all persons christned, together with the names and surnames of their parents, as also, the names and surnames of all persons married and buried in that parish the week before, and the day and year of every such Christening, Marriage, and Burials, and unto every page thereof when it is filled, do you and your said Minister subscribe your names: And is a true coppie of the said Christnings, Marriages, and Burials subscribed with the names of your Minister and you the Churchwardens, transmitted yearly within one moneth after the 25 of March, unto the Bishop of the Diocesse to be preserved in his Registry.

12. Doth your Minister in the parish Church or Chappel, where he hath charge, read the Canons, Orders, and Constitutions, (agreed on in the Synod held at *London, Anno* 1603,) once every year upon some Sundayes or Holydayes in the afternoon before Divine Service: and doth he so divide the same, as the one half may be read one day, and the other half the other day?

Whether hath your Minister, Churchwardens, and Sidemen presented unto the Lord Bishop of London, or his Chancellour, within fortie dayes after Easter, the names of all the Parishioners, all well men as women, which being above 16 years of age, received not the Communion, at or about Easter before according to the 112 Canon; If not, you shall present, whether that presentment should have been brought in by your selves or your predecessors, and specifie the names of every one that should have made such presentment at Easter last past.

Concerning Schoolemasters, Parish-Clarks, and Sextons.

Can. 77. Doth any man in your Parish teach either in publike School or private house, but such as be allowed by the Bishop of the Diocese, or other Ordinary of the place under his hand and Seal: and if there be no publike Gram-

Can. 78. mar school founded in your parish, doth any other teach Schoole in your parish, than your Curate onely, if he be willing so to do?

Can. 79. 2. Doth your Schoolmaster teach in English or Latine, as the children are able to bear, the shorter or longer Catechisme set forth by Authority and no other? doth he on Sundayes and Holydayes when there is a Sermon cause his Scholars to come unto the Church, and there see them quietly and orderly behave themselves? And doth he train them up at other times in sentences of holy Scripture: And doth he teach them any other Grammar than that which was set forth by King Henry VIII. and hath since continued?

Can. 91. 3. Have you belonging to your Church or Chappel a parish Clarke aged 21 years at the least? Is he of honest conversation, sufficient for his reading, writing, and also for his competent skill in singing? Is your said Clarke chosen by any, your Parson, Vicar, or other Minister? And doth your Clark so chosen as before is said, receive his ancient usual wages, without any fraud or diminution, as hath been accustomed: Or who is it that denieth to pay that wages?

Can. 67. 4. Doth your Sexton or your parish Clark (if there be no Sexton) when, and as often as any person is passing out of this life, cause a Bell to be tolled, that so his neighbours may be warned to recommend his soul to the grace of God? And after the said parties death (if it so fall out) doth he ring or cause one short peal to be forthwith rung, that so his neighbours may have notice that he is departed?

Whether do you the Churchwardens of every Parish within the City and Suburbs of London (according to the Kings Majesties Letters Patents, under the great Seal of England in that behalf granted) suffer your Parish Clark to gather his wages himself, in as full and ample manner as the same hath formerly been gathered, in or by colour of his name without diminution upon pretence of pewage, or the like, and without any manner of disturbance or interruption or forbidding any one so to pay the same unto him; and whether do you assist your Clark in collecting his wages (if need be) according to his Majesties said Letters Patent: and whether do you duly present all such persons of your Parish as refuse to pay the said Clarks accustomed wages, as by his Majesties said grant, you are required and commanded?

Concerning Parishioners.

Can. 109. Is there any in your Parish either Master or servant, Sojourner or Inhabiter, that hath offended either by Adultery, Whordom, Incest, or drunkennesse, or by swearing, ribaldry, or filthy speaking extortion, or any other uncleannesse, or wickednesse of life? you shall faithfully present all and every the said offenders.

Can. 110. 2. Do you know of any in your Parish, or elsewhere, that is an hinderer of the word of God to be read, or syncerely preached, or of the execution o (*sic*) any Ecclesiastical Canons, now by law in force? or a fautour of any usurped or forraign power, by the laws of this Realm justly rejected and taken away, or a defendour of any popish and erroneous doctrine? you shall detect, and faithfully present &c.

Can. 114. 3. Have you in your parish any popish Recusants, men, women, or children, above the age of 13 years, whither inhabitants, or sojourners, and common guests, that refuse to come to Church, or coming to the Church refuse to receive the communion? you shall set down their names in writing, if you know their names, or otherwise, those names by which they are called, and who they are that entertain such guests as sojourners.

Q. Eliz. c. 1. 4. Have you any that diswade any of his Majesties subjects from coming to the Divine service in this Church established, or that have or do practice with any of them to diswade them from taking the oath of Allegiance, or that have any wayes offended against the Canon lately made for the suppressing of popish superstition?

1. Eliz. c. 2. 5. Do all and every person or persons inhabiting or sojourning within your Parish, diligently and faithfully resort unto your parish

Church, or Chappel accustomed, upon every Sunday, and other dayes appointed to be used and kept as Holydayes; do they then and there abide orderly and soberly, during the time of Common prayer, preaching, or other service of God there to be used, or ministred? Or (which is contrary thereunto) have you any that come unto the preachings onely, and not unto the common prayer, or coming to the common prayer, neither use to come at the beginning, nor tarry out unto the end? Or that being there do rudely and disorderly behave themselves, or which by walking, talking or any other noise do hinder the Minister or Preacher.

Can. An. 1575. Ca. 5.

Can. 111.

6. Have you any that upon the Sundayes or Holydaies imploy themselves in their bodily and ordinary labour, or that permit their servants so to do? Or that keep open Shops in time of divine Service? Or any Vintners, Inn keepers, or other Victuallers, that permit any to lie tipling in their houses, or that do tipple, dice, or play at cards, or any other game in time of divine Service on the aforesaid dayes? Or that use any plowing, carting, or works of husbandry, on any of those Sundayes or Holydayes throughout the year, unless according to Law, or otherwise dispose themselves then according to Gods holy will and pleasure, and the orders of the Church of England prescribed in that behalf, and by Law in force?

Can. Anno. 1571.

7. Doth any manner of person cover his head in your Church or Chappel in time of divine Service or Sermon, or any part thereof, except he have some infirmity, and in case of such infirmity, doth he wear a coif or nightcap only, and not his hat? do all and every person of your parish reverently kneel upon their knees when the general Confession, the Litany, the ten Commandmens (*sic*) and other prayers are read, and also at the receiving the blessed Sacrament of the Lords Supper, do they all say the Creed, and the Lords prayer, next immediately following in a loud voice together with the Minister? do they stand up at the saying of the Belief, and such other parts of divine Service as formerly they have been used to stand up at, according to the Rules and ancient custome of this Church? And when and as often as in the time of diuine Service the Lord Jesus shall be mentioned, is due and lowly reverence done by all persons present? have you any that offend in the neglect of these particulars, and what are their names?

Can. 18.

Can. 18.

8. Have you any parishioner that being 16 years of age doth not receive the Communion, at the least thrice in the year, of which Easter to be one, or that doth not receive the Sacraments, and other rights [*sic*] according to the order of the common prayer book? Or that doth not reckon with his Parson, Vicar, or Curate, or his or their deputies at Easter, yearly paying such Ecclesiastical duties as are accustomably due then, and at that time to be paid.

Can. 114, Rubr.

Can. 112.

9. The Minister standing as he is appointed at the North side, or end of the Table, when he prepares to celebrate the holy Communion, and calling on those who do intend to communicate, to draw near and take that holy Sacrament to their comfort, as it is in the words of the Common prayer book, have you any in your Parish that keep their seats, and sit still in ther places not drawing near as is commanded by the Church, but looking that the Minister should forsake the place of his station, by the Church appointed, to bring it to them?

Rubr.

Invitation.

10. Is there any of your parish, who doth forsake his own Church or Chappel to receive the Communion at the hand of any other then their own Minister, or any strangers that usually repair to your Church or Chappel to the same intent, or any that refuse to receive the holy Communion at the hands of their own Minister, because he is no Preacher, or to have their children baptized by him in the same respect, or that in the same respects communicate, or cause their children to be baptized in other Parishes abroad? Or doth your Minister baptize any children presented unto him out of other Parishes? you shall present the names of all offenders in these particulars.

Can. 58.

11. Have you any that procure their children to be baptized at home in their houses without great cause and necessity, or by any other then their own lawful Minister if he may be had? Or after any other form and manner then is prescribed by the Liturgy of the Church of *England*, or any that procure themselves to be married privately or after any other manner then the Church prescribes?

Rubr. of Bap.

12. Do all and every housholder of your Parish, Fathers, Mothers, Masters and Mistresses cause their children, servants, and apprentices, which have not learned their catechism, come unto the Church on Sundayes and Holydays in the afternoon, obediently to hear and to be ordered by the Minister till they have learnt the same?

Can. 59.

13. Have you any in your Parish that refuse to contribute, and pay the rate assessed upon him, for the repair of your Church or Chappel, or the providing of any books utensils or necessary ornaments to the same belonging? present the names of those which do refuse.

Can. 91.
Can. 85.

14. Have you any that keep company and hold society with such as are denounced and declared excommunicate?

Can. 65.

15. Have you any living in your Parish, which have been legally separated and divorced, and have afterwards been married unto others, either men or women, during the life of each other, or that being so divorced as afore is said, keep company with each other at bed and at board? Or any that being lawfully married, do yet live asunder, without a separation in due course of law.

Can. 107.

16. Have you any persons in your Parish, which are and have been married within the degrees prohibited by Lawes of God, and expressed in a Table set forth by authority: And is the said Table publickly set up and fixed in your Church or Chappel at the Charge of the Parish?

Can. 99.

17. Are there in your Parish any Wills unproved, or any goods unadministred by lawful Authority? Did any dying in your Parish give any legacy unto your Church or Chappel, or to the use of the poor and needy? how have the said legacies so given been disposed of, by whom and whose Authority? And have they otherwise been disposed of, then to the said pious and charitable uses?

Can. 92

Whether is there in your parish a common fame and report of any which have committed Adultery, Fornication, or Incest, or any Baudes, harbourers, or receivers of such persons, or vehemently suspected thereof. If yea, then specifie their names; Whether have you any in your Parish, which are by common fame and report and vehement suspition reputed and taken to be common Drunkards, blasphemers of Gods holy Name, common and usual swearers, filthy speakers, railers, sowers of discord among their neighbours, or speakers against Ministers Marriages, or Vsurers contrary to the Statute made in the 37. year of King Henry the Eighth? you shall not fail to present their names.

Whether have any in your Parish received or harboured any woman with child, suspected to be of an incontinent life, or have had any such woman delivered of child in his or her house, or have suffered such women to depart without penance first inflicted upon them by the Ordinary: if yea, you shall present as well the party harbouring, as harboured, and all that help to convey them away, and the parties suspected to have committed adultery or fornication with them.

Whether do you know, or have heard of any Patron, or any having an Advowson in your Parish, that have made gain by any colour, deceit, or Symoniacal pact in bestowing his Benefice and presenting to the same for gain, or for receiving money, or promise of the Lease of the whole or part, or by reserving his own tithes, or any pension to himself, or any other?

What Almes-houses, Hospitals, Free-schools have you in your Parish, that are not of the Foundation or Patronage of the King, and who was the Patron or Founder thereof, and whether the said Alms-houses, Hospitals, or Free-schools in your Parish being under the Rule and Government of the Lord Bishop of London, be well and godly used, according to the ancient Foundations and Ordinances of the same.

Whether any Persons within your Parish, either for the offences aforesaid, or for any other contumacy or crime, do remain excommunicated; what be their names, and for what cause, and how long have they stood excommunicated.

Concerning Church-Wardens and Sidemen.

Are you the Churchwardens chosen by the joynt consent of your Minister and Parishioners, or one of you by the Minister, and the other by the Parishioners? Have the last Churchwardens given up their accounts, delivering up the Parishioners the money remaining in their hands, and other things of right belonging to your Church or Chappel, and is the same delivered to you by bill indented?

Can. 89.

Can. 90. 2. Do you the Churchwardens and Sidemen diligently see that all your Parishioners resort duly to your Church or Chappel upon Sundayes and Holydayes, and there continue the whole time of Divine Service? do you suffer any to walk or stand idle or talk in the Church or Can. 87, 90. in the Church-yard, or Church-porch, during that time, to the disturbance of the Minister and scandal of the congregation? You must present the names of such as offend herein.

Can. 20. 3. Do you against the time of every Communion, at the charge of the Parish provide a sufficient quantity of fine white bread, and of good and wholsome wine, for the number of the Communicants? And do you do the same with the advice and direction of your Minister? And the wine so provided, do you bring to the Communion Table in a clean and sweet standing pot or flaggon?

Can. 52. 4. Do you the Churchwardens and Sidemen see, that the names of all Preachers which come to your Church from other places, be noted in a book provided for that purpose? And doth every such Preacher subscribe his name in the said book, the day when he preacheth, and the name of the Bishop of whom he had licence to preach?

Can. 53. 5. If there be any publike dissention and contradicting in your Pulpit, between the Minister of your Church or Chappel, or any other Preacher or Preachers, whereby disquietnesse and offence may grow among the people, do you forthwith signifie the same unto the Bishop, and not suffer the party to enjoy the place so by him abused, until the Bishop hath taken further order in it?

Can. 115. 6. Do any person or persons trouble or molest you the Churchwardens for presenting all or any of those persons, which do offend in any of the premisses; who are they that do so molest or trouble you, and before whom, and in what Court do they so molest you?

1 Eliz. c. 2. 7. Do you the Churchwardens levie by way of distresse on the goods, Lands and Tenements of every person in your parish, that doth not resort unto your Parish Church or Chappel on every Sunday and Holyday throughout the Can. 45. year, (having no reasonable excuse to be absent) the sum of xii pence for every Sunday or Holyday that he be so absent? And do you distribute the several sums so levied, as before is said, among the poor of the Parish, according to the Law in that case provided?

Can. 119. 8. Have you had time sufficient for drawing up your presentments? how long is it since this book of Articles was sent unto you? have you perused and considered as well the Oath you are to take, as the Articles whereon to ground your presentments, and every branch, and clause thereof, and have you framed your presentments punctually, according to the several branches and clauses of those Articles? For know assuredly that as well the discharging of your Office, is the chief Can. 26. means whereby publick sinners and offences may be reformed and punished, so if you wilfully Can. 117. omit to present such crimes as either you know to be committed, or otherwise have heard by publike fame, that in such cases your Ordinaries are to proceed against you, as in causes of wilful perjurie, in their Ecclesiastical Courts.

Concerning Ecclesiastical Magistrates and Officers.

1. What reward or fee hath any of the Apparators taken and received, or what acquittance or discharge have they given or promised any for not appearance before the [*blank*] . . . . . whom have they so compounded with, when, and upon what occasion:

2. If you know of any other default or crime of Ecclesiastical Conusance, you are to present the same by vertue of your Oathes.

3. The Minister of every Parish may and ought to enquire of these printed Articles, and to joyn in presentment with the Church-wardens, and Side-men, and if they will not present, the Minister may and ought himself present the defaults and crimes aforesaid: and there must be several presentments made to every several Article: and the Minister, Church-wardens, and Sworn-men are to meet and conferre about the said presentments, and answering of every of the afore-said Articles.

FINIS.

QUARLES, ARCHDEACON OF NORTHAMPTON, 1662.

ARTICLES to be inquired of Within the Archdeaconry of Northampton, At the Visitation of the Right Worshipfull, John Quarles, Doctor of Divinity, Archdeacon there, holden *Anno Dom.* 1662.

London:
Printed by *J. G.* for *Richard Royston*, Bookseller to His most Sacred Majesty, 1662.

The Tenor of the Oath to be administred to the Church-wardens and Side-men of every Parish.

You shall swear that you will, upon due consideration of the Articles given you in Charge, Present all and every such Person of or within your Parish, as hath committed any Offence mentioned in these or any of these Articles, or omitted any duty therein exprest. And this you shall do as in the sight of God, uprightly and truly, without Favour or Malice, hope of Reward, or fear of Displeasure. *So help you God.*

ARTICLES to be Inquired of In the Archdeaconry of Northampton, At the Visitation of the Right Worshipfull, John Quarles, Doctor of Divinity, Archdeacon there, holden 1662.

And presentment to be made thereof by the Church-wardens and Side-men for that purpose lawfully appointed in Visitations, Synods and elsewhere, within the jurisdiction aforesaid, at any other time and place, when occasion shall be offered.

I. Whether your Parson, Vicar, or Curate, be lawfully licensed (in writing) to Preach, and doth Preach every Sunday according to the Law in that behalf.

II. Whether he doth reverently say or read Divine Service every Sunday and Holiday, and administer the Holy Sacraments according to the Book of Common Prayer, without any alteration of any part thereof.

III. Whether doth he at every time that he doth celebrate Divine publick Service, or administer the Holy Sacraments, wear the Surplice (and also a Hood answerable to his degree, if he be a Graduate) and use and observe other the Rites and Ceremonies appointed by the Laws now in force, and administer the Holy Communion to himself kneeling, and to those onely that kneel at the time of receiving it?

IV. Whether ye have a comely Pulpit well placed within your Church, a decent Table for the Holy Communion, with a fair linnen cloath to lay upon the same, and some Carpet of Silk, Stuff, or fine Woollen cloath, for the clean keeping thereof; a fair comely Communion-cup, and cover of silver for the same, and a decent large Surplice with sleeves, one Bible of the last Translation in a large Volume, and the Book of Common Prayer, both well and substantially bound. Have ye likewise the Book of Homilies set forth by Authority? a Book of Canons and constitutions Ecclesiastical? a Printed Table of the degrees wherein Marriage is prohibited?

V. Have ye a Chest with three Locks and Keys wherein to keep the aforesaid Books, and all other the aforementioned furniture? And have ye all other necessary things appointed to be had by lawful Authority?

VI. Whether have ye monethly Sermons at the least in your Parish Church, if your Minister be no Preacher licensed; and weekly, if he be a licensed Preacher? And whether are the Homilies read when there are no Sermons?

VII. Whether is your Parson or Vicar known, or by common fame noted to haue come to his Benefice by Simony, or to follow lay and secular Trades and courses? or doth he neglect or leaue his calling of the Ministry, or the due performance thereof?

VIII. Whether any person not being Deacon is suffered to say Divine Service in your Church, or to administer the Holy Sacraments, or to Marry any persons, or to Bury the dead, And whether doth any one take upon him to Preach or to serve the cure with you, that doth not once in the year at least celebrate Divine publick Service himself in the Church, and administer the Sacrament of the Lords Supper according to the Form of the Book of Common Prayer?

IX. Whether your Lecturer, or Preacher, or your Parson, or Vicar, though he have a Curate yet doth he himself twice in each year on two several Sundayes both before noon and after noon celebrate Divine publick Service, and as often each year administer the Holy Sacraments of Baptism and the Lords Supper?

X. Whether your Parson or Vicar be continually resident upon his Benefice, and upon his Parsonage House or Vicarage-House: And whether he hath any more Benefices or Cures then one: And if he haue, whether then doth he keep such a Curate as is a Preaching Minister, lawfully licensed, upon and at the Benefice where himself your said Parson or Vicar doth not dwell, reside or continue?

XI. Whether your Parson, Vicar, or Curate hath publickly or otherwise spoken against the Order or Government of the Church of England, or the Book of Common Prayer established by Law.

XII. Whether your Minister doth use to pray for the Kings most Excellent Majesty, by the same Style and Title due to His Majesty.

XIII. Whether your Minister doth openly in the Church catechise such as be of convenient age, according to the Order set forth in the Book of Common Prayer, by the space of half an hour before Evening Prayer, every Sunday and Holiday: and who be negligent in coming to be catechised.

XIV. Whether hath your Minister refused or delayed to Christen any child or children within your Parish, which have dyed after unbaptized, or do refuse or delay to bury any dead corps?

XV. Whether all persons above 16. years of age do repair to the Church upon Sundayes and Holidayes. And whether have any absented themselves from Church, or Divine publick Service there celebrated contrary to the Law, and how many several times, and who hath so done?

XVI. Is there any person in your Parish, who being 16 years of age and well instructed in Religion, doth not receive the Sacrament of the Lords Supper at least three times in the year of which Easter is alwayes to be one? Doth any in your Parish refuse to receive the same kneeling, or from the hands of your own Minister, repairing for it to other Parishes and Ministers abroad? Or are there any Strangers not of your Parish that forsake their own Churches, and usually repair to yours for it?

XVII. Do ye know any that have lost, sold, or suffered to decay, or made away any of the Bells, Clock, Chimes, or other goods belonging to the Church, or do withhold any of the Church-stock or goods? And whether any Lands, Goods or Chattels belonging to the Church be not used and employed as by Law they ought to be?

XVIII. Do ye know any common Swearer, Drunkard, or Blasphemer, any Simoniacal person, any guilty of Fornication, Adultery or Incest, or any vehemently suspected, or by common fame noted or infamed of any such crimes?

XIX. Whether do any practise Physick or Chirurgery, or doth any School-master teach either openly or privately in any School, Gentlemens houses, or otherwise, or any Curate serve the Cure within your Parish, without licence of his Ordinary, under his authentick Seal, or no?

XX. Do ye know any person excommunicated in your Parish? Doth your Minister denounce him and all other excommunicated persons in your Parish Church or Chappel? And whether doth any such excommunicated person repair to the Church to hear Divine Service or Sermons? And whether any of your Parish do keep company with, or set on work, such excommunicated person, and what be their names that do so?

XXI. Whether your Church or Chancel, or the Steeple, Bells, Seats, Leads, Pavements, Glasse-windowes, Roof or Walls of the same, or the Parsonage or Vicarage houses, be ruinous or decayed, and by whose default. Whether is your Church-yard in good and sufficient repair?

XXII. Do ye know of any that use Conventicles or meetings for expounding of Scriptures or saying of Prayers in private houses or places?

XXIII. Do you know in your Parish any receivers of Jesuites, Seminary or Massing Priests; and what be the names and surnames of all Recusants or half Recusants that come not to Church to hear Divine Service, or if they do, that yet do not receive the Holy Communion as by Law they ought?

XXIV. Whether have you any in your Parish Married within the degrees of consanguinity or affinity forbidden by the Law, or have been Married without the publick asking of Banes thrice there, or without licence, or being contracted do live suspiciously without Marriage?

XXV. Whether have any quarrelled, brawled, fought, or used violence in your Church or Church-yard; or have kept open their Shop-windows or Doors, or Sold or Bought any Wares upon Sundayes or Holidayes in the time of Divine Service; or have received any into their House to eat, drink or play in the time of Sermon or Divine Service, or have administred upon the goods of the dead without Authority from the Ordinary, or detain any Legacies given to the poor, or to Religious uses?

XXVI. Whether the Register Book of Marriages, Christenings and Burials within your Parish be made of Parchment, duly kept and subscribed, and other things concerning the same be observed according to the Canons made and established by Authority in that behalf?

XXVII. Whether in the Rogation-week the Perambulation in your Parish is gone yearly, as by the Law it ought? And if not, by whose default is it neglected?

XXVIII. Doth every person reverently uncover his head, and so continue all the time of Divine Service and Sermon in the Church? Do they all reverently kneel at the Prayers, and stand up when the Creed and Gospel are read, making due reverence when the name of our Lord Jesus is mentioned?

XXIX. Do any come late or negligently to Church to publick Prayers, or depart before Divine Service or Sermon is ended?

XXX. Are the fifth of November, the thirtyeth of January, and the twenty-ninth of May observed according as is ordained in that behalf?

XXXI. Are there any Married women in your Parish, who, after their delivery from the perill of child-birth, refuse to make their publick thanksgivings to God in the Church? And when they come so to do, do they come decently apparelled, and make their offerings according to custom?

XXXII. Whether have your old Church-wardens omitted to make a true and perfect account to the Parish of their said office? Have ye a Book wherein to write down the Church-wardens accounts? as also another Book wherein are Registred or written the names of all strangers that Preach in your Parish? and is it kept and used and subscribed according to Law in that behalf?

XXXIII. Have any trees been felled or cut down in your Church-yard, and by whom?

XXXIV. Is there a sufficient Terrar of all the Glebe land belonging to your Parsonage or Vicarage, and exhibited into the Registers Office, as by Law it ought?

XXXV. Is your Parson, Vicar, Curate or Lecturer a man of a sober, unblameable and exemplary life? or is he a frequenter of Taverns or Ale-houses, a common Gamester, a profane or obscene Jester, a Swearer, Rayler, Scoffer, or Quarreller? doth he set Neighbours at Variance one with another, or encourage them to suits and contention? Is he noted to be an Intemperate drinker, or vehemently suspected of Incontinency with any person, either within your Parish or without? Is his apparell grave and decent, both for fashion and colour, as the Canons of the Church require? or is his carriage and conversation in any kind whatsoever disorderly or scandalous, and unbeseeming a Minister of Jesus Christ?

XXXVI. Doth any of your Parish refuse to pay to the Clerk or Sexton such wages or dues as have been to them accustomably paid?

XXXVII. Whether have any unreverently used your Minister, or laid violent hands upon him, or disgraced his Office or Calling by word or deed?

XXXVIII. Are there any belonging to your Parish who refuse to pay their duty for Easter-Offerings to your Minister? or any that refuse to contribute and pay the rate Assessed upon them for the repair of your Church or Chappel, and for the providing of such Books, Furniture, and Ornaments as be requisite for the performance of all divine Offices there?

XXXIX. Do any abuse the Church-wardens or Side-men of your Parish, or give them ill words for doing their Office according to their Oath and Duty?

XL. Whether do ye know any other matter worthy of presentment above not exprest, the Reformation whereof belongeth to the Ecclesiastical Courts, which you are likewise to present by vertue of your Oaths, with the names and surnames of all such as have in them, or in any of them offended, or by common fame or (*sic*) thought to have offended.

FINIS.

HENCHMAN, BISHOP OF LONDON, 1664.

ARTICLES of Enquiry concerning Matters Ecclesiastical Within the Diocese of London, in the Primary Episcopal Visitation of the Right Reverend Father in God Humfry Lord Bishop of London.

An Dom. 1664.

London, Printed for T. Garthwait, at the Kings-Head in S. Pauls Church-yard M.DC.LXIV.

The Tenor of the Oath to be Tendred to the Church-wardens and Side-men.

You shall Swear diligently to Enquire, and true Presentment make of all Defaults and Offences, as are Inquirable by the Laws Ecclesiastical of this Realm. So God you help.

ARTICLES of Enquiry Within the Diocese of London.

TIT. I.

Concerning Churches or Chappels, with the Ornaments, Furniture, and Possessions belonging to them.

I. Is the Fabrick of your Church (or Chappel) with all things appertaining to it, kept in good repair within and

without, in such order and decency, as becometh the House dedicated to the Publick Worship of God?

II. Is there in the Church (or Chappel) a Font of Stone standing in the usual, ancient place, with a Cover to it, for the Administration of Baptism? Is there also a convenient Communion Table covered with a fair Carpet of Silk, or other decent Stuff, in time of Divine Service; and with a fair Linnen Cloath at the time of Adminstring the Sacrament? What Cup, Chalice, Paten, or Flagons, have you belonging to that Service?

III. Have you in your Church (or Chappel) a convenient Seat for the Minister to read Divine Service in? And a Pulpit with a decent Cloth or Cushion for the same? Have any Pews or Seats been erected by any private person of his own authority without leave from the Ordinary?

IV. Have you a large Folio Bible of the last Translation, with Two Books of Common Prayer well bound, one for the Minister, the other for the Clerk? Have you the Book of Homilies set forth by Authority, the Book of Canons, and the Table of Degrees allowed and prohibited in Marriage.

V. Have you a Register Book of Parchment for all who are Christned, Married, and Buried in the Parish, in which are set down the names of the parties, with the Day, Moneth, and Year of each Christening, Marriage, and Burial? Is the Transcript thereof every Year, within one Moneth after the Twenty fifth of March, carried into the Bishops Registry?

VI. Have you a Paper Book in which the names of strangers who Preach or Officiate in the Church (or Chappel) are set down; and another Book for the Churchwardens accompts?

VII. Have you a fair Surplice for the Minister to wear at all times of his publick Ministration, provided at the charge of the Parish?

VIII. Have you a Chest for Alms, with Three Locks and Keys, and another Chest to keep the Books and Ornaments of the Church? Have you a Bier with a black Herse-cloth for the Burial of the Dead?

IX. Is the Church-yard sufficiently fenced with Walls, Pales, or Rails, and decently kept from all Annoyance or Incroachments? Are the Trees therein preserved?

X. Is the Mansion-House of your Minister, with all other houses thereto belonging, kept in good repair? Have any of them been pulled down, or defaced? Have any incroached upon the Land thereto belonging, or felled the Trees thereon growing?

XI. Have you a perfect Terrier of all Glebe-lands, Gardens, Orchards, and Tenements, belonging to your Parsonage or Vicarage; also a particular List of such Pensions, Tithes, or other yearly profits (either within, or without the Parish) as belonging thereunto? Are any of them withheld from your Minister, as you know, or have heard, and by whom?

XII. Have any of the Ancient Glebe-lands belonging to your Parsonage or Vicarage been taken away or alienated by Sale or Exchange, without Licence from the Ordinary, and free consent of the Incumbent?

Tit. II.

Concerning Ministers.

I. Is your Minister Episcopally Ordained Deacon or Priest, according to the Laws of the Realm of England? Is he defamed or suspected to have obtained his Orders or Benefice by any Simoniacal Compact? Hath he been Legally Instituted and Inducted into his Benefice; and did he within Two Moneths after his Induction, publickly read in the Church, in the time of Divine Service, the Thirty nine Articles of Religion, established in the Church of England? And did he then and there declare his assent thereunto?

II. Hath your Minister been Licenced to Preach by the Archbishop, Bishop of this Diocese, or either of the Two Universities? Doth he diligently read Divine Service, and Preach every Lords-day in the Church, unless hindered by sickness, or reasonable absence? And in such cases, doth he procure some lawful Minister to read Prayers, to Preach, and perform other Ministerial duties?

III. Hath your Minister (or any other who Preached in your Church) published in his Sermons any Doctrine which is new, strange, and disagreeing from the Word of God, and the Articles of the Christian Faith, or anything against the Rites and Ceremonies of the Church of England, or the Government of it, as it is now established? Doth he use before his Sermon, the Form of Prayer prescribed by the Fifty fifth Canon?

IV. Doth your Minister in the Morning and Evening Service, in the Administration of the Sacraments, and in performing other Religious Offices appointed by the Church of England, use the respective Forms in the Book of Common Prayer, together with all those Rites and Ceremonies which are enjoyned in this Church? And doth he make use of the Surplice when he reads Divine Service, or Administers the Sacraments?

V. Doth your Minister diligently Catechize the Youth of his Parish every Sunday and Holiday before Evening Service? Doth he prepare and procure them (as occasion is offered) to come and be confirmed by the Bishop? And doth he endeavor to reclaim all Popish Recusants, and all Sectaries in your Parish, to the true Religion?

VI. Is your Minister a Man of a sober, unblameable and exemplary life? Is he grave, modest, and regular in his outward demeanor and apparel, according to the Constitutions of the Church? Or is his carriage, conversation, or company in any kinde whatsoever, disorderly or scandalous, and unbeseeming his Calling and Charge?

VII. Is your Minister ready to visit the Sick, and to Baptize Infants in danger of death, being so desired? Is any Infant, or more aged person in the Parish yet unbaptized by his default? Have those Children which have been Baptized in private houses by the Minister of the Parish, afterward been brought into the Church; and did the Minister there certifie the Congregation, That the true Form of Baptism was by him privately before used? Or if any Children in the Parish have been Baptized privately by any other lawful Minister, have those Children been brought to your Church? And hath the Minister of the Parish there examined, whether such Children were lawfully Baptized, or not? Doth your Minister refuse to give the Sacrament to any in the Parish, and for what cause? Or doth he give it to such as are scandalous, or notorious sinners, or to any Excommunicate persons? Doth he duly Administer the Blessed Sacrament Three times every year at the least, whereof Easter to be one?

VIII. Doth your Minister Marry any persons in private houses, or such as are under age, not having the consent of their Parents and Guardians? Doth he Marry any without Banes first published Three Sundays or Holidays, in the Church? Or at Prohibited times or hours, without Licence so to do? Or with the Licence of any other then the Archbishop, Bishop of this Diocese, or his Chancellor?

IX. Doth you Minister duly bid and observe Holidays and Fasting-days, as is appointed? And doth he then use the Forms of Prayer prescribed by the Church? Hath he taken upon him to appoint any Private Fasts, or Religious Exercises without lawful Authority? Doth he or any other (Minister, or Lay-person) in your Parish, hold any Conventicles, or Religious Meetings for people of several Families to resort unto, contrary to the Laws in that Case provided?

X. Is your Minister constantly Resident among you, and how many weeks in the year hath he been absent from his Benefice? Hath he a Curate to assist him in his absence or presence? Is that Curate in Holy Orders, and hath he a Licence from the Bishop, or his Chancellor to serue the said Cure? Doth he carry himself in all things, as an able and discreet Minister, and Conformable to the Church of England? Doth he serve any more Cures beside that of your Parish, and at what distance? And doth any Layman, not being in Holy Orders, presume to read Publick Prayers in the Church?

XI. Is there in your Parish any Lecturer? Is he in Orders, and duly Licenced? Doth he read Divine Service before his Lecture; and is he conformable to the Discipline of the Church of England?

XII. Doth your Minister every Six Moneths publickly denounce all such as persevere in the Sentence of Excommunication, not seeking to be Absolved? Have any Excommunicate person been received into the Church, without a Certificate from the Ordinary of their Absolution, Or any so dying, buried with Christian Burial?

Tit. III.

Concerning Parishioners.

I. Are there any in your Parish who are reputed Hereticks or Schismaticks, refusing Communion with the Church of England? Any Impugners of the Religion established; of His Majesties Supremacy, or of any the Laws, Rites, and Ceremonies Ecclesiastical? Have any spoken or declared any thing in derogation, or to the depraving of the Form of Gods Worship in the Church of England, and Administration of the Sacraments, Rites and Ceremonies prescribed in the Book of Common Prayer, as it is now established by Law? Are there any Convicted Papists, known Anabaptists, or Quakers, in the Parish?

II. Are there any in your Parish, who lie under a common fame, or vehement suspition of Adultery, Fornication, or Incest? Are there any common Drunkards, Swearers, or Blasphemers of Gods holy Name and Word? Are there

any Excommunicate persons, or any who countenance, or keep company with them? What punishment for any such offences have been commuted and exchanged into a Pecuniary mulct or sum of Money by any Ecclesiastical Judge, exercising Jurisdiction within this Diocese, by vertue of any Grant or Commission? What was the sum of Money by them, or any of them so received and taken, and to what uses was the same bestowed?

III. Do any of your Parish prophane the Lords day by neglecting of Publick Holy Duties, or by doing the works of their ordinary Calling, or using unlawful Recreations, or permitting their Children and Servants so to do? Do they duly observe other Holidays, Festivals and Fasts appointed by Authority.

IV. Do all those who inhabit in your Parish, duly resort to your Church, (or Chappel) and continue there during Divine Service, Sermon, and other Holy Duties, with that Reverence Order, and Decency, as befits devout Christians? Or have any occasioned Riot, Clamor, or Fighting in the Church at any time? Is there any Recusant, Papists, or Sectaries in your Parish? Do they, or any of them keep any School-master in their House, which cometh not to Church to hear Divine Service, and receive the Holy Communion?

V. Are there any in your Parish, who refuse to have their Infant-Children Baptized by your Minister; or do they keep them unbaptized longer than the Church allows? And what Infants, or more aged persons, are there in your Parish unbaptized?

VI. Do all your Housholders duly send their Children, Apprentices, and Servants to be Catechized? And do they take care (when occasion is offered) they should be confirmed by the Bishop?

VII. Is there any person in your Parish so confirmed and instructed, and being Sixteen years of age, who refuseth to receive the Blessed Sacrament of the Lords Supper, at least Three times every year, whereof Easter to be one? And do all receive this Sacred Mystery with that outward gesture of Humility and Reverence as becomes them, meekly kneeling upon their knees, according to the Order and Custom of the Church?

VIII. Are there any in your Parish, who are known or suspected to be unlawfully Married, contrary to the Laws of God and this Church? Are there any, who being lawfully Married (and never Divorced) do yet live asunder? Or any, who being lawfully Divorced, do live together again? Or being Separated for Adultery, have afterwards Entermarried with any other, during the life of their first Consort?

IX. Are there any Married Women in your Parish, who after their Safe Delivery from Childbirth, refuse to make their Humble and Publick Thanksgivings to God, according to the appointment of the Church?

X. Are there any of your Church, who refuse to pay their Easter Offerings, and other Duties to your Minister? Or to pay the Rates assessed on them, for the Repair and Provisions of the Church?

XI. Do you know or have you heard of any Patron or other person in your Parish, who having the gift of an Ecclesiastical Benefice, hath made gain thereby upon any Bargain, either for Money, Pension, Lease, Reserve of Tiths, or Glebe, or other Simonical Compact whatsoever?

XII. Do any among you refuse to Bury their dead, according to the Rites of the Church of England? Are there any Wills of deceased persons unproved, or Goods not administred? Or have any Wills been Proved, or Administrations granted, or other Jurisdiction Ecclesiastical exercised, by the Archdeacons or their Officials, since the Thirtieth of June last? Do you know of any Legacies given to your Church, or the Cathedral Church of St. Paul in London, or to the poor, or to other charitable uses, not yet received by you, or detained from you, or not applied to the charitable uses appointed?

Tit. IV.

Concerning the Officers belonging to the Church.

I. Are the Church-wardens of your Parish, yearly chosen according to Law? And are there Sice-men appointed to assist them, for the due ordering of the Church?

II. Have the former and last Church-wardens given up their accompts to those that succeed them, together with all moneys and other things belonging to your Church or Chappel.

III. Have you a Parish Clerk, aged Twenty years at least, who is of sober life and good report? Is he chosen by your Minister, and approved by the Parish; and is he able for Reading, Writing, and Singing, as a Clerk? Are his wages duly paid him?

IV. Doth he or your Sexton take care of your Church, to keep it lockt and clean, to open the doors, and ring the Bells in due time, to call the living to the Worship of God; also to admonish them by Tolling of a Passing-Bell for any that are dying, thereby to meditate of their own death, and to commend the others weak condition to the mercy of God?

Tit. V.

Concerning Alms-houses, Schools, and Schoolmasters, Physitians, Chirurgeons, and Midwives.

I. Is there any Hospital, Alms-house, or Free School, founded in your Parish? Are they so governed and ordered in the use and revenue as the Founders appointed, according to the Ordinances and Statutes which have been made concerning the same?

II. Doth any man keep a Publick or Private School in your Parish? Is he or they licenced and allowed thereunto by the Bishop or his Chancellor? Doth he instruct his Scholars in the Catechism and Religion of the Church of England? Is there any Woman that taketh upon her to instruct and educate any young Maidens; does she resort duly, and bring with her to Divine Service, upon the Lords day and Holydays, all such young Maidens as are committed to her care?

III. Do any in your Parish practise Physick, Chirurgery, or Midwifery, without Licence from the Ordinary?

Tit. VI.

Touching Ecclesiastical Officers.

I. Are there any Ecclesiastical Officers that exercise Ecclesiastical Jurisdiction within this Diocese, that take and receive any extraordinary Fees for any Cause? Have abuses or offences been presented by Church-wardens and Quest-men? And are such offences, being presented, suppressed or left unpunished?

II. Have any Apparitors taken any reward for the concealing of any Offence, or the avoiding of the punishment of the Offenders? And do they summon any without a Citation first had?

If you know of any other Default or Crime of Ecclesiastical Cognizance, you are to present the same.

"The Minister of every Parish may joyn in Presentments with the Church-wardens and Sidemen, and if they will not Present, then the Ministers themselves (being the persons that have the chief care of the suppressing of Sin and Impiety in their Parishes) may Present the Crimes aforesaid, and such things as shall want due Reformation." Can. 113.

HUMFRY LONDON.

FINIS.

FULLER, BISHOP OF LINCOLN, 1668.

ARTICLES to be Enquired of Within the Diocese of Lincolne. In the Primary Visitation of the Right Reverend Father in God William Lord Bishop of that Diocese, Anno Dom. 1668. Et Translationis suæ Anno Primo.

In the *Savoy*, Printed by *Tho. Newcomb* 1668.

The Advertisement.

The Minister of every Parish both may and ought to joyn with the Churchwardens, or other sworn Men for the Presenting of Offences; and if they be so irreligious as not to do it, the Minister of himself may and ought to present either the Offences, or the Church-wardens and Questmen, for not presenting the same; and is required in his Canonical Obedience so to do. And if (their Oath and all this punctual Direction and Advertisement notwithstanding) any Church-wardens or other sworn Men shall follow the Customary manner, and be carcless in inquiring and presenting as they ought, then shall they not be able hereafter to say, that they had not fair warning to the contrary given them in the spirit of Meekness, or to complain they are hardly dealt with, if (upon information and proof otherwise had) they be called to answer their willful Perjury, in some other Court, or Court of Justice, for neglecting to enquire and present to all the particulars herein proposed.

Lastly, with their Bill of Presentment they are to certifie the names of all Persons which have been married in their Parish since the 28th day of *May* last, by any Licence or Dispensation, and what Ecclesiastical Judge granted the same? And also the Names and Sirnames of all Persons which since the same day have died possessed of any Goods in their Parish, and who do now possesse the same, and by what Right? And this will be particularly required of all Church-wardens.

The Oath ministred to the Church-wardens and sworn Men.

You shall duly Enquire, and true Presentment make of all Offences or Defaults mentioned in the Articles given You in Charge, or otherwise against the Ecclesiastical Laws; together with the Names of the several Offenders therein. So help you God.

Articles to be enquired of in the Diocese of Lincolne.

Canon 1, & 2. 1. Is there any who doth affirm or teach that the Kings Majesty hath not the same Authority in causes Ecclesiastical that the Godly Kings had among the Jews, and Christian Emperours in the Primitive Church? Or that the Kings Majesty within his Realms of *England*, *Scotland*, and *Ireland*, and all other his Dominions and Countries, is not the Highest Power under God? Or that doth impeach any part of his Royal Supremacy? Who is it, declare your knowledge herein, &c?

Canon 12. 2. Is there any that doth affirm or teach, That it is lawful for any sort of Ministers and Lay Persons, or either of them, to joyn together and to make Rules, Orders, and Constitutions in Causes Ecclesiastical, without the Kings Authority? Or any that submit themselves to be ruled and governed by the same?

Canon 85. 3. Is your Parish Church or Chappel well and sufficiently repaired? Are the Windows well glazed, the Floor kept paved plain and even, and all things therein in such an orderly and decent sort without dust, or any thing that may be either noisome or unseemly?

Canon 85. 4. Is your Church-yard well and sufficiently fenced, maintained and kept with Wals, Railes, or Pales, as hath been heretofore accustomed; and if not, by whose negligence or default is it that the Fences of the same are grown into decay?

Canon 87. Custome. 5. Have you a true Note and Terrier of all the Glebe Lands, Meadows, Gardens, Orchards, Houses, Stocks, Implements, Tenements, and Portions of Tythes lying within or without your Parish, which belong to your Parsonage or Vicaridge; and is a true Copy of the same laid up in the Bishops Registry for a perpetual memory thereof?

Linwode Prov. de Immunit. Eccl. C. 2. ut Invadentib. & C. quia Divinis,&c. Eodem de Eccl. Ædificatione C. 6. Is there any in your Parish who hath sacrilegiously enricht himself by rifling any Tombes, or by taking away the Communion Plate, Surplice, Church Books, Bells, or Lead, or any Ornament or other Vtensils and Materialls belonging to the Church?

7. Is your Parsonage House, or Vicaridge House, Barnes, Stables, and other Out-houses thereunto belonging, in good and sufficient repair?

Excep. in the Act of Indemnity. De offic. Archid. C. ut Archi. 9. De Immun Eccl. 8. Do you know, or have you heard of any Person who hath imbezill'd, concealed, or converted to his own use any Timber, Wood, Stone, or other Materialls, belonging to any Church, Chappel, Parsonage, or Vicaridge House, during or since the late War?

9. Hath any person encroacht upon the Ground of the Church-yard or other consecrated Ground? If so, then you shall present him, and set out what quantity of Ground is so encroacht upon; and whether any new Door hath been made out into the Church-yard?

Canon 47, & 48. 10. Doth your Minister reside upon his Benefice or no? If yea, then being a Licens'd Preacher, doth he preach one Sermon every Sunday in the Year in his own Cure, or in some Church or Chappel near adjoyning; having no lawful Impediment? And being not a Licens'd Preacher, doth he procure Sermons to be preached in his Cure once every Moneth at the least, by Preachers which are lawfully licens'd? If he be licens'd by the Laws of this Realm not to reside upon his Benefice, then in that case doth he supply his Cure by one that is a sufficient and licens'd Preacher? And is your Curate allowed, and sufficiently licensed to serve there?

11. Have you in your Parish besides your Parson, Vicar, or Curate and Lecturer or Lecturers, not having cure of Souls therein? Doth your Lecturer twice at the least

Canon 55, & 56. every Year, read the Divine Service on two several Sundayes both in the Forenoon and Afternoon, publickly, at the usual times? And doth he as oft in every Year administer the Sacraments of Baptisme and the Lord's Supper, in such manner and form, and with the Observation of such Rites and Ceremonies as are prescribed in the Book of Common Prayer?

Can. 53. 12. Is your Lecturer licens'd by the Bishop of the Diocese, and doth your Lecturer or any other Preacher that lectureth or preacheth in your Church or Chappel, impugne or confute any Doctrine formerly delivered in the same, or in any Church or Chappel near adjoyning, before he hath acquainted the Bishop of the Diocese therewith; and received Order from him what to do in that case, for the avoiding of Dissention?

Can. 54. 13. Doth your Lecturer conform himself to the Laws, Ordinances, and Rites Ecclesiastical, established in the Church of *England*?

Can. 24. 14. Doth your Parson, Vicar, or Curate, administer the Communion in your Church or Chappel, so often, and at such times, as every Parishioner may communicate at least thrice in the Year; whereof the Feast of *Easter* to be

Rubrick of the Common Prayer. one? And doth he give warning to his Parishioners publickly in the Church at Morning Prayer the Sunday before, for the better preparation of themselves? And do such as purpose to communicate, signifie their minds unto the Curate over-night or in the Morning early?

Can. 26. 15. Doth your Minister admit to the receiving of the Holy Communion such of his Cure as be openly known to live in notorious sin, without Repentance; or any that have openly or maliciously contended with their Neighbours, and will not be induced to a reconcilement: Or any Church-wardens or Sides-men, who having taken Oath to present to their Ordinaries every such publick Offence, as they are particularly charged to enquire of, shall wittingly incur the horrible crime of Perjury?

Can. 68. 16. Doth your Minister refuse or delay to christen any Child that is brought to him to the Church on Sundayes or Holydayes?

Rubrick of Baptisme. Doth he proceed therein in all things according to the form of Publick Baptisme in the Common-Prayer-Book? Or doth he permit any person to be God-father or God-mother

Can. 29. before he or she hath received the Holy Communion?

17. Doth your Minister, being duly informed of the weakness and danger of death of any Infant unbaptized in

Can. 69. his Parish, and being thereupon desired to go unto the place, and baptize the same, either willfully refuse to do, or negligently delay the time; so that the Child departeth without

Rubrick of Private Baptisme. Baptisme through his default? Or if the Child so baptized do recover afterwards, is it brought into the Church by the God-fathers and God-mothers, to the intent that the Congregation may be satisfied of the baptizing thereof?

18. Doth your Minister do his best endeavour to prepare Children, and make them ready for Confirmation; that so

Can. 61. they may in their own persons renew

Rubrick of Confirmation. the Promise and Vow made in their name in Baptisme: solemnly ratifying and confirming the same in the presence of the Bishop? And to that purpose doth your Minister on every Sunday

Can. 59. in the Afternoon instruct the youth and ignorant of the Parish, according to the Church Catechisme?

19. Doth your Minister as often as the Bishop giveth notice for Children to be brought to him for their Confirmation, either bring or send in writing

Rubrick of Confirmation. to the Bishop of the Diocese the Names of all those Children whom he thinks to be fit for Confirmation?

Can. 62. 20. Doth your Minister or any other in your Parish, celebrate Matrimony between any persons, without Banes of Matrimony first

Rubrick of Matrimony. publisht on three several Sundayes or Holydayes, except by special Licence granted duly and by lawful Authority?

21. Doth your Minister or any other in your Parish, celebrate Matrimony at any other Place then in the Church,

Can. 99. and in the Church at any other time then between the hours of Eight and Twelve in the Forenoon; and at any time betwixt such persons as are prohibited in the Table of Marriage, or are under the

Can. 100. age of One and twenty years, without the consent of the Parents signified unto him, or of their Guardians and Governours, if the Parents be deceased?

Can. 65. 22. Doth your Minister duly visit the Sick, having notice of their Sickness, if

Rubrick of Visitation of the Sick. the Disease be not known, or probably suspected, to be infectious? Doth he exhort the Sick to be in Charity with all the World, and if he hath done an Injury or Wrong to any man, to make him satisfaction according to his power; to dispose of his Goods, to declare his Debts, to be liberal to the Poor, and to unburden his Conscience?

23. Have you known or have heard that your Minister hath revealed and made known to any person or persons whatsoever, any Crime or Offence committed to his Trust and Secrecy, either in case of such extremity, or any other case whatsoever; except they be such Crimes as by the Laws of this Realm the life of the said Priest or Minister may be called in question for concealing of it? Declare the name of the Offender, when and by whom you have heard the same? Can. 113.

24. Doth the Curate that ministreth in your Parish, upon convenient notice given him, administer the Communion unto such as be dangerously sick, and not able to come unto the Church, and yet are desirous to receive the same in their Houses, and are unquiet for the lack thereof? Or doth he obstinately and wilfully refuse so to do, being thereunto so required, and finding all things necessary for the doing of it? Rubrick of the Common Prayer. Can. 67.

25. Doth your Minister refuse or delay to bury any Corps that is brought into the Church or Church yard, convenient warning being given him before; except the party deceased were denounced Excommunicate (*Majori Excommunicatione*) for some grievous Crime, and no man able to testifie of his repentance? And doth he do it decently and gravely, not swerving from the Form prescribed by the Church in the Common-Prayer-Book? Can. 68.

26. Doth your Curate serve more than one Church or Chappel upon one day, except the said Chappel be a member of the Parish Church, or united thereto; how far distant are the said Churches or Chappels he serveth from one another, and what Wages or salary hath he for his pains? Can. 48.

27. Doth your Minister if he be commanded by the Ordinary, openly on some Sunday denounce and declare for Excommunicate, all those, who either for refusing to frequent the Divine Service of the Church, or for notorious contumacy, or other notable crimes, stand lawfully Excommunicated by the Laws of the Church; that others thereby may be admonished to refrain their companies? And doth your Minister himself refrain the company of persons excommunicated and so denounced? Can. 65, & 85.

28. Doth your Parson, Vicar, or Curate, frequently resort to any Taverns or Ale-houses, or doth your Curate lodge or board in any such places? Do they or either of them give themselves to any base or servile labour, or to drinking or riot; or to play at Cards, or Tables, or to any other unlawfull Game or Games? Or do they otherwise spend the time idely by day or by night? Can. 75.

29. Doth your Minister every Sunday weekly, if there be occasion, in the presence of you the Church-wardens, write and record in the Register-Book the Names of all persons christned, together with the Names and Sirnames of their Parents; and also the Names and Sirnames of all persons married and buried in that Parish the Week before, and the day and year of every such Christning, Marriage, and Burial; and to every Page thereof when it is filled, have the former Churchwardens, and your said Minister subscribed their Names? And is a true Copy of the said Christnings, Marriages, and Burials subscribed with the Names of your Minister and the Church-wardens, transmitted yearly within one moneth after the 25th of *March*, unto the Bishop of the Diocese, to be preserved in the Registry; and is the said Certificate received into the Registry without Fee? Can. 70.

30. Doth your Parson, Vicar, or Curate, use any undecent apparrel, or improper for his quality and degree, or in the habit of his hair, or other Ornaments of his Body, or new-fangled Attire; rendring himself unfit to receive the Honour and Estimation due to a messenger or Minister of God? Can. 74.

31. Do you know that any Ecclesiastical Judge, or any of the Registrars or Apparators, or other Officer belonging to the Ecclesiastical Courts, hath taken Rewards or Gifts for perverting Justice, or denied Justice to any man who lawfully required the same? Vide Oath. Can. 127.

32. Do you know or have heard that any of the said Judges or Registers, or any belonging to the said Courts, do favour any Popish or other Recusants, or do forbear to enquire, cite, denounce and censure them?

33. Have the said Ecclesiastical Judges appointed and constituted certain and determined Surrogates and Substitutes, such as are Persons of Gravity, favourers of true Religion, and men of modest and honest Conversation? or otherwise have they appointed persons scandalous for being addicted to Intemperance, Incontinence, or any kind of vice, or Persons that are favourers, promoters, or assisters of Clandestine Marriages, or such as care not to preserve the necessary Discipline, and honour of the Church? Can. 128.

34. Whether hath the Chancellour, Commissaries, or any using Ecclesiastical Jurisdiction upon the Presentment or Information given unto him, of any foul offences or scandals in your Parish, not punished the persons defected, so that the Congregation hath not been satisfied both of Justice done, and of the amendment of the Party, and who were the parties committing the said offences, as Incest, Adultery, Fornication, Drunkenness, Blasphemy, Heresie, Clandestine Marriage, profaning of the Church, or such like?

35. Whither hath any Ordinary in the Diocess commuted the Penance of any Delinquent convicted? What persons have so commuted, and how hath the money been disposed of to Charitable uses as far as you know or have heard? Vide Can. An. 1571. Tit. Cancellarii & Can.1597. C.ne qua, &c.

36. Whither do the Ecclesiastical Judges suffer any persons detected for Crimes to sue and molest Churchwardens who detected them for the same? Can. 115.

37. Whither do you know or have heard that any of the said Judges, when the deceased died without a Will, hath assigned any part of the Goods to charitable uses, and how have you known them to have been so employed? Plowden, An. 7. Eliz. fol. 278.

38. Whether in such cases of dying without a Will, doth the Ecclesiastical Judg send out Intimation to summon the Creditors, Wife, Children, and Kindred to come and take Administration, and commit the same as far as the Law permits, not to needy persons, but to able men, and such as enter sufficient Bond, to preserve the Estate, and to answer all that is due, and save the Lord Bishop harmless? Stat. 21. H. 8.

39. Whether doth the said Judg Ecclesiastical when a Benefice is vacant, commit Sequestration to able men that do answer and account truly for the mean Profits? And whether are the Parishes during the vacancy well served with able Ministers?

40. Whether do you know or have credibly heard, that the said Judges Ecclesiastical, Registers, or Apparators do take any extraordinary or more Fees for Probate of Wills; Administrations, Accounts, Assignations of Portions or Citations, or for any other Act or thing done or sped by them then are allowed by the Statutes of the Land, or any Fees greater then heretofore have been accustomed in other Businesses belonging to their Courts? Can. 135.

41. Whether do you know, or have heard that any Register of the said Courts hath sped any Act, or dismissed any Person detected without the knowledg and actual consent of the Judg? Can. 134.

42. Doth the Chancellour Commissary, or Official or any of their Surrogates carlesly, or for hope of gain, disperse or grant Licenses for the Celebration of Matrimony, untill it do appear to the person himself who is Judg in these Cases by the Oathes of two sufficient Witnesses, one of them known to the Judg, or to some person whom the Judg dares trust in this particular, That the express consent of the Parents or Parent (if one be dead) or Guardians, or Guardian of the Parties, is thereunto had and obtained, and until one of the parties to be married have personally sworn that he believeth there is no let or impediment of Precontract, Kindred or Alliance, nor any other lawfull Cause, nor any Suit commenced in any Ecclesiastical Court, to bar or hinder the proceeding of the said Matrimony? Can. 103. & Constitut. 1597. Tit. de moderandis Indulgentiis.

43. Whether is there in every place where Ecclesiastical Courts are kept, and also in the Registry of every such office or Court a table of Fees set up, that every one may read the same, containing all the Fees that every Officer of the Court ought to take according to the Canon made at the Convocation under Archbishop *Whitguift, An. Dom.* 1597. Can. 136.

44. Whether are there more Apparators belonging to the Courts then the Law alloweth, or heretofore were accustomed? Whether do any of the Apparators buy or take to Farm their Offices, or the execution of the same? Can. 138.

45. Whether doth any person to your knowledg, or as you have heard, take upon him to execute both the places of Judg and Register, directly or indirectly?

46. Is there any strife or contention among any of your Parish, for the Pews or Seats in the Church? Have any new Pews been erected in your Church or Chancel without leave from the Ordinary upon survey made according to Law?

47. Have you any Parishioner, that being 16 years of Age, doth not receive the Communion at the least thrice in the year, (of which *Easter* is one) or that doth not receive the Sacrament, according to the Order of the Common Prayer Book? Or that doth not reckon with his Parson, Vicar, or Curate, or his or their Deputies at *Easter* yearly paying such Ecclesiastical Duties as are customably due then, and at that time to be paid?

Can. 114. Rubr. Can. 112.

48. Do all and every Housholder of your Parish, Fathers, Mothers, Masters, and Mistresses, cause their Children, Servants and Apprentices, which have not learned their Catechism, to come unto the Church on Sundays and Holy dayes in the afternoon, obediently to hear, and to be ordered by the Minister, till they have learnt the same?

Can. 59.

49. Have you any in your Parish that refuse to contribute and pay the rate assessed upon him for the repair of the Church or Chappel, or the providing of any Books, Utensils, and necessary Ornaments to the same belonging? Present the names of such who do refuse?

Can. 85.

50. Have you any that keep company and hold society with such as are denounced and declared Excommunicate?

Can. 65.

51. Have you any living in your Parish who have been legally separated and divorced, and have afterwards been married unto others, either Men or Women, during the life of each other? Or that being so divorced as aforesaid, keep company with each other at Bed and at Board? Or any that being lawfully married, do yet live asunder, without a Separation in due Course of Law?

Can. 107.

52. Have you any Persons in your Parish which are and have been married within the Degrees prohibited by the Laws of God, and expressed in the Table set forth by Authority? Particularly, do any cohabit, who have married the Sister of their former Wife, or their Brother or Sisters Daughter? And is the said Table publickly set up and fixed in your Church or Chappel at the Charge of the Parish?

Can. 99.

53. Are there in your Parish any Wills unproved, or any Goods unadministred? Did any dying in your Parish give any Legacy unto your Church or Chappel, or to the use of the poor and needy? How have the Legacies so given been disposed of, by whom and whose Authority; and have they otherwise been disposed of, than to the said Pious and Charitable Uses?

Can. 92.

54. Doth any Man in your Parish teach either in Publick School or private house, but such as be allowed by the Bishop of the Diocesse, or other Ordinary of the Place, under his Hand and Seal? And if there be no publick Grammar School in your Parish, doth any other teach School in your Parish then your Curate only, if he be willing so to do?

Can. 77, & 78.

55. Have you belonging to your Church or Chappel a Parish Clerk, aged Twenty years at the least? Is he of honest Conversation, sufficient for his reading, writing, and also for his competent skill in Singing? Is your said Clerk chosen by any but your Parson, Vicar, or other Minister; and doth your Clerk so chosen, as before is said, receive his ancient and usual Wages, without any fraud or diminution, as hath been accustomed? Or who is it that denieth to pay those Wages?

Can. 91.

56. Is there any in your Parish either Master or Servant, Sojourner or Inhabiter or any other whatsoever, that hath offended either by adultery, Whoredome, Incest, or Drunkenness; or by Swearing, Ribaldry, or Filthy Speaking, Extortion, Sowing of Discord among Neighbours, or any other Uncleanness or Wickedness of Life? You shall faithfully present all and every the said Offenders?

Can. 109. 115.

57. Do all and every person or persons inhabiting or sojourning within your Parish, diligently and faithfully resort to your Parish Church or Chappel accustomed upon every Sunday and other dayes appointed and used to be kept as Holy dayes? Do they then and there abide orderly and soberly, during the time of Common-Prayer, Preaching, or other Service of God there to be used or ministred? Or (which is contrary thereunto) have you any that come unto the Preachings onely, and not unto the Common Prayer? Or coming to the Common Prayer, neither use to come at the beginning, nor tarry out unto the end? Or that being there, do rudely and disorderly behave themselves: or which by walking, talking, or any other noise, do hinder the Minister or Preacher?

1. Eliz. Cap. 2. Const. 1571. Cap. 5.

Can. 111.

58. Have you any in your Parish that upon Holy-dayes imploy themselves in their bodily and ordinary labour, or that permit their Servants so to do; unless it be at the time of the Harvest (or at any other time when necessity shall require;) or that keep open Shops in the Time of Divine Service? Or have you any Vintners, Inn-keepers, or Victuallers, that do themselves, or permit others to Tipple, Dice, or play at Cards, or any other Game, in the time of Divine Service?

5, & 6. Ed. 6. Cap. 3.

59. Whether have any in your Parish received or harboured any Woman with Child, suspected to be of an incontinent life, or have had any such Woman delivered of a Child in his or her House; or have suffered such Woman to depart without Pennance first inflicted upon her by the Ordinary? If yea, you shall present as well the person harbouring as harboured? and all that help to convey them away; and the parties suspected to have committed Adultery or Fornication with them?

Can. 109.

60. Whether do you know, or have heard of any Patron, or any having an Advowson in your Parish that hath made gain by any Colour, Deceit, or Simonaical Contract, in bestowing his Benefice, and presenting to the same for gain; or for receiving of money, or promise of the Lease of the whole or part; or by reserving his own Tythes, or any Pension to himself or any other?

Linwoode de Simonia. Cap. ult.

61. Whether doth any person or persons in your Parish, either for the Offences aforesaid, or any other contumacy or crime, remain excommunicated; what be their Names, and for what Cause, and how long have they stood excommunicated?

62. Doth your Rector, Vicar, Curate, or Lecturer, read the Common Prayer with an audible distinct voice, doth he read all and every part thereof without omitting or adding thereto?

Rubr.

63. Doth your Minister or Curate, declare on the Sunday what Holydayes and Fasting dayes are in the Week following? Give notice of the Communion, Bannes of Matrimony, read the Briefs, and Excommunications delivered to him?

Rubr.

64. Are the Forms of Prayer and Thanksgiving for the Fifth of *November*, Thirtieth of *January*, and Nine and Twentieth of *May*, solemnly read in your Parish on the several dayes appointed for the same?

Rubr.

65. Have you any Children in your Parish that are unbaptized, present the Names of their Parents, and the Ages of the said Children, as neer as can be computed?

Rubr.

66. Have the former Church-wardens levied by way of Distress on the Goods, Lands, and Tenements of every person in your Parish, that hath not resorted unto your Parish Church or Chappel on every Sunday and Holyday throughout the year (having no reasonable excuse to be absent) the summe of Twelve Pence for every Sunday or Holyday in which he was so absent; and did they distribute the several summes so levied, as before is said, among the Poor of the Parish; according to the Law in that case provided?

1. Eliz. Cap. 2.

67. Finally, By vertue of your Oath taken, you are to make true Presentment of the Names and Sirnames of all such Persons as have Offended, or are commonly reported to have Offended in any of the Particulars above specified, or against any point of His Majesties Ecclesiastical Laws, though not above-mentioned?

FINIS.

HAMMOND, ARCHDEACON OF HUNTINGDON, 1670.

ARTICLES of Enquiry Concerning certain Matters Ecclesiastical, Exhibited To the Church-wardens and Sidemen of every Parish within the Arch-Deaconry of Hvntington; For their better direction in their Presentments in the Visitation of John Hammond, Arch-Deacon of Hvntington.

London: Printed by *James Cotterel*. 1670.

The Tenour of the Oath of the Church-wardens and Side-men of every Parish.

You shall well and faithfully execute the Office of Church-wardens (or Side-men) in the Parish of N. and

true presentment make of such defaults and offences as are mentioned in the Articles given you in charge, or you know to be enquirable by the laws Ecclesiastical of this Land. So help you God.

ARTICLES of Inquiry Within the Arch-Deaconry of Hvntington.

TIT. I.

Concerning Churches and Chappels, with the Posessions, Furniture and Ornaments thereunto belonging.

1. Is your Church or Chappel, with the Chancel and Steeple thereof, in good and sufficient repair both within and without?

2. Are all things therein kept orderly and in decent sort, free from any thing that may be either noisome or unseemly?

3. Hath any part thereof been demolished or pulled down? do you know, or have you heard of any person who hath imbezelled, or converted to his own use any of the Bells, Lead, Timber, or Utensils thereunto belonging?

4. Have you in your Church or Chappel a large Bible of the last translation, the book of Common-Prayer lately established, the Book of Homilies allowed by authority, the Table of degrees wherein Marriages are prohibited, a Register-book in parchment for Christenings, Marriages and Burials; a Book for such Strangers as Preach, to write their Names and Licenses in, as also another for the Church-wardens accounts? and are the same kept in all points as is required?

5. Have you a Font of stone standing in the usual place for publick Baptism? and doth your Minister therein onely Baptize Publickly?

6. Haue you a decent Communion-table, with a Carpet, in the time of Divine-Service, and another covering of white linen, at the time of administring the Sacrament of the Lords Supper? What cup, chalice, patten or flagons have you belonging to that Service?

7. Have you a convenient Seat or Pew for Minister to read Service in, a comely Pulpit set in a convenient place to Preach the Word in, with a decent cloth or cushion for the same? have you also a decent and comely Surplice for the use of the Minister in his publick administrations?

8. Have you in your Church a Box for the Alms for the poor, a strong chest with locks and keys? and are the Plate, Vessels, Carpets, Vestments and Books belonging to the Church safely kept therein? And have you a Bier with a Herse-cloth for the decent Burial of the Dead?

9. Is your Church-yard well and sufficiently fenced, and decently kept? Have any encroached upon the Ground thereof, or cut down any Trees growing therein, unless for necessary reparation of the Church or Chancel?

10. Have you in your Parish a house for your Minister to dwell in? Is the same, with the out-houses thereunto belonging, in good and sufficient repair? Have any of them been defaced or pulled down without License?

11. Have you a true and perfect Terriar of all the Glebelands and tenements belonging to your Parsonage or Vicarage, taken by the view of your Minister and other honest men of your Parish; as also a Note of such Pensions, rate-tithes, and portions of tithes both within and without your Parish, as belongs thereunto? And is a copy thereof delivered into the Bishops Registry?

12. Is there any Alms-house, Hospital, or Free-School, (being not of the Kings foundation) in your Parish? And are they and their endowments preserved and employed to their right use?

13. Have any dying in your Parish given any Legacy to the Church or Poor, which hath been mis-imployed, and disposed of to other uses?

TIT. II.

Concerning Ministers.

1. Have you a setled Minister in your Parish? If not, how long have you been destitute? What is the living yearly worth, and who is the Patron thereof? By whom are the fruits received, and how are they disposed of?

2. Doth your Parson, Vicar, or Curate audibly and distinctly read all Morning and Evening Service; and in reading of the same, administration of the Sacraments, celebration of Marriage, burial of the Dead, and in all other Offices, use the form and words prescribed in the book of Common-Prayer, without any addition, omission, or alteration?

3. Doth he diligently instruct the Youth of your Parish in the Church-Catechism? Doth he read the Canons of the Church publickly once every year, give notice of the Holy-days and Fasting-days, of the Communion, Banns of Matrimony, and Perambulation in *Rogation*-week, read the Briefs and Excommunications delivered to him, and every year publish in your Church or Chappel the Statute against profane swearing, and cursing, according as it is enacted 12. *Jac. cap.* 20?

4. Doth he at reading or celebrating any Divine Office in your Church or Chappel constantly wear the Surplice, together with such other Scholastical Habit as is suitable to his degree? and in Preaching doth he wear a Gown?

5. Hath he at any time, that you know of, publickly or otherwise spoken against the Order or Government of the Church of *England* as is now by Law established?

6. Doth he administer the Sacraments in private houses otherwise than is by law allowed?

7. Doth he permit any strange Minister to Preach in your Church or Chappel who is not sufficiently authorized thereunto?

8. Doth he serve more than one Church or Chappel in distinct Parishes upon one day? If so, how far distant are those Churches or Chappels which he so serveth, and what Wages and Salary hath he for his pains?

9. Is your Minister a man of a godly, sober and peaceable conversation? or on the contrary, Is he a frequenter of Taverns or Alehouses, or doth he board therein? Is he a common Gamester, a profane Swearer, an obscene Jester, or an intemperate Drinker? Is he vehemently suspected of Incontinency? Is he a fomenter of suits and contention among Neighbours? Doth he give himself to any base or servile labour, or secular trade, unbefitting the duty and Dignity of his Office? Is his apparel grave and decent, both for fashion and colour, as the Canons of the Church require? Or is his carriage and conversation in any kind disorderly, scandalous, or unbeseeming a Minister of Jesus Christ?

TIT. III.

Concerning Parishioners.

1. Do any of your Parish make profession of any other Religion than what is professed and established in the Church of *England*? Do any reproach the same Religion, or seduce others from it? Or endeavour to alienate the hearts of the people from their Loyalty and Obedience to the King?

2. Do any absent themselves from the publick Assemblies and Service of the Church, or not come in due time, as well to Service as Sermons, or not behave themselves, when they are there, with such reverence, order, decency and attention as is required; or depart thence before the Service and Sermon be ended, and the blessing pronounced?

3. Do any refuse so send their Infant-children to be Baptized in your Church or Chappel, unless in case of extreme danger? Or are any children kept unbaptized longer than is allowed? Or are there any more aged persons yet unbaptized? Or are any children not Communicants admitted to be Godfathers or Godmothers in Baptism?

4. Doth every House-holder in your Parish cause their children and servants to come to Church, to learn their Catechism, and to give an account thereof unto your Minister, that so they may be brought to understand and take upon them their Baptismal covenant, and be confirmed, and admitted Communicants?

5. Do all Communicants in your Parish, upon timely notice given by the Minister, thrice at the least every year (once whereof at *Easter*) in that meek and reverend manner which is required, partake of the Sacrament of the Lord's Supper? and do such signifie their names and purpose to Communicate unto the Minister at least the day before the celebration thereof?

6. Do any of your Parish repair to other Parishes or Ministers, of them to receive the Sacrament of the Lord's Supper? Or are there any strangers, not of your Parish, who forsake their own Churches, and usually repair to yours for it?

7. Are there any living in your Parish, who have been unlawfully married contrary to the laws of God? or any who being lawfully divorced have married again? or any who being lawfully married, and not separated or divorced by due course of law, do not cohabit together?

8. Have any been clancularly married in private houses, or in the Church without licence, the Banns not being thrice published; or by licence or without, neither of the persons so married dwelling at that time in your Town?

9. Do any married Women in your Parish after their delivery from the danger of Child-birth, refuse in due time to make their publick thanksgiving in your Church for so great a mercy, or to pay their accustomed duties as is required?

10. Do any profane the Lord's day, by working in their ordinary callings, by tipling, gaming, or any unlawful exercises or pastimes?

11. Do any walk, talk, or stand idle in the Church-yard, or Chureh-porch, during the time of Divine Service or Sermon; Or at any other time quarrel, braul, smite, or lay

violent hands upon one another either in the Church or Church-yard?

12. Have any irreverently used your Minister, or spoken slanderous or reproachful words against him to the scandal of his vocation, or interrupted him in his administrations?

13. Do any refuse to pay the Rates assessed upon them for the repair of the Church or Chappel, and the providing of Books, Utensils, and other necessary Ornaments for the same?

14. Are there any in your Parish Blasphemers of Gods Holy Name, any common Drunkards or Swearers, any commonly known or suspected to be guilty of fornication, adultery, incest, or any other notorious crime of Ecclesiastical cognizance? Declare who they are, that they may be punished according to their deserts.

Tit. IV.

Concerning Church-wardens.

1. Are the Church-wardens of your Parish yearly and duly chosen? Haue the former and last Church-wardens given up their accounts to the Minister and Parishioners, and also delivered up to their Successors the moneys remaining in their hands, together with all things else belonging to your Church or Chappel?

2. Do they against every Communion appointed in your Church or Chappel provide a sufficient quantity of fine white Bread, and of good Wine, according to the number of Communicants?

Tit. V.

Concerning Parish-Clerks.

Have you a Parish-Clerk chosen by your Minister aged twenty years at least? Is he of ability to perform his duty? and doth he perform the same in all respects as is required of him? Are his accustomed Wages duly paid unto him? or do any withold the same from him?

If you know any other default or crime of Ecclesiastical Cognizance not exprest in these Articles, you are likewise to present the same, and therein to take the assistance of your Minister.

The Minister of every Parish may joyn in Presentment with the Church-wardens and Side-men: And if they will not present such enormities as require reformation, the Minister himself, (being the Person that should have the chief care for the suppressing of sin and impiety in the Parish) may present the same.

Finis.

FULLER, BISHOP OF LINCOLN, 1671.

Articles to be Enquired of within the Diocese of Lincolne, in the General and Triennial Visitation of the Right Reverend Father in God William by Divine Permission Lord Bishop of that Diocese,

Anno Dom. 1671.

Et Translationis suæ Anno Quarto.

In the Savoy.

Printed by Tho. Newcomb 1671.

The Church-wardens are not to put off the making of their Presentments to the very day of the Bishops Visitation, but at some convenient time before, the Minister, Church-wardens, and Side-men, are to read over these Articles of Enquiry diligently. The Minister at the reading of each Article, is to ask the Church-wardens and Side-men what they can present concerning that Article, and accordingly to write and set it down. And to avoid all Errors in drawing up the Bill of Presentment, it is to be made according to this following Form, or as near unto it, as conveniently may be; and to be given up in a Sheet of Paper, viz.

A Direction for the Church-wardens to draw up their Presentations.

At the Lord Bishop of Lincolns Visitation held at
the day of 1671.

We the Church-wardens and Side-men of
have diligently perused all the particulars contained in the First Title of the Book of Articles; and we present

And otherwise we have nothing to present concerning that Title.

Also we have perused the Second Title, and we present

And so the Third, until the Book be gone through.

And under all, let every Church-warden and Side-man write or subscribe his own hand or mark to the Presentment, and so deliver it; for it will be required of them to give an Answer thus particularly unto every Title of these Articles, if not to every particular Article in the Book.

[*The* "Advertisement" *is the same as that in the Lincoln Articles of* 1668.]

The Oath ministred to the Church-wardens and Side-men.

You shall swear diligently and duly to enquire, and true Presentment make, so far as by Law you stand bound, of all Offences and Defaults mentioned in the Articles given you in charge, or otherwise against the Ecclesiastical Laws, together with the Names of the several Offenders therein: And that you will not present any person out of malice or ill-will, nor spare any for fear or favour. So help you God.

Articles to be enquired of in the Diocese of Lincolne.

Tit. I.

Concerning the Kings Supremacy and Authority.

Canon 1 & 2. 1. Is there any who doth affirm or teach, That the Kings Majesty hath not the same Authority in Causes Ecclesiastical, that the Godly Kings had among the Jews, and Christian Emperours in the Primitive Church? Or that the Kings Majesty within his Realms of *England, Scotland and Ireland,* and all other his Dominions and Countreys, is not the highest Power under God? Or that doth impeach any part of his Royal Supremacy? Who is it, declare your knowledge herein, &c.

Canon 12. 2. Is there any that doth affirm or teach, That it is lawful for any sort of Ministers and Lay Persons, or either of them, to joyn together and to make Rules, Orders, and Constitutions in Causes Ecclesiastical, without the Kings Authority? Or any that submit themselves to be ruled and governed by the same?

Tit. II.

Concerning Churches and Chappels, with the Ornaments, Furniture, and Possession belonging to them.

Canon 85. 1. Is your Parish Church or Chappel well and sufficiently repaired? Are the Windows well glazed, the Floor kept paved plain and even, and all things therein in such an orderly and decent sort without dust, or anything that may be either noisom or unseemly?

Canon 81. Is there in the Church or Chappel a Font of Stone standing in the usual ancient place, with a Cover to it, for the Administration of
Can. 82. Baptism, Is there also a convenient Communion Table, with a fair Carpet of Silk or other decent Stuff, in the time of Divine Service, and with a fair Linnen Cloth, at the time of Administring
Can. 20. the Sacrament? What Cup, Chalice, Patin, or Flagons, have you belonging to that service?

Can. 58. 3. Have you a fair Surplice for the Minister to wear at the time of his publick Administration, provided and duly washed at the Charge of the Parish.

Can. 83. 4. Have you in the Church or Chappel a convenient Seat or Pew for the Minister to read Divine Service in, and a Pulpit with a decent Cloth
Can. 99. or Cushion for the same? A Bible of the last Translation in a large Volume, and two Books of Common Prayer well bound, one for the
Can. 58. Minister and another for the Clerk, the Book of Homilies, the Book of Canons, and the Table of Degrees allowed and prohibited in Mariages?

Can. 70. 5. Have you a Register Book in Parchment of all the Names and Sirnames of all such as are Christned, with the Names and Sirnames of their Parents, as also of such as are Buried and Married? And is the same kept in all Points according to the ancient use? And are the Names of all such Parties set down by your Minister every Lords-Day in the presence of the
Can. 52. Church-wardens? Have you a Book of Paper, to record the Names, Sirnames and Licenses of such Strangers as are admitted to preach in the Church or Chappel? And do such Strangers subscribe their Names? As also a third Book for the Church-
Can. 89. wardens Accounts? And also a Chest with Locks & Keys, wherein to keep the said Books and the afore-mentioned Furniture? And is the Transcript of all these Books yearly within one Moneth next after the 25th of *March* brought into the Bishops Registry?

Can. 85. 6. Is your Church-yard well and sufficiently fenced, maintained, and kept with Walls, Rails, or Pales, as hath been heretofore accustomed; and if not, by whose negligence or default is it that the Fences of the same are grown to decay? And are the Trees therein preserved?

7. Have any Persons encroached upon the ground of the Church-yard or other consecrated ground, if so, set out what quantity of ground is so encroached upon, and what new door hath been made out into the Church-yard?

Except. in the Act of Indempn. 8. Do you know, or have you heard of any person who hath imbezzled, concealed, or converted to his own use, or sold to others any Ornaments, Utensils, or Materials, belonging to any Church, Chappel, Parsonage, or Vicaridge House, during or since the late War?

Lind. lib. 1. de Offic. Archid. 9. Is the House of the Parson, Vicar, or Curate, (with all the Out-houses thereunto belonging) kept in good and sufficient repair? Or have any of the said Houses or Out-houses been defaced or pulled down without Licence from the Ordinary, and by whom? Hath any person encroached upon any Garden, Yard, or Close belonging to the Parsonage or Vicaridge House? Or cut up any Trees growing thereon? Or changed, or removed the Antient Marks and Bounds of the same?

Ibid. de Ecclesiast. Ædif.

Lind. lib. 3. de Rebus Ecclesiast. 10. Have any of the ancient Glebe Lands belonging to the Parsonage or Vicarage been taken away or exchanged for other, without the free consent of the Incumbent, and Licence from the Ordinary? Have any Inclosures been made in the Parish, to the detriment of the Church, by the decay of Tillage, and converting Arable Land into pasture? By whom hath the same been made, and how many years since; and how much is your Parsonage or Vicarage damnified thereby in the yearly value thereof, as you know, believe, or have heard?

Tit. III.

Concerning Ministers.

Can. 36. 1. Is the Minister, Curate, or Lecturer, Episcopally ordained? Is he licenced to preach by the Bishop or either of the Universities?

Q. Eliz. Injunct. 26. 2. Is the Minister suspected to have obtained his Benefice by any Simonaical Contract? Hath he been legally inducted into the same?

Can. 40. And did he within two Moneths after his Induction, publickly in your Church, upon some Sunday or Holyday, in the time of Divine Service, read the 39 Articles of the Church of *England* established by Authority, and there publickly declare his assent thereunto?

Can. 47 & 48. 3. Is the Minister constantly resident amongst you? Hath he an able and conformable Curate to assist him in his absence or presence? Doth he carry himself in all things as an able and discreet Minister, and conformable to the Church of *England*? Doth he serve any more Cures beside that of the Parish, and at what distance? What is the Name of your Curate, and what yearly Stipend doth your Minister allow him?

Can. 55 and 56. 4. Have you in the Parish besides the Parson, Vicar, or Curate, any Lecturer or Lecturers, not having Cure of Souls therein? Doth your Lecturer conform himself to the Laws, Ordinances, and Rites Ecclesiastical established in the Church of *England*? Doth he at the place appointed for his Lecture, upon the first Lecture day of every Moneth, before his Lecture, openly, publickly, and solemnly read the Common Prayer and Service appointed to be read for at that time of the day? And doth he as oft in every year administer the Sacraments of Baptism and the Lords Supper, in such manner and form, and with the observation of such Rites and Ceremonies as are prescribed in the Book of Common Prayer?

Can. 54.

Act of Parliament before the Common Prayer.

Can. 14. 5. Doth your Parson, Vicar, or Curate audibly and distinctly, with reverence and devotion, read all Morning and Evening Service, and in reading of the same, Administration of the Sacraments, Celebration of Marriage, Churching of Women after Childbirth, Visitation of the Sick, Burial of the Dead, and Pronouncing Gods Commination against Impenitent Sinners, use the form and words prescribed in the Common Prayer, without any addition, omission, or alteration of the same? And doth he use all such Rites and Ceremonies in all parts of Divine Service, as are appointed in the saide Book, so far as you have observed?

Can. 15. 6. Doth your Parson, Vicar, or Curate, read the Canons of the Church publickly once every year; and doth he publickly read the Letany every Sunday, Wednesday, and Friday in every Week? Doth he declare on the Sunday what Holy-days and Fasting days are in the Week following? And doth he and the Parishioners observe the same? Doth he give notice of the Communion, Banns of Matrimony, and Perambulation in Rogation Weeks, and read the Briefs and Excommunications delivered to him.

Can. 64.

Can. 65.

Can. 51. 7. Doth your Parson, Vicar, Curate, or Lecturer, preaching or catechising in your Church or Chappel, declare or assert any Opinion or Doctrine Schismatical, Heretical, or Seditious, contrary to the Articles of the Church of *England* by Law established; thereby to seduce the People into Parties and Factions, to the disturbance of the Publick Peace and Unity of the Church or State?

Can. 72 and 73. 8. Hath your Minister taken upon him to appoint any Publick or Private Fasts, Prophecyings, or Exercises, not appointed by Authority? Or doth he or any other, either Minister or Lay Person, hold any Conventicles or Meetings in Private Houses within your Parish, for People of several Families to resort unto, under the pretence of Preaching, Praying, Thanksgiving or Humiliation, contrary to the Laws and Canons in that case provided?

Can. 45 and 46. 9. Doth your Minister, being licenced to preach himself, preach in your Church or Chappel one Sermon every Sunday in the year? Being no licensed Preacher, doth he procure Sermons to be preached in his Cure once every Moneth at the least by Preachers which are lawfully licenced: Or one of the Homilies set forth by Authority to be there read every Sunday by a Priest or Deacon?

Can. 58. 10. Doth your Minister at the reading or celebrating any Divine Office in your Church or Chappel wear the Surplice, together with such other Scholastical Habit as is suitable to his degree; and in preaching doth he wear a Gown?

Can. 68. 11. Doth your Minister refuse or delay to Christen any Child that is brought to him to the Church on Sundays or Holydays? Doth he proceed therein in all things according to the Form of Publick Baptisme in the Common-Prayer Book? Or

Can. 29. doth he permit any person to be Godfather or God-mother before he or she hath received the Holy Communion?

Can. 69. 12. Doth your Minister, being duly informed of the weakness and danger of Death of any Infant unbaptized in his Parish; and being thereupon desired to go unto the place, and baptize the same, either willfully refuse to do, or negligently delay the time; so that the Child departeth without Baptisme through his default: Or if the Child so baptized do recover afterwards, is it brought into the Church by the Godfathers and God-mothers, to the intent that the Congregation may be satisfied of the Baptizing thereof?

Can. 59, & 61. 13. Doth your Minister diligently instruct the youth of your Parish in the Church Catechism or any other, and doth he prepare and present them, being so instructed, to be confirmed by the Bishop? And doth he endeavour to reclaim all Popish Recusants and other Sectaries (if any such be inhabiting within your Parish) to the true Religion established in the Church of *England*, and to their bounden duty, in obeying the law, and submitting to the Government thereof?

Rubric for Confirmat. 14. Doth your Minister, as often as the Bishop giveth notice for Children to be brough to him for their Confirmation, either bring or send in Writing to the Bishop of the Diocess the Names of all those Children whom he thinks to be fit for Confirmation?

Can. 62. 15. Doth your Minister, or any other in your Parish, celebrate Matrimony between any Persons, without Banes of Matrimony first publisht on three several Sundays or Holydays, except by special Licence granted duly and by lawful Authority; or at any other place than in the Church: and in the Church at any other time than between the hours of Eight and

Can. 99. Twelve in the Forenoon: and at any Time betwixt such Persons as are prohibited in the Table of Marriage, or are under the age of One and twenty years, without the consent of the Parents signified unto him, or of their Guardians and Governours,

Can. 100. if the Parents be deceased? Or hath he married those, of whom neither party dwelleth in the Parish?

Can. 68. 16. Doth your Minister refuse or delay to bury any Corps that is brought into the Church or Church-yard, convenient warning being given him before; except the party deceased were denounced

Excommunicate (*Majori Excommunicatione*) for some grievous Crime, and no man able to testifie of his repentance; and doth he do it decently and gravely, not swerving from the Form prescribed by the Church in the Common-Prayer-Book?

Can. 75. Is your Parson, Vicar, Curate, or Lecturer, a Man of sober, unblameable, and exemplary life? Doth he familiarly converse with ungodly, vicious, and excommunicate persons? Is he a frequenter of Taverns or Ale-houses, a Common Gamester, a Swearer, Railer, or Quarreller? Doth he set Neighbours at variance one with another, or encourage them to Suits and Contentions? Is he noted to be an intemperate Drinker, or vehemently suspected of Incontinency with any Person, either within the Parish or without? Doth he wear his Hair and Band of an immoderate and uncomely length?

Can. 62.

Can. 74. Is his Apparel grave and decent, as the Canons of the Church require; or is his Carriage and Conversation, in any kind whatsoever, disorderly or Scandalous, and unbeseeming a Minister of Jesus Christ?

Tit. IV.

Concerning the Parishioners.

Can. 110. I. Is there in your Parish any person a known or reputed Heretick orSchismatick; any Papist, Familist, Anabaptist, Quaker or other Sectaries, that refuse to come unto the Publick Assemblies, Prayers, or Services of the Church; that makes Profession of any other Religion than what is established in the Church of *England*; and if there be any such, what are their Names?

Can. 109. 2. Is there any person in your Parish that liveth under a common fame, or vehement suspicion of Adultery, Fornication, or Incest? Are there any Common Drunkards within your Parish, or Common Swearers, or Blasphemers of Gods Name; or any that are noted to be Railers, unclean, or filthy Talkers, or Sowers of Sedition, Faction, and Discord amongst their Neighbours?

5 & 6 Ed. 6. Chap. 3. Can. 13. 3. Do any of your Parish upon Sundays or Holydays, follow their bodily and ordinary labour; or permit their Servants so to do, unless it be at the time of Harvest, or any other time when necessity requires? Are any Shops kept open, or Wares sold: Or do any Vintners, Innkeepers, or other Victuallers and Sellers of Beer or Ale, suffer any persons to tipple or game in their Houses upon those days?

1 Q. Eliz. 2. 4. Doth every person inhabiting and so sojourning within your Parish, duly resort unto your Church or Chappel, upon every Sunday and Holy-day appointed for Divine Service; Do they then and there abide quietly, with reverence order, and decency, during all the whole time of Common-Prayer, Preaching, or other Service of God there used; And are there any among you that come only to the Preaching, and not to the Common-Prayers of the Church?

Can. 18.

Can. 18. 5. Doth every person reverently uncover his head, and so continue all the time of Divine Service in the Church? Do they all reverently kneel at the Prayers, and stand up when the Creed and Gospel are read, making due reverence when the Name of our Lord Jesus is mentioned?

Rubrick of Baptism. 6. Are there any in your Parish that refuse to send their Infant-Children to be baptized publickly in the Church, unless in case of urgent danger; in which case the Child may be baptized at home by a lawful Minister, after the Form and Rites appointed in the Liturgy? If baptized at home, by whom? Give his Name and Place of abode? Or do they send them from their own Minister, to be baptized in any other Parishes; or after other Form than is appointed? Or do they keep them unbaptized any longer time than the Church alloweth; and are there any Infants or more aged persons in your Parish, as yet unbaptized?

Can. 59. 7. Doth every Housholder in your Parish cause their Children and Servants to come to Church to learn their Catechism, and to give an account thereof unto your Minister, as he shall require it of them openly in the Church upon Sundays and Holydayes, as in the Book of Common-Prayer is appointed, that when they are well instructed in the same, they may be confirmed by the Bishop?

Can. 112. 8. Is there any person in your Parish, who being sixteen years of age, and well-instructed in Religion, doth not receive the Sacrament of the Lords Supper, at least three times in the year, of

Can. 114. which *Easter* is alwayes to be one? Doth any in your Parish refuse to receive the same kneeling, or from the hands of your own Minister, repairing for it to other Parishes and Ministers abroad: Or are there any Strangers, not of your Parish, that forsake their own Churches, and usually repair to yours for it?

Can. 65. 9. Have you any among you that be denounced and declared Excommunicate, for any Crime committed? How long have they been so excommunicated; and do any of your Parish keep society with them before they be reconciled to the Church and absolved?

Can. 99. 10. Are there any in your Parish, who are known or suspected to be unlawfully married, contrary to the Laws of God and his Church? Or any living as Man and Wife, who are within the Degrees prohibited? Or any (who being lawfully married and never divorced) do yet live asunder: Or any who being lawfully divorced, do live together again: Or being separated for Adultery, have afterwards entermarried with any other, during the life of their first Consort

Can. 107.

Rubrick Com. Prayer. 11. Are there any Married-Women in your Parish, who, after their Delivery from the Peril of Child-Birth, refuse to make their Publick Thanksgiving to God in the Church: And when they come so to do, do they come decently apparelled, and make their Offerings according to Custom?

27. Hen. 8. 20. 12. Are there any belonging to your Parish, who refuse to pay their duty for *Easter-Offerings* to your Minister: Or any that refuse to contribute and pay the Rate assessed upon them for the repair of your Church or Chappel, and for the providing of such Books, Furniture, and Ornaments, as be requisite for the performance of all Divine Offices there? Present the Names of such as do refuse.

Rubrick Com. Pray.

Can. 85.

Rubr. 13. Do any refuse to bury their Dead according to the Rites of the Church of *England*? Do any bury their Dead in unconsecrated places? Name them. Are there any Wills or Testaments of Persons dead in your Parish, that be yet unproved; or any Goods administred, without a due Grant from the Ordinary? Did any dying in your Parish, or elsewhere, leave any Legacy to your Church or Chappel, to the use of the Poor, or any other Charitable Purposes; What were those Legacies, and how have they been bestowed?

Can. 92.

Lind. lib. 3. de Test.

14. Is there any strife and contention among any of your Parish for their Pews or Seats in the Church? Have any new Pews been erected inthe Chancel, or in the Body of the Church or Chappel, without leave from the Ordinary?

Act Parl. 1671. 15. Do you know, or have heard of any Person or Persons, who detain in their hands any Money collected for the Poor, afflicted by the late Plague or Burning of the City of *London*; what is the sum, and by whom is it detained?

Tit. V.

Concerning Ecclesiastical Officers.

Vide Oath. Can. 127. 1. Do you know that any Ecclesiastical Judge, or any of the Registrars or Apparators, or other Officer belonging to the Ecclesiastical Courts, hath taken Rewards or Gifts for perverting Justice, or denied Justice to any man who lawfully required the same?

2. Do you know or have heard that any of the said Judges or Registrars, or any belonging to the said Courts, do favour any Popish or other Recusants, or do forbear to enquire, cite, denounce and censure them?

Can. 128. 3. Have the said Ecclesiastical Judges appointed and constituted certain and determined Surrogates and Substitutes, such as are Persons of Gravity, Favourers of true Religion, and men of modest and honest Conversation? Or otherwise haue they appointed persons scandalous for being addicted to Intemperance, Incontinence, or any kind of vice, or Persons that are Favorers, Promoters, or Assister of Clandestine Marriages, or such as care not to preserve the necessary Discipline, and honour of the Church?

4. Whether hath the Chancellor, Commissaries, or any using Ecclesiastical Jurisdiction upon the Presentment or Information given unto him, of any foul Offences or Scandals in your Parish, not punished the Persons detected, so that the Congregation hath not been satisfied both of Justice done, and of the amendment of the Party, and who were the Parties committing the said Offences, as Incest, Adultery, Fornication, Drunkenness, Blasphemy, Heresie, Clandestine Marriage, Profaning of the Church, or such like?

An. 1571. Tit. Cancellarii & Can. 1597, C. nequa, &c.

5. Whether hath any Ordinary in the Diocess commuted the pennance of any Delinquent convicted? What persons haue so commuted, and how hath the money been disposed of to Charitable Uses, as far as you know or have heard?

Can. 115.

6. Whether do the Ecclesiastical Judges suffer any persons detected for Crimes, to sue and molest Church-wardens who detected them for the same?

Plowden An. 7. Eliz. fol. 278.

7. Whether do you know or have heard that any of the said Judges, when the deceased died without a Will, hath assigned any part of the Goods to Charitable Uses, and how have you known them to have been employed?

Stat. 21. H. 8.

8. Whether in such Cases of dying without a Will, doth the Ecclesiastical Judge send out Intimation to summon the Creditors, Wife, Children, and Kindred to come and take Administration, and commit the same as far as the Law permits, not to needy persons, but to able men, and such as enter sufficient Bond, to preserve the Estate, and to answer all that is due, and save the Lord Bishop harmless?

9. Whether doth the said Judge Ecclesiastical when a Benefice is vacant, commit Sequestration to able men, that do answer and account truly for the mean profits? And whether are the Parishes during the vacancy well served with able Ministers?

10. Whether do you know, or have credibly heard, that the said Judges Ecclesiastical, Registers, or Apparators, do take any extraordinary or more Fees for Probate of Wills, Administrations, Accounts, Assignations, of Portions or Citations, or for any other Act or thing done or sped by them, then are allowed by the Statutes of the Land, or any Fees greater then heretofore have been accustomed, in other Businesses belonging to their Courts.

Can. 135.

11. Whether do you know, or haue heard, that any Registrar of the said Courts hath sped any Acts, or dismissed any Person detected, without the knowledg and actual consent of the Judge?

Can. 134.

12. Doth the Chancellor, Commissary or Official, or any of their Surrogates, carelessly, or for hope of gain disperse or grant Licenses for the Celebration of Matrimony, until it do appear to the person himself who is Judge in these Cases, by the Oaths of two sufficient Witnesses, one of them known to the Judge, or to some person whom the Judge dares trust in this particular, That the express consent of the Parents or Parent (if one be dead) or Guardians or Guardian of the Parties, is thereunto had and obtained, and until one of the Parties to be married have personally sworn that he believeth there is no let or impediment of Precontract, Kindred, or Alliance, nor any other lawful Cause, nor any Suit commenced in any Ecclesiastical Court, to bar or hinder the proceedings of the said Matrimony?

Can. 103 & Constitu. 1597. Tit de moderandis Indulgentiis.

13. Whether is there in every place where Ecclesiastical Courts are kept, and also in the Registry of every such Office or Court a Table of Fees set up, that every one may read the same, containing all the Fees that every Officer of the Court ought to take, according to the Canon made at the Convocation under Archbishop *Whitguift An Dom.* 1597.

Can. 136.

14. Whether are there more Apparators belonging to the Courts, than the Law alloweth, or heretofore were accustomed? Whether do any of the Apparators buy or take to farm their Offices, or the execution of the same? Or do intrench upon the office of the Judge?

Can. 138.

15. Whether doth any person to your knowledge, or as you haue heard, take upon him to execute both the places of judg and Register, directly or indirectly?

Tit. VI.

Concerning Parish-Clerks and Sextons.

Can. 91.

1. Have you belonging to your Church or Chappelry a Parish-Clerk, aged 21 years at least? Is he of honest life and conversation? and sufficient or able to perform his duty, reading, writing, or singing? Is he chosen by your Minister, and doth he duly attend him in all Divine Services at the Church? Are his Wages duly paid unto him? and who with-holdeth the same from him?

2. Doth he or the Sexton (if there be any such appointed in your Parish) diligently look to the Doors of the Church, that they be locked and opened at due time; and doth he keep the Church or Chappel clean from dust, cobwebs, and other annoyances? Doth he toll or ring the Bells at the due accustomed hours before the beginning of Divine Service, Morning and Evening, that the people may be warned to come unto the Church? And when any person is passing out of this life, doth he upon notice given him thereof, toll a Bell, as hath been accustomed, that the Neighbours may thereby be warned to recommend the dying person to the grace and favour of God?

Can. 67.

Tit. VII.

Concerning Hospitals, Schools, School-Masters, School-Mistresses, Physicians, Chyrurgeons, and Midwiues.

Hen. 5. 1. Eliz. A.

1. Is there in your Parish any Hospital, Alms-house, or Free-School, not of the Kings Foundation or Patronage? Who was the Founder, or is now the Patron thereof? Or what is the yearly Revenue or Stipend, belonging to the Governours or Masters of the same? Is the same ordered and governed in every respect as it ought to be? And are the Revenues thereof rightly employed, according to the intention of the Founder, and of such Grants or Ordinances as have been made concerning the same?

Can. 77.

2. Doth any man keep a publick or private School in your Parish, who is not allowed thereunto by the Bishop? Doth your School-Master or Usher teach his Scholars the Catechisme of the Church? Doth he teach any other Catechism or any other Grammar, than what are set forth by Authority? Doth he cause them upon Sundays and Holydays orderly to repair to your Church or Chappel; and see that they behave themselves there quietly and reverently, during the time of Divine Service and Sermon?

Can. 79.

3. Doth any Woman keep a School in your Parish, who is not allowed thereunto by the Bishop? Is she modest, of good report, and conformable to the Church of *England*? Doth she teach them the Catechism of the Church, and doth she with them repair to the Church upon Sundayes and Holydays, and there demean themselves reverently the whole time of Divine Service and Sermon? And doth she bring her Scholars to the Minister of the Parish, to be prepared for Confirmation by the Bishop?

3. Hen. 8 11.

4. Doth any man in your Parish practise Physick, or Chyrurgery, or any Woman take upon her to exercise the Office of Midwife, without Approbation and Licence from the Ordinary?

Tit. VIII.

Queries to be put to the Ministers, concerning the Church-Wardens and Side-men.

Can. 89.

1. Are the Church-wardens of your Parish yearly and duly chosen by the joynt consent of the Minister and Parishioners; or one of them by the Minister, and the other by the Parishioners? And are there Side-men appointed to assist them for the due ordering of the Church?

Can. 89.

2. Have the former and last Church-wardens giuen up their due Accounts to the Parish, and delivered up to the succeeding Church-wardens the moneys remaining in their hands, together with all other things belonging to your Church or Chappel?

Can. 90.

3. Do the Church-wardens and Side-men take diligent care, and see who of the Parishioners be absent from the Divine Service and Sermon in your Church or Chappel, upon Sundays or Holy-days? And if they find any of them to have absented themselves without a sufficient cause? Do they by Warrant from some of the Justices of Peace, levy of them by way of Distress upon their Goods, the sum of 12*d.* for every such day of their absence, according to the Act of Parliament in that case provided? And do they, the several sums so levied, distribute among the Poor of the Parish, according to the Law?

1. Q. Eliz. 2.

4. Do they present them that come late to Church, after Divine Service is begun, or depart before it be ended? Do they suffer none to stand idle, or talk together in the Church-Porch, or to walk in the Church or Church-yard, during the time of Prayers, Preaching, or other Sacred Offices? Do they about the midst of Divine Service usually walk forth and make search for such as are then abroad in the Streets or in Taverns or Ale-houses, suspected to harbour ill company?

Can. 18.

Can. 19.

5. Do they suffer no misbehaviour or disorder to be done by Men, or Women, Servants or Children, in your Church or Chappel? Are they careful that none of them sit, lean, or lay their Hats

Can. 18.

upon the Communion Table? Do they permit no Minstrels, no Morrice-Dancers, no Dogs, Hawks, or Hounds, to be brought into your Church, to the disturbance of the Congregation? Can. 88.

6. Do they against every Communion appointed in your Church or Chappel, provide a sufficient quantity of fine White-Bread, and of good Wine, according to the number of Communicants? Can. 20.

7. Do they cause all Strangers, that preach in your Church or Chappel, to subscribe their Names the same day in a Book provided for that purpose, together with the Name of the Bishop that licenced them to preach in this Diocess? And do they permit no other to preach? Can. 52.

8. Were there any Presentments made upon any of the Articles before rehearsed at my Primary Visitation, *Anno Dom.* 1668, by the Church-wardens of your Parish? were the Presentments prosecuted, and Delinquents punished, if not, by whose fault or neglect was the same omitted, declare your knowledge, and what you have heard herein?

9. Have they (the Churchwardens and Side-men) now sworn to give in a true Answer unto all these Articles of Inquiry in all their several Titles, taken sufficient time to draw up their Presentments, and therein consulted with you their Minister, for your faithful assistance? Can. 119.

For know you assuredly, that as the true discharging of your Office is the chief means whereby publick Disorders, Sins, and Offences in your Parish may be reformed and punished; the Bishop however willing, not being able to punish, till due Presentments are made; so if you wilfully refuse to present such Crimes and Faults as either you know to have been committed, or otherwise to have heard of by publick fame; that, in such Cases the Bishop and his Officers are to proceed against you, in their Ecclesiastical Courts, as in Cases of Wilful Omission and Perjury.

The Ministers of every Parish are desired to prepare and give in the Names of such of the younger sort of their several Parishes, as they judge fit to receive Confirmation from the Bishop, and to present them to be confirmed; especially such as having competently learned their Catechisme, have not yet received the Holy Communion; and to present them to the Bishop to be confirm'd, as there shall be opportunity.

FINIS.

PEARSON, BISHOP OF CHESTER, 1674.

ARTICLES of Enquiry Concerning Matters Ecclesiastical Within the Diocese of Chester, in the Primary Episcopal Visitation of the Right Reverend Father in God John Lord Bishop of Chester, Anno Dom. 1674.

London.
Printed for *Joh. Williams Junior*, M.DC. LXXIV.

The Tenour of the Oath to be Tendered to the Church-Wardens and Side-men.

You shall Swear, diligently to enquire, and true Presentment make, of all Defaults and Offences against the Laws Ecclesiastical of this Realm. In which you are to take Direction from these Articles. And that you will not Present any Person out of Malice or Ill-will, nor spare any out of Fear or Favour. *So help you God.*

Articles of Enquiry Within the Diocese of Chester.

TIT. I.

Concerning Churches or Chappels, with the Ornaments, Furniture and Possessions belonging to them.

I. Is the Fabrick of your Church (or Chappel) with all things appertaining to it, kept in good repair within and without, in such order and decency, as becometh the House of God?

II. Is there in the Church (or Chappel) a Font of Stone standing in the usual ancient place, with a Cover to it, for the Administration of Baptism? Is there also a convenient Communion Table, with a fair Carpet of Silk, or other decent stuff, in the time of Divine Service; and with a fair Linnen Cloth at the time of Administring the Sacrament? What Cup, Chalice, Patin or Flagons, have you belonging to that Service?

III. Have you in your Church (or Chappel) a convenient seat for the Minister to read Divine Service in? And a Pulpit with a decent Cloth, or Cushion for the same?

IV. Have you a large Folio Bible of the last Translation, with two Books of Common Prayer well bound, one for the Minister, the other for the Clerk? Have you the Book of Homilies set forth by Authority, the Book of Canons, and the Table of Degrees prohibited in Marriage?

V. Have you a Register-Book of Parchment for all who are Christned, Married or Buried in the Parish? Doth your Minister every Lord's-day in the Presence of your Church-Wardens set down the Names of Parties, with the Day, Month, and year of each Christning, Marriage, or Burial? Is the Transcript thereof every Year, within one Month after the Twenty fifth of March, carried into the Bishops Registry?

VI. Have you a Paper-Book in which the Names of Strangers who preach or officiate in the Church (or Chappel) are set down; and another Book for the Church-Wardens Accompts?

VII. Have you a fair Surplice for the Minister to wear at the times of his publick Ministration provided at the Charge of the Parish?

VIII. Have you a Chest with three Locks and Keyes to keep the Books and Ornaments of the Church? Have you a Bier with a black Herse-cloth for the Burial of the Dead?

IX. Is the Church-yard sufficiently fenced with Walls, Pales, or Rails, and decently kept from all Annoyance or Incroachments? Are the Trees therein preserved?

X. Is the Mansion-House of your Minister, with all other Houses thereunto belonging, kept in good repair? Have any of them been pulled down, or defaced? Have any Incroached upon the Land thereto belonging, or felled the Trees thereon growing?

XI. Have you a perfect Terrier of all Glebe-Lands, Gardens, Orchards, and Tenements belonging to your Parsonage or Vicarage; as also an Account of such Pensions Rate-Tyths, and Portions of Tiths, or other yearly Profits (either within or without the Parish) as belong thereunto? Have any of the same been with-held from your Minister? And by whom, as you know, or have heard?

XII. Have any of the ancient Glebe-Lands belonging to your Parsonage or Vicarage been taken away, or exchanged for other, without the free consent of the Incumbent, and Licence from the Ordinary? Have any Inclosures been made in your Parish, to the detriment of the Church, by the decay of Tillage, and converting Arable-Land into Pasture? By whom hath the same been made? And how many years since? and how much is your Parsonage or Vicarage damnified thereby in the yearly value thereof; as you know, believe or have heard?

XIII. Have any new Pews or Seats been erected in your Chancel, or in the Body of the Church, (or Chappel) without leave from the Ordinary?

TIT. II.

Concerning Ministers.

I. Is your Minister, Curate or Lecturer, Episcopally Ordained?

II. Hath he been Licensed to Preach by the Bishop or either of the Universities?

III. Is he defamed or suspected to have obtained his Orders or Benefice by any Simoniacal Compact?

IV. Doth your Minister diligently read Divine Service, and preach every Lords-day in the Church, unless hindered by sickness, or reasonable absence? And in such cases doth he procure some lawful Minister to read Prayers, to Preach, and perform other Ministerial Duties?

V. Doth your Minister in the Morning and Evening Service, in the Administration of the Sacraments, and in performing other Religious Offices appointed by the Church of *England*, use the respective Forms in the Book of Common Prayer, together with all those Rites and Ceremonies which are enjoined in this Church? And doth he make use of the Surplice when he reads Divine Service, or Administers the Sacraments?

VI. Doth your Minister diligently Catechize the Youth of his Parish? Doth he prepare and procure them (as occasion is offered) to come and be confirmed by the Bishop? And doth he endeavour to reclaim all Popish Recusants, and all Sectaries in your Parish, to the true Religion and Worship of God as it is established by Law?

XII. Is your Minister a man of a sober, unblamable and exemplary life? Is he grave, modest, and regular in his outward demeanor and apparel, according to the Constitutions of the Church? Or is his carriage, conversation, or company in any kind whatsoever disorderly or scandalous, and unbeseeming his Calling and Charge?

VIII. Is your Minister ready to visit the Sick, and to Baptize Infants in danger of death, being so desired? Is any Infant or more aged person in the Parish yet Unbaptised by his default? Doth he duely Administer the Blessed Sacrament of the Lords Supper, Three times every year, at the least, whereof *Easter* to be one? Doth he baptize with Sureties?

IX. Doth your Minister Marry any persons at Uncanonical Hours, not between eight and twelve, or in private, or such as are under Age, not having the Consent of their Parents and Guardians? Doth he Marry any either without Banes first published Three Sundays or Holidays in the Church; or without License so to do; or with the License of any other than the Archbishop, Bishop of this Diocese, or his Chancellor?

X. Doth your Minister duly bid and observe Holidays and Fasting-days, as is appointed? And doth he then use the Forms of Prayer prescribed by the Church? Hath he taken upon him to appoint any private Fasts, or Religious Exercises without lawful Authority? Doth he or any other Minister or Lay-person in your Parish hold any unlawful Conventicles, or Meetings, under pretence of any exercise of Religion?

XI. Is your Minister constantly Resident among you? Hath he a Curate conforming to assist him in his absence or presence? Doth he carry himself in all things, as an able and discreet Minister, and conformable to the Church of *England*? Doth he serve any more Cures besides that of your Parish, on the same day? What is the name of your Curate, and what yearly Stipend doth your Minister allow him?

XI. Is there in your Parish any Lecturer; what is his name? Doth he read Divine Service before his Lecture, as by Law is required; and is he Conformable to the Discipline of the Church of *England*?

Tit. III.

Concerning Parishioners.

I. Are there any in your Parish who are reputed Hereticks or Schismaticks refusing Communion with the Church of *England?* Any impugners of the Religion established, of his Majesties Supremacy or of any the Laws, Rites and Ceremonies Ecclesiastical? Have any spoken or declared any thing in derogation, or to the depraving of the Form of Gods Worship in the Church of *England*, and Administration of the Sacraments, Rites and Ceremonies prescribed in the Book of Common-Prayer as it is now established by Law?

II. Are there any in your Parish, who lie under a common fame, or vehement suspition of Adultery, Fornication, or Incest? Are there any Common Drunkards, Swearers or Blasphemers of Gods holy Name and Word?

III. Are there any Excommunicate persons, or any who countenance, or keep company with them?

IV. Do any of your Parish prophane the Lords-day by neglecting of publick Holy Duties, or by doing the works of their ordinary Calling, or using unlawful Recreations, or permitting their Children or Servants so to do? Do they duly observe other Holidays, Festivals and Fasts appointed by Authority?

V. Do all those who inhabit in your Parish duly resort to your Church (or Chappel) and continue there during Divine Service, Sermon, and other Holy Duties, with that Reverence, Order, and Decency, as befits devout Christians? Or, have any occasioned Riot, Clamor, or Fighting in the Church, at any time? Are there any Recusant Papists, or Sectaries in your Parish? Do they, or any of them keep any Schoolmaster in their House which cometh not to Church to hear Divine Service, and receive the Holy Communion?

VI. Are there any in your Parish who refuse to have their Infant-children Baptized by your Minister? Or do they keep them unbaptized longer than the Church allows? And what Infants, or more aged persons, are there in your Parish unbaptized?

VII. Do all your Housholders duly send their children Apprentices and Servants to be chatechized? And do they take care (when occasion is offered) they should be confirmed by the Bishop?

VIII. Is there any person in your Parish being Sixteen years of age, who refuseth to receive the Blessed Sacrament of the Lords Supper, at least three times every Year? whereof Easter to be one? And do all receive this Sacred Mysterie with that outward gesture of Humilitie and Reverence as becomes them, meekly kneeling upon their Knees?

IX. Are there any in your Parish who are known or suspected to be unlawfully Married contrary to the Laws of God and this Church? Are there any (who being lawfully Married and never divorced) do yet live asunder? Or any who being lawfully Divorced, do live together again? Or being separated for Adultery, have afterwards Enter-married with any other, during the life of their First Consort?

X. Are there any Married Women in your Parish, who after their safe Delivery from Child birth, neglect to make their humble and publick thanksgivings to God, decently apparelled, according to the appointment of the Church? Or refuse to pay the Offerings according to custom.

XI. Are there any of your Parish who refuse to pay their *Easter* offerings, and other Duties to your Minister? Or to pay the Rates assessed on them, for the Repair and provisions of the Church?

XII. Do you know, or have you heard of any Patron, or other person in your Parish, who having the gift of an Ecclesiastical Benefice, hath made gain thereby upon any Bargain, either for Money, Pension, Lease, Reserve of Tythes, or Glebe, or other Simoniacal Compact whatsoever?

XIII. Do any among you refuse to Bury their Dead, according to the Rites of the Church of *England?* Are there any Wills of Deceased persons unproved, or Goods not administred? Do you know of any Legacies given to your Church, not yet received by you, or detained from you, or not applied to the uses appointed?

Tit. IV.

Concerning the Officers belonging to the Church.

I. Are the Church-Wardens of your Parish, yearly chosen according to Law? And are there Sidemen appointed to assist them, for the due ordering of the Church?

II. Have the former and last Church-Wardens given up their Accompts to those that succeed them, together with all Monies and other things belonging to your Church (or Chappel?)

III. Have you a Parish Clark, aged one and twenty years at least, who is of sober life and good report? Is he chosen by your Minister, and approved by the Parish; and is he able for Reading, Writing, and Singing as a Clerk? Are his Wages duly paid him?

IV. Doth he or your Sexton take care of your Church, to keep it lockt, and clean, to open the Doors, and ring the Bells in due time, to call the Inhabitants to the Worship of God? Also to admonish them by Tolling of a Passing-Bell for any that are dying, thereby to meditate of their own Death, and to commend the others weak condition to the mercy of God.

Tit. V.

Concerning Alms-houses, Schools, and School-masters, Phisicians, Chirurgions, and Midwives.

I. Is there any Hospital, Alms-house, or Free-School founded in your Parish not of the Kings Foundation? Are they so governed and ordered in the use and Revenue as the Founders appointed, according to het (*sic*)Ordinances and Statutes which have been made concerning the same?

II. Doth any man keep a publick or private School in your Parish? Is he or they licensed or allowed thereunto by the Bishop? Is he of sober, religious and exemplary Conversation? Doth he instruct his Scholars in the Catechism and Religion of the Church of England? Is there any Woman that taketh upon her to instruct and educate any young Maidens? Doth she resort duly, and bring with her to Divine Service, upon the Lords-day, and Holidaies, all such Young Maidens as are committed to her Care?

III. Do any in Your Parish practise Phisick, Chirurgerie, or Midwiferie without License from the Ordinarie?

"The Minister of every Parish may join in Presentments with the Church-Wardens and Side-men, and if they will not present, then the Ministers themselves (being the Persons that have the chief care of the suppressing of Sin and Impiety in their Parishes) may present the Crimes aforesaid, and such things as shall want due Reformation," Can. 113.

Joh. Cestriens.

The Ministers of every Parish are desired to give in the Names of such of the younger sort, in their several Parishes, as they judge fit to receive Confirmation from the Bishop.

Finis.

FELL, BISHOP OF OXFORD, [about 1676].

Articles of Visitation & Enquiry Exhibited to the Ministers, Churchwardens, and Sidemen Of every Parish in the primary Episcopal Visitation Of the Right Reverend Father in God John By Divine Permission Lord Bishop of Oxford.

Printed at the Theatre [*date cut off*].

The tenor of the Oath to be administred to the Churchwardens, and Sidemen of every Parish.

You shall swear truly and faithfully to execute the Office of a Churchwarden within your Parish, and according to

the best of your skill and knowledg present such Things and Persons, as you know to be presentable by the laws Ecclesiasticall of this Realm. So help you God, and the contents of this Book.

ARTICLES of Instruction for Visitation and Enquiry in the Diocess of Oxford.

TIT. I.

Concerning Churches and Chapels, with the Ornaments thereunto belonging.

1. Is your Church or Chapel in good and sufficient repare, and so decently and cleanly kept as becomes the house of God?

2. Is the furniture of your Church or Chapel, as Bells, Communion plate and Cloths, Ministers surplice, Pulpit-cloth, Herse-cloth, with other usual Ornaments duly provided, and decently kept?

3. Have you a fair Bible, book of Common Praier, books of Homilies, and Canons; a Register of Births, Burials, and Mariages, and is the said Register duly kept, and the transcript return'd every year into the Bishops Registery? Have you also a Register of such Strangers as are admitted to Preach; and a book for the entry of the Churchwardens accounts? And are the said books carefully lookt to, and constantly emploied?

TIT. II.

Concerning the Church-yard, the Houses, Glebes, and Tiths belonging to the Church.

1. Is your Church-yard sufficiently fenced and preserved from anoiance, encrochments, and wast?

2. Is the dwelling-house, and all the out-houses of your Parson, Vicar, or Curate kept in good repare; and are the Glebe-lands, Orchards, Gardens, and other easements belonging to them, preserv'd from being embezel'd, or endammag'd? And have you a perfect Terror (*sic*) of such Glebe-lands, Orchards, &c. and also of Pensions, Tiths, and compositions as belong unto them?

TIT. III.

Concerning Ministers.

1. Have you a Parson, Vicar, or Curate legally settled among you?

2. Is he constantly resident? or how long and on what occasion is he absent? has he a Curate? how is he licensed, and how maintain'd? During his absence, what care is taken for hospitality, and charity to the poor?

3. Do's your Parson, Vicar, or Curate constantly, reverently, and regularly officiate on the Lords daies, Holidaies, and the Eves of them; as also read the Letany upon all wenesdaies; and fridaies weekly; and observe Rogation and Emberdaies according to the order of the Church; and so perform all offices, without addition or diminution?

3. (*Sic.*) Do's your Minister diligently instruct the youth of your Parish in the Church Catechisme? and do's he endeavor to reclame all profane persons, Papists, and Sectaries; and press the great duties of piety, justice, temperance, charity, allegiance, and conformity? And is he diligent in visiting the sick, and satisfying the doubts of troubled consciences? Lastly, is he peaceable, sober, and exemplary in his conversation, and grave in his demeanor, company, hair, and apparel?

TIT. IV.

Concerning the Parishioners.

1. Are there in your Parish any persons known or reputed to be Jews, Heretics, or Schismatics, whether Papists, or Fanatics? what are the numbers of each particular Sect of them? and are they studious to pervert the Orthodox; or insolent towards them for doing their duty?

2. Are any of your Parish known or suspected to be guilty of Incest, Adultery, Fornication, or any other enormous crimes? Do any profane the Lords day, or the Name of God, or are irreverent in the Church, or neglect the respective duties incumbent on them in reference to the Sacraments of Baptism, and the Lords Supper, and other Rites; as of Catechizing, Confirmation, Mariage, thanksgiving after Child-birth, burial of the dead, or the censures of the Church?

3. Are the Wills and Testaments of the dead in your Parish, or the administration of their Goods duly taken out and executed? Have any Lands, Legacies, or charitable gifts bestowed on your Parish, or any other good uses; bin embezled, or unduly dispos'd of?

TIT. V.

Concerning Parish Clerks, and Sextons.

Have you belonging to your Parish or Chapelry a sufficient Clerk or Sexton, and do's he faithfully and diligently execute his office?

TIT. VI.

Concerning Hospitals, Scholes, Scholemasters, Physicians, Chirurgions, and Midwives,

1. Is there in your Parish any Hospital, Almes-house, or Free-schole? How are they endowed, ordered, and governed? Do's any one keep Schole without licence from the Bishop; or if licensed, neglect to teach the Youth committed to him the Catechism of the Church, and Grammar set forth by autority; and to bring them to the Service of the Church?

2. Do's any in your Parish practice Physic, or Chirurgery or do the Office of a Midwife, without approbation and licence from the Ordinary?

TIT. VII.

Concerning Ecclesiastical Officers.

1. Have any Officers that exercise Ecclesiastical Jurisdiction in this Diocess; taken, or exacted any excessive Fees for any Cause or Act; or any Bribe, or Reward for the concelement or impunity of delinquents; or sped any Act privately, and not in the presence of a public Notary?

2. Is the number of the Apparitors in this Diocess excessive; have they summon'd any person unlawfully; or taken reward for concelements; or threatned prosecutions where they had no reward, or otherwise misbehaved themselves in their office?

Advertisements.

I. The Minister of every parish may joyn in presentment with the Churchwardens and Sidemen; and if they fail to present, the Ministers themselves (who have the highest obligation to endeavour the suppressing of impiety and disorder) may do it.

II. The Minister, Churchwardens and Sidemen, at the delivery of their bill of presentment, are required to draw up in writing and attest under their hands, a particular account of the number of Recusants, whether Popish or other; and also the number of the Orthodox and conformable in their Parish, as follows.

1. *What number of Persons is there in common estimation in your Parish?*

2. *What number of Popish Recusants, or persons thereof suspected, is there?*

3. *What number of other Dissenters is there, who relinquish the Communion of the Church.*

III. The Ministers are to take notice, that the Bishop at his Visitation will be ready to confirm the youth that shall be fitted and brought before him: and therefore are desir'd by diligent Catechizing to prepare those under their charge, and to bring them, at the time appointed, unto the Bishop.

FINIS.

BARLOW, BISHOP OF LINCOLN, 1679.

ARTICLES of Visitation & Enquiry Concerning Matters Ecclesiastical Exhibited to the Ministers, Church-Wardens and Side-men, of every Parish within the Diocess of Lincoln, At the Primary Visitation of the Right Reverend Father in God Thomas, Lord Bishop of that Diocess.

London, Printed in the Year 1679.

The Tenor of the Oath to be Administred to the Church-wardens and Sides-men of every Parish.

You shall swear in Truth, Judgment, and Righteousness, faithfully to execute the Office of a Church-Warden within your Parish; and according to the best of your Skill and Knowledge, Present such Things and Persons, as by these Articles, and the Ecclesiastical Laws of this Realm, you know to be Presentable. So help you God.

ARTICLES of Visitation & Inquiry Within the Diocess of Lincoln.

TIT I.

Concerning Churches and Chappels, with the Ornaments and Furniture thereunto belonging.

Is your Church or Chappel kept in good and sufficient repair, and all things so decently ordered and kept clean, as becometh the House of God?

II. Is there in the Church (or Chappel) a Font of Stone

standing in the usual, ancient place, with a Cover to it, for the Administration of Baptism? Is there also a convenient Communion-Table, covered with a fair Carpet of Silk, or other decent Stuff, in time of Divine Service; and with a fair Linnen Cloath at the time of Administring the Sacrament? What Cup, Chalice, Paten, or Flagons, have you belonging to that Service?

III. Have you in your Church (or Chappel) a convenient Seat for your Minister to read Divine Service in, and a Pulpit with a decent Cloth or Cussion for the same? Have any Pews or Seats been erected by any private person of his own authority without leave from the Ordinary?

IV. Have you a large Folio Bible of the last Translation, with two Books of Common Prayer well bound, one for the Minister, the other for the Clerk? Have you the Book of Homilies set forth by Authority, the Book of Canons, and the Table of Degrees allowed and prohibited in Marriage?

V. Have you a Register Book of Parchment for all who are Christned, Married, and Buried in the Parish, in which are set down the Names of the Parties, with the Day, Month and Year of each Christning, Marriage, and Burial? Is the Transcript thereof every year, within one month after the 25 of *March*, carried into the Bishops Registry?

VI. Have You a Paper Book in which the Names of Strangers who Preach or Officiate in the Church (or Chappel) are set down? And another Book for the Church-Wardens Accounts?

VII. Have you a fair Surplice for the Minister to wear at all times of his publick Ministration, provided at the charge of the Parish?

VIII. Have you a Chest for Alms, with three Locks and Keys, and another Chest to keep the Books and Ornaments of the Church? Have you a Bier with a black Herse-cloth for the Burial of the dead?

IX. Is the Church-yard sufficiently fenced with Walls, Pales, or Rails, and decently kept from all annoyance or Incroachments? Are the trees therein preserved?

X. Is the Mansion House of your Minister, with all other Houses thereto belonging kept in good repair? Have any of them been pulled down or defaced? Hath any incroached upon the Land thereto belonging, or felled the Trees thereon growing?

XI. Have a perfect Terrier of all Glebe-lands, Gardens, Orchards, and Tenements belonging to your Parsonage or Vicarage; also a particular List of such Pensions, Tithes, or other yearly profits (either within or without the Parish) as belong thereunto? Are any of them with-held from your Minister, as you know, and have heard, and by whom?

XIII. Have any of the ancient Glebe-lands belonging to your Parsonage or Vicarage been taken away, or alienated by Sale or Exchange, without Licence from the Ordinary, and free consent of the Incumbent?

Tit. II.

Concerning Ministers.

I. Is your Minister Episcopally ordained Deacon or Priest, according to the Laws of the Realm of *England*? Is he defamed or suspected to have obtained his Orders or Benefice by any Simoniacal compact? Hath he been legally Instituted and Inducted into his Benefice? And did he within two months after his Induction, publickly read in the Church, in the time of Divine Service, the 39 Articles of Religion, established in the Church of *England*? And did he then and there declare his assent thereunto?

II. Hath your Minister been licenced to Preach by the Archbishop, Bishop of this Diocess, or either of the two Universities? Doth he diligently read Divine Service, and Preach every Lords Day in the Church, unless hindred by Sickness, or reasonable absence? And in such cases, doth he procure some lawful Minister to read Prayers, to Preach, and perform other Ministerial duties?

III. Hath your Minister (or any other who Preached in your Church) published in his Sermons any Doctrine which is new, strange, and disagreeing from the Word of God, and the Articles of the Christian Faith, or anything against the Doctrine or Discipline of the Church of *England*, as they are now established?

IV. Doth your Minister in the Morning and Evening Service, in the Administration of the Sacraments, and in performing other Religious Offices appointed by the Church of England, use the respective Forms in the Book of Common Prayer, which are enjoyned in this Church? And doth he make use of the Surplice when he reads Divine Service or administer the Sacraments?

V. Doth your Minister diligently Catechise the Youth of his Parish every Sunday and Holyday before Evening Service? Doth he prepare and procure them (as occasion is offered) to come and be confirmed by the Bishop? And doth he endeavour to reclaim all Popish Recusants, and all Sectaries in your Parish, to the true Religion?

VI. Is your Minister a Man of sober, unblamable, and exemplary life? Is he grave, modest and regular in his outward demeanor and Apparel, according to the Constitutions of the Church? Or is his Carriage, Conversation, or Company, in any kind whatsoever, disorderly, or scandalous, and unbeseeming his Calling and Charge?

VII. Is your Minister ready to visit the Sick, and to Baptize Infants in danger of death, being so desired? Is any Infant, or more aged Person in the Parish yet unbaptized by his default? Have those Children which have been Baptized in private Houses by the Minister of the Parish, afterward been brought into the Church? and did the Minister there certifie the Congregation, That the true Form of Baptism was by him privately before used? Or if any Children in the Parish have been Baptized privately by any other lawful Minister, have those Children been brought to your Church? And hath the Minister of the Parish there examined, whether such Children were lawfully Baptized, or not? Doth your Minister refuse to give the Sacrament to any in the Parish, and for what cause? Or doth he give to such as are Scandalous, or notorious sinners, or to any Excommunicate persons? Doth he duly Administer the Blessed Sacrament three times every year at the least, whereof *Easter* to be one?

VIII. Doth your Minister Marry any Persons in Private Houses, or such as are under age, not having the consent of their Parents and Guardians? Doth he Marry any without Banes first published three Sundays or Holydays in the Church? or at prohibited times or hours, without Licence so to do? Or with the Licence of any other than the Archbishop, Bishop of this Diocess, or his Chancellor?

IX. Doth your Minister duly bid and observe Holydays, and Fasting-dayes, as is appointed? And doth he then use the Forms of Prayer prescribed by the Church? Hath he taken upon him to appoint any private Fasts, or Religious Exercises, without Lawful Authority? Doth he, or any other (Minister or Lay person) in your Parish, hold any Conventicles, or Religious meetings for people of several Families to resort unto, contrary to the Laws in that case provided?

X. Is your Minister constantly resident among you, and how many weeks in the year hath he been absent from his Benefice? Hath he a Curate to assist him in his absence or presence? Is that Curate in Holy Orders, and hath he a Licence from the Bishop, to serve the said Cure? Doth he carry himself in all things as an able and discreet Minister and conformable to the Church of *England*? Doth he serve any more Cures beside that of your Parish, and at what distance? And doth any Lay-man, not being in Holy Orders, presume to read Publick Prayers in the Church?

XI. Is there in your Parish any Lecturer? Is he in Orders, and duly Licenced? Doth he read Divine Service before his Lecture? And is he conformable to the Discipline of the Church of *England*?

XII. Doth your Minister every six months publickly denounce all such as persevere in the Sentence of Excommunication, not seeking to be Absolved? Have any Excommunicate Persons been received into the Church, without a Certificate from the Ordinary of their Absolution? Or any so dying, buried with Christian Burial?

Tit. III.

Concerning Parishioners.

I. Are there any in your Parish who are reputed Hereticks or Schismaticks, refusing Communion with the Church of *England*? Any Impugners of the Religion established, of his Majesties Supremacy, or of any of the Laws, Rites, and Ceremonies Ecclesiastical? Have any spoken or declared any thing in derogation, or to the depraving of the Form of Gods Worship in the Church of *England*, and Administration of the Sacraments, prescribed in the Book of Common Prayer, as it is now Established by Law? Are there any convicted Papists, known Anabaptists, or Quakers, in the Parish?

II. Are there any in your Parish who lie under a common fame, or vehement suspition of Adultery, Fornication or Incest? Are there any common Drunkards, Swearers, or Blasphemers of God's Holy Name and Word? Are there any Excommunicate persons, or any who countenance, or keep company with them? What punishment for any such offences have been commuted and exchanged into a Pecuniary Mulct or Sum of Money by any Ecclesiastical Judge, exercising Jurisdiction within this Diocess, by virtue of any Grant or Commission? What was the Sum

of Money by them, or any of them so received and taken, and to what uses was the same bestowed?

III. Do any of your Parish prophane the Lords Day by neglecting of publick holy Duties, or by doing the works of their ordinary Calling, or using unlawful Recreations, or permitting their Children and Servants so to do? Do they duly observe other Holydays, Festivals and Fasts appointed by Authority?

IV. Do all those who inhabit in your Parish, duly resort to your Church (or Chappel) and continue there during Divine Service, Sermon, and other Holy Duties, with that reverence, order and decency, as befits devout Christians? Or have any occasioned riot, clamour, or fighting in the Church at any time? Is there any Recusant, Papists, or Sectaries in your Parish? Do they or any of them keep any School-master in their House, which cometh not to Church to hear Divine Service, and receive the Holy Communion?

V. Are there any in your Parish who refuse to have their Infant children Baptized by your Minister? or do they keep them unbaptized longer than the Church allows? and what Infants, or more aged persons, are there in your Parish unbaptized?

VI. Do all your Housholders duly send their Children, Apprentices, and Servants to be Catechized? and do they take care (when occasion is offered) they should be Confirmed by the Bishop?

VII. Is there any person in your Parish so confirmed and instructed, and being sixteen years of age, who refuseth to receive the blessed Sacrament of the Lords Supper, at least three times every year, whereof *Easter* to be one? And do all receive this Sacred Mystery with that outward gesture of humility and reverence as becomes them, meekly kneeling upon their knees, according to the order and custom of the Church?

VIII. Are there any in your Parish who are known or suspected to be unlawfully Married, contrary to the Laws of God and this Church? Are there any, who being lawfully Married (and never Divorced) do yet live asunder? Or any, who being lawfully Divorced, do live together again? Or being separated for Adultery, have afterwards entermarried with any other, during the life of their first Consort?

IX. Are there any married Women in your Parish, who after their safe delivery from Child-birth, refuse to make their humble and publick Thanksgiving to God according to the appointment of the Church?

X. Are there any of your Church, who refuse to pay their *Easter* Offerings, and other Duties to your Minister? Or to pay the Rates assessed on them, for the repair and provisions of the Church?

XI. Do you know or have you heard of any Patron or other person in your Parish, who having the Gift of an Ecclesiastical Benefice, hath made gain thereby upon any Bargain, either for Money, Pension, Lease, Reserve of Tithes, or Glebe, or other Simoniacal Compact whatsoever?

XII. Do any among you refuse to bury their Dead, according to the Rites of the Church of *England?* Are there any Wills of deceased persons unproved, or Goods not administred? Do you know of any Legacies given to your Church, or the Cathedral Curch (*sic*) of St. *Paul* in *London*, or to the Poor, or to other charitable uses, not yet received by you, or detained from you, or not applied to the charitable uses appointed?

Tit. IV.

Concerning the Officers belonging to the Church.

I. Are the Church-Wardens of your Parish yearly chosen according to Law? And are there Sidemen appointed to assist them, for the due ordering of the Church?

II. Have the former and last Church-Wardens given up their Accounts to those that succeed them, together with all Moneys, and other things belonging to your Church or Chappel?

III. Have you a Parish Clark, aged twenty years at least, who is of sober Life and good report? Is he chosen by your Minister, and approved by the Parish? And is he able for Reading, Writing, and Singing, as a Clerk? Are his Wages duly paid him?

IV. Doth he or your Sexton take care of your Church, to keep it lockt and clean, to open the doors and ring the Bells in due time, to call the Living to the Worship of God; also to admonish them by Tolling of a Passing-Bell for any that are dying, thereby to meditate of their own death, and to commend the others weak condition to the mercy of God?

Tit. V.

Concerning Alms-houses, Schools, and School-masters, Physitians, Chirurgions, and Midwifes.

I. Is there any Hospital, Alms-house, or Free-School, Founded in your Parish? Are they so governed and ordered in the use and revenue as the Founders appointed, according to the Ordinances and Statutes which have been made concerning the same?

II. Doth any man keep a publick or private School in your Parish? Is he or they licenced and allowed thereunto by the Bishop or his Chancellor? Doth he instruct his Scholars in the Catechism and Religion of the Church of *England?* Is there any Woman that taketh upon her to instruct and educate any young Maidens? Doth she resort duly, and bring with her to Divine Service, upon the Lords Day and Holidays, all such young Maidens as are committed to her care?

III. Do any in your Parish practise Physick, Chyrurgery, or Midwifery, without Licence from the Ordinary?

Tit. VI.

Touching Ecclesiastical Officers.

I. Are there any Ecclesiastical Officers that exercise Ecclesiastical Jurisdiction within this Diocess, that take and receive any extraordinary Fees for any Cause? Have abuses or offences been presented by Church-wardens and Quest-men? And are such offences, being presented, suppressed or left unpunished?

II. Have any Apparitors taken any reward for the concealing of any offence, or the avoiding of the punishment of the Offenders? And do they summon any without a Citation first had?

If you know of any other Default or Crime of Ecclesiastical Cognizance, you are to present the same.

Advertisements.

I. Every Parson and Vicar, and (in their lawful absence) the Curate of any Parish, may join in Presentments with the Church-wardens and Side-men; and if they will not Present, then the Ministers themselves (being the Persons that have the chief care of suppressing Sin and Impiety in their Parishes) may Present such Crimes as are against the Ecclesiastical Laws, and want due Reformation. Can. 113.

II. The Ministers are to take notice, that the Bishop at his Visitation, will be ready to Confirm the Youth who shall be fitted and brought before him; and therefore they are desired, by diligent Catechising in the Grounds of Religion, to prepare those under their charge, and bring them at the time appointed, to the Bishop: For as (*de Jure*) he cannot, so (*de Facto*) he will not Confirm any, save such who have been duly Catechiz'd, and (by their Pastors Testimony) have attain'd such a measure of Knowledge of the Principles of Christian Religion, as may render them capable of Confirmation.

T. Lincoln.

GUNNING, BISHOP OF ELY, 1679.

ARTICES of Visitation and Enquiry within the Diocess of Ely: in the Second Episcopal Visitation of the Right Reverend Father in God, Peter, by Divine Permission Lord Bishop of Ely. In the fifth year of his translation.

London, printed by *S. Roycroft*, 1679.

The Tenour of the Oath to be administred to the Church-wardens and Side-men.

You shall Swear, diligently to Enquire, and true Presentment make, of every person now or lately of your Parish, which hath made any default or offence enquirable by the King's Laws Ecclesiastical, and become known unto you. So help you God, and the Contents of his Holy Gospel.

Can. 119.

ARTICLES of instruction and direction to the Church-wardens and Side-men, of what they are to take more especial notice in their presentments.

Concerning Religion, and the Government of the Church established in this Realm.

Imprimis. Is there any in your Parish who are guilty of Atheistical or blasphemous Speeches against the Majesty of Almighty God, or Scoffers at Religion, and the Soul's future immortal state?

Artic. 1, 2, 3.

Is there any guilty of Speeches of Infidelity against the faith of our Lord Jesus Christ? Any who in their communication, or otherwise, defend the *Socinian* or *Arrian* Heresie, denying the

Can. 110.

Artic. 2. Eternal Godhead of the Lord Jesus, or *Pelagian*, denying the necessity of his Grace, and of Baptism for the washing away of Original Sin?

2. Is there any one that doth affirm or teach (and who is he) that the holy Scripture doth not contain all things necessary to Salvation? or, that what is Artic. 6. Artic. 8. Artic. 20. contained in the 3 Creeds ought not throughly to be received and believed, or that the Church hath not Authority in Controversies of faith?

Can. 5. 3. Is there any that doth affirm and teach that the Church of *England* by law established, is not a true and Apostolical Church, and a true member of the Catholic Church, having in her all things necessary to Salvation? Or is there any that doth affirm and teach that the XXXIX Articles agreed upon by Can. 4. the Arch-bishops and Bishops of both Provinces, and the whole Clergy in the Convocation holden at *London*, A.D. 1562. are in any part erroneous or superstitious, or such as may not with a good conscience be subscribed unto?

Can. A. 4. Is there any in your Parish that doth affirm and teach that the form of God's Worship in the Church of *England* established by law, and contained in the Book of Common Prayer, And Administration of Sacraments, is a corrupt, Popish, or any way superstitious or unlawful Worship of God, or containeth any thing in it that is repugnant to Scripture; or to the Doctrine and Worship in the Catholick or Primitive Church?

5. Is there any that doth affirm or teach (and who is he) that Baptism of Infants according as is Rubrick after Baptism. practised in the Church of *England*, is unlawful or unnecessary, or better to be delayed, or not appointed for the Remission of Sins, or that it may be repeated, or that Infants duly baptized according to the Churches Order, and dying before they commit actual sin, are not saved everlastingly through God's grace given them in Baptism?

Can. 1 & 2. 6. Is there any who doth affirm or teach, that the King's Majesty hath not the same Authority in Causes Ecclesiastical which we see Artic. 37. hath been given always to all godly Princes by God himself, both among the Jews, and in the Christian Church? Or that doth any way deny or impugn the King's Majesties Royal Authority or Supremacy in Causes Ecclesiastical in this Realm? Or who denies that within his Majesties Realms of *England*, *Scotland*, and *Ireland*, and all other his Dominions and Countries, our Lord the King is the highest Power under God, to whom the chief Government of all Estates, whether they be Ecclesiastical or Civil, in all Causes doth appertain, without any subjection due from Him or his Subjects to any foreign Jurisdiction?

7. Is there any who doth affirm and teach (and who is he) that the Government of the Church of *England* under his Majesty by Arch-bishops, Bishops, Deans, Arch-Deacons, or other chief Ministers bearing office in the same, or that the forms or manner of Ordaining and Can. 7. Consecrating of Bishops, Priests and Deacons, established by law, contains any thing that is Antichristian, or repugnant to the Word of God, or to the practice of the Catholick Can. 8. Church? Or that persons so ordained Bishops, Priests, or Deacons, have not sufficient external calling, or that they ought not to be accounted truly Bishops, Priests, or Deacons till they have some other external calling unto those divine Offices? or that teaches Pref. before Form of Ord. that those three holy Orders above-said have not been ever in Christ's Church even from the Apostles time?

8. Is there any in your Parish (and who is he) that separating himself from this Church, and from the Communion of Saints therein, and joyning himself to Conventicles, breaks the Communion of the Can. 9. Church of England, and so the Communion of the Catholick Church, of whose Communion hers is a part; or accounts of others as prophane, and none of the godly, for their orderly conforming themselves to the Church of England as established by law? Or that any combining themselves in Assemblies or Congregations of the King's born Subjects within this Land, other then such as by the Laws of this Land are held and allowed, may truly take unto themselves the name of another purer Church, or of the Church of England?

Can. 6. 9. Is there any who doth affirm and teach (and who is he) that the Rites and Ceremonies, and the Rules of the Church of *England* by law established, are Antichristian, Superstitious, or frivolous; or any way unlawful, or such as may not be subscribed unto, and practised with a good Can. 10. Artic. 20. conscience, or that the Church hath no power to decree any such Rites and Ceremonies?

Concerning the Clergy, their Duty and Office.

Act of Uniformity, Car. II. 14. 1. Is your Parson, Vicar, (or also Curate) in holy Orders by Episcopal Ordination, a Priest ordained according to the laws of the Church of *England?* hath he been legally instituted and inducted into his Benefice? or is he known or suspected to have obtained his Parsonage or Vicarage by any Symoniacal Contract?

Ibid. 2. Did he within two Months after his Induction publickly in your Church or Chappel upon some Sunday or Holy-day in the time of Divine Service, openly read the XXXIX Articles established by Authority in this Church, A.D. 1562. and then profess and publish his assent, and subscribe his name thereto in the presence of the Church-wardens?

Do you not know, or have you not heard, that in his reading, or pretending to read those XXXIX Articles, he passed over some one or more of them, or some part of one or more, and what part of the Articles was it that he left unread? Did your Parson, Vicar or Curate, upon some Lord's-day within two Months after his Induction, solemnly read in your Church or Chappel both the Morning and Evening Prayer, as it is appointed in the Book of Common-Prayer by law established? And did he after such reading, publickly before the Congregation, declare his unfeigned assent and consent to the use of all things in the said Book contained, as is prescribed in the Act of Parliament made for the Uniformity of publick Prayers? And did he within three months after his Induction, in your Church or Chappel, in publick upon some Lord's day read a Certificate under the hand and seal of the Arch-bishop or Bishop, Ordinary of the Dioces, that he the said Parson, Vicar or Curate, did before his admission to be Incumbent, subscribe a declaration of the unlawfulness to take up arms against the King, and of his conforming to the Liturgy of this Church, and of his disavowing the unlawful Oath commonly called, *The Solemn League and Covenant*, according as is prescribed in the aforesaid Act for Uniformity?

3. Or after his lawful Entrance, is your Parson or Vicar resident upon his benefice? or if his residence be legally Act of Parliament. dispensed with, is his place supplied by a Curate allowed by the Bishop, and a licensed Preacher, and constantly resi-Can. 47, 48. dent among you? and what yearly stipend doth your Minister allow him? And if your Parson or Vicar be both resident himself, and keep a Curate also, doth he notwithstanding himself at least once a Month, openly read Common Prayer in your Church or Chappel, and (if there be occasion) administer each Sacrament in such order, manner and form, as is prescribed in the Liturgy and Canons of this Church?

I. Tim. iii. 4. Having both lawful Entrance and Residence among you; is he (your Parson, Vicar, or also Curate) of blameless conversation, the *Husband of one Wife, sober, grave, not double tongu'd, not given to much wine, not greedy of filthy lucre, ruling his Children, and his own house well, sound in faith, in charity, in patience?* Or on the contrary, is he a frequenter of Taverns or Alehouses, a common Can. 75. Gamester, a prophane or obscene jester, a swearer, railer, scoffer, or quarreller? Doth he set his Neighbours at variance one with another? Doth he familiarly converse with persons Excommunicate, ungodly or vicious? Doth he resort to suspected and infamous houses? Or is he himself vehemently suspected of Incontinency with any person within or without your Parish? Or doth your Curate or Minister lodge or board at any Tavern, Inn, Ale-house, or house of any ill report?

Act of Uniformity. Rubric. Can. 14. 5. Doth your Minister or Curate plainly, audibly, distinctly, and reverently read the Divine Service of Morning and Evening-Prayer, without any diminution (in regard of Preaching, or any other respect) addition, or alteration, upon all Sundays and Holy-days, not omitting also other days appointed by the Book of Common-Prayer as fit and usual Can. 14. Can. 15. times, as Wednesdays and Fridays (with the Litanies added) and the Eves of every Sunday and Holy-day, with Ember and Rogation days? And moreover, when he is at home, and not otherwise reasonably hindred himself, and able to get two or three gathered together, doth he every day say Divine Service Morning and Evening in the Parish-Rubrick after Pref. Church, where he ministers, and cause a Bell to be toll'd thereunto, that the People may come to hear God's Word, and to pray with him?

Rubrick. 6. Doth your Minister reverently and publickly, at the Font only, and that without the use of a Basin, Administer the holy Sacrament of Baptism? Or doth he refuse, or delay to Christen any Child that is brought to him to Church Can. 68. Rubrick of Baptism. Can. 81. on any Sunday or Holy-day, knowledge thereof being given to him over night, or in the Morning before Morning Prayer; or neglect to persuade all those who have the use of Reason, and are still unbaptiz'd Can. 29, 30. (having been seduced by Anabaptists) to come to holy Baptism, and doth he take care for their Baptism as in the Common-Prayer Book is prescribed? In the solemn Publick Baptism doth he baptize any without God-fathers or God-mothers? Or doth he then refuse or neglect to sign the Child baptized with the sign of the Rubrick. Cross? Or doth he admit such to be a Can. 69. God-father or God-mother, who are either one of the Parents of the Child, or who have not themselves received the holy Communion?

7. Doth your Minister duly and reverently Administer the holy Sacrament of the Body and Blood of Christ our Lord, so often, at least, and at such Rubrick. Can. 21. 22. times, as every Parishioner may communicate, at the least three times in every year in publick, whereof the Feast of *Easter* to be one? And doth he reverently and carefully in all things observe all the Churches Order in the Celebration? Doth he give warning publickly in the Church at Morning-Prayer, the Sunday before, for the better preparation of his Parishioners? Can. 22. And do such as purpose to Communicate, signifie their Names at least some time the day before? and when he seeth the People negligent to come to the Communion, doth he use the Churches Rubrick. second Exhortation? and when there is no Communion, doth your Minister every Sunday and Holy-day throughout the year, read so much of the Communion Service, as is appointed to be read by the Book of Common-Prayer, and at the place appointed, (if he can thence be well heard of all) thereby professing his and the Churches readiness to the more frequent Celebration of the Holy Eucharist, if Communicants were not wanting?

8. Doth your Minister wittingly admit to the receiving Rubrick. the Holy Communion, any one such who is known to live in open and notorious sin without Repentance? or that has wronged his Neighbour Can. 26. by word or deed, so as that the Congregation is thereby offended, or any such betwixt whom he perceives malice or hatred to reign, and will not be reduced by him to a reconcilement, or to any Can. 26, 27, 28. who refuse to be present at the other publick Prayers of the Church, or to any that be common or notorious depravers of the Book of Common-Prayer, or of any thing contained in the XXXIX Articles, or in the Book of Ordaining Bishops, Priests, and Deacons, or to any that has spoken against His Majesties Supreme Authority in Causes Ecclesiastical, except such persons do first acknowledge to the Minister, before you the Church-Wardens, his Repentance for the same, and promise under his hand (if he can write) or otherwise by word of mouth, that he will do so no Rubrick. more? Or lastly, to any that refuse to receive the said Holy Communion kneeling? And of all Can. 27. such persons by him put from the Communion, doth he give an account to his Ordinary according to law?

9. Doth he at the Celebration of the Holy Communion in the due places appointed by the Liturgy, take the Paten Rubrick. into his hands, and break the bread, and lay his hand upon all the Bread, and after likewise take the Cup into his hand, and lay his hand upon it, and every Vessel in which there is any wine to be Consecrated? and when that which was Consecrated is spent, doth he communicate to any persons without Consecrating more according to the form prescribed, and Rubrick. Can. 21. doth he severally deliver the Bread and Wine to every Communicant; and at his delivering the same, doth he rehearse the whole form prescribed in the Communion-Book, saying, *The Body of our Lord Jesus Christ* &c. And *The blood of our Lord Jesus Christ which was shed*, &c. Or doth he use only some part thereof as he listeth himself? And when all have communicated, doth he cover what remaineth of the consecrated Elements with a fair Linnen-cloth? and what remains is it reverently eaten and drunken by some of the Communicants within your Church?

10. If any person sick or in health (especially before the Receiving the holy Communion,) finding his conscience troubled with any weighty matters, doth I. Exhortation to the Communion. for the quieting thereof, and for further comfort and counsel, unburden his conscience to his Priest or Minister; doth then the said Priest or Minister upon special confession of his sins made, together with fruits meet for repentance Rubrick. Visitation of the sick. Can. 113. having been perform'd (to both which also he is by the Minister to be moved) upon his Repentance administer unto him Absolution, together with Ghostly counsel and advice? And have you ever heard that the said Priest or Minister hath revealed or made known at any time to any person whatsoever directly or indirectly any crime or offence confessed to him in secret by any such Penitents whatsoever (except they be such crimes as by the Laws of this Realm for the publick concern, the Life of the said Priest may and ought to be called in question for concealing of them?)

11. Is your Minister a licensed Preacher, by the Bishop, or either of the two Universities? and if so, doth he then constantly (unless in case of sickness, necessary absence, or other reasonable impediment) himself preach in your Church or Chappel, or in some other near adjoyning, where no Preacher is, one Sermon every Lords-day? or in such cases of impediment, or himself not being licensed, doth he procure some lawful Minister and licensed Preacher to preach one Sermon and to perform other Ministerial Duties each Can. 45, 46, 47, 49. such day, (besides the days of Christ's Nativity, Passion, and Ascension at the least) or if no sermon be, take care that one of the Homilies set forth by Authority, be there read by a Priest or Deacon lawfully ordained on every Sunday and Holy-day in the Year? hath he in his own Sermons at any time, or in other Discourse (as you know or have heard of) preached or maintained any unsound, Heretical, Seditious, or Schismatical Doctrine so far as you can judge? or spoken ought privately in contempt of Religion, or that Religion, or any part of it, which he by his office in this Church professeth?

12. Doth he or any other admitted to preach in your Church, omit before his sermon or Homily briefly to move Can. 55. and exhort the people in the form laid down in the 55. Canon, or to the same effect, (declaring for whom, and for what mercies they are to pray, and to give God thanks) to joyn with him finally in Prayer for all those mercies in that most holy and comprehensive Prayer of our Lord?

13. Doth your Minister diligently Rubrick. Can. 59, 61. Catechize the Youth of your Parish every Sunday and Holy-day by way of Question and Answer, according to the Churches publick Catechism, or also further instruct them in the sense thereof, as he shall think fit, and this after the second Lesson at Evening Service, openly in the Church? Doth he by this and all other good means and admonitions, prepare and procure them (as occasion is offered) devoutly to come and seek to be confirmed by the Bishop; and himself either bring or send in writing under his hand the names of all such persons in his Parish, as he shall find by his Examination fit to be presented to the Bishop, humbly to seek and ask that benefit of Confirmation?

14. Doth your Minister (if he be thought fit by his Ordinary) endeavour privately to re- Can. 66. Can. 67. Rubrick. claim and reduce all Popish Recusants, and all Sectaries in your Parish, to the Communion in the publick and established Worship of God in this Church? Is he also ready without delay to visit the sick? And doth he call upon them to receive the holy Sacrament in their sickness? And doth he administer it to them? And is he also ready being called, without delay to baptize Infants in danger of death? Is any Infant or more aged person in the Parish yet unbaptized by his default? And those Children that have been baptized in private houses, have they been so baptized by any Popish Priest on pretended necessity? or if at home for true case of necessity, have they been by your Minister or other lawful Minister, baptized and afterward brought into the Church and the Order of the Church concerning them, there duly observed?

Rubrick. 15. Hath your Minister, or any other, baptized Children, churched any woman, Can. 71. or ministred the holy Communion in any private house, (where they have any Church or Chappel in the Parish) otherwise then by Law is allowed in cases of necessity?

16. Doth your Minister on the three Rogation days before the Feast of the Holy Ascension, go in perambulation of the Circuit of the Parish? And when he so goeth, doth he exhort the people to give thanks to God, in the beholding of his benefits, for the increase and Q. Eliz. Injunction 18, 19. abundance of his fruits upon the face of the Earth? And when there appears any fear of scarcity, doth he move them to pray unto God for his mercy and favour unto the Land, going into the

Church with them, and reading the Litany and one part of the Homily, set forth and appointed for that purpose of the Rogations?

Rubrick before Litany.

17. Doth he bid and observe the Holy-dayes, and Fasting-dayes, and days of Abstinence, and other solemn days for which particular Services are appointed, as they occur or return from time to time, giving notice to the Parishioners of every of the same in the Church, in the time of the Morning Service the Sunday next before?

Can. 22. Can. 64. Rubrick.

18. Doth your Minister always at the reading or celebrating any Divine Office, constantly wear the Surplice and other Scholastical Habit, according to his degree if he be a Graduate, and without a Hood (only instead thereof a Tipet of black Stuff, (not silk) being permitted him) if he be no Graduate? And doth he wear his hair of a moderate and comly length? Is his usual Apparel decent in fashion and colour, such as is enjoyned him by the Canons of the church?

Can. 58.

19. Doth he in the presence of the Church-wardens, write and record in your Register Book, the Names and Surnames of all persons baptized, married, and buried in your Parish from time to time, yearly transmitting a copy of those Christenings, Marryings, and Buryings, subscribed with his own, the Church-wardens or Overseers hands, into the Bishops Registry?

Can. 70.

20. Doth your Minister permit any strange Minister to preach in your Church, who is not sufficiently licensed and Authorized thereto, or that doth not subscribe his name in your book provided for that purpose, and by whom he was so licensed to Preach, and the day of his Preaching?

Can. 50. Can. 52.

21. Doth your Parson, Vicar, or Curate celebrate Matrimony betwixt any persons, without the Banns of Matrimony first published on three several Sundays or Holy-days in the Parish-Church or Chappel where the said Parties dwell, or at any times by Law prohibited, without special Faculty or License, in either case, granted by lawful Authority; Or doth he celebrate the same in any other place than in the Church? and in such Church or Chappel only, where both or one of the parties dwell (though he have License granted by the Ordinary) or in the Church at any other time, then between the hours of eight and twelve in the forenoon? Or betwixt such persons as are prohibited by the Laws of God, and are within those Degrees of Consanguinity or Affinity which are expressed in the table of Marriage; or under the Age of One and twenty years compleat, without the consent of their Parents or of their Guardians and Governours (if their Parents be dead) first signified unto him?

Can. 62. Can. 99. Can. 100, 101, 104.

22. Or have any such Licenses as above-mentioned, that you know of, been granted by any under the Jurisdiction of this Diocess, for the celebration of Matrimony, until it do appear to the person himself, who is judge in these cases by the Oaths of two sufficient witnesses, one of them being known to the Judge, or to some person whom the Judge may reasonably trust in this particular, That the express consent of the Parents or Parent (if one be dead) or Guardian or Guardians of the Parties (except they both were in the state of Widowhood) is thereunto had and obtained, and until one of the parties to be Married have personally Sworn, that he believeth there is no let or impediment of Precontract, Kindred or Alliance, or any other lawful cause, nor any suit commenced in any Ecclesiastical Court to bar or hinder the proceeding of the said Matrimony?

Can. 102, 103, 104. and Constitut. 1597. Tit. de Moderandis, &c.

23. Hath your Minister admitted any Woman delivered of any Child begotten in Adultery or Fornication, to be churched without License from the Ordinary?

24. Doth your Minister serve more than one Church or Chappel in distinct Parishes on one day? if so, how far distant are those Churches or Chappels which he so serveth?

Can. 48.

25. Doth your Parson, Vicar or Curate (if commanded by the Ordinary) openly some Sunday denounce and declare for Excommunicate all such as stand Excommunicate by the Law of the Church, to the end that others may be admonished to refrain their Company? hath he said Divine Service whilst he knew such Excommunicate persons to have been in the Church? or admitted such to the Communion whilst they stood so excommunicate?

Can. 65.

26. Doth your Parson, Vicar, or Curate (having convenient notice given) delay or refuse to bury any that are brought to the Church or Church-yard according to the form prescribed in the Book of Common-Prayer, except such as die either unbaptized, or Excommunicate *Majori Excommunicatione*, and no man able to testifie their Repentance, or have laid violent hands upon themselves?

Can. 68.

27. Doth your Minister in the Parish Church or Chappel where he hath charge, read the Book of Canons and Constitutions agreed on at the Synod holden at *London*, A.D. 1603 once every year upon some Sundays or Holy-days, in the Afternoon before Divine Service, and doth he so divide the same, as the one half may be read one day, and the other half the other day?

Ratific. of Canons.

28. Doth your Minister publickly read the whole XXXIX Articles unto the people twice every year, so that they may the better understand the same, and be made more throughly acquainted with the Doctrine of the Church of *England*, and not be so easily drawn away from the same (as formerly) before they know what it is?

Car. 2. direct. to Preachers, An. 1662.

29. Is any Lecture preached in your Church? is he or are they who preach it, Licensed so to do by the Bishop? Doth every such one, before his Lecture either read the whole publick Service himself appointed for that day by the Church in his Surplice, or at least be present at the whole reading thereof? And is he in all respects conformable to the Laws and Orders of the Church of *England*? Or doth he any way endeavour to bring the Parson or Vicar of the place nto disrepute with his Parishioners.

Can. 53, 54.

30. Doth every one abide in his own Calling whereunto he is called? *viz.* Doth any Lay-man that is not duly ordained openly read Common Prayer, or execute any Ministerial duty in your Church? Or is there any Clergy-man, *viz.* any in Holy Orders, who doth voluntarily relinquish those his Orders, and use himself as a Lay man only without taking any care of the Church of God?

Can. 76.

Concerning the Parishioners.

1. Have you any persons or person living in your Parish tha your knowledge live not as becomes a Christian, according to his promise and vow made in his Baptism; *viz. denying ungodliness and worldly lusts, living soberly, justly and godly?*

Tit. 2.

2. Have you any in your Parish who wilfully absent themselves from your Church or Chappel either at Morning or Evening Prayer upon Sundays and other days appointed by law to be used and kept as Holy-days, or who come late to Church or depart from thence before Service be done, and the blessing given? Or have you any that upon any Holy-days keep open shops or sell wares, or follow their bodily and ordinary labour or trade, or permit their Servants so to do in time of Divine Service? Or have you any Vintners, Innkeepers, or other Victuallers, or sellers of Beer or Ale, that permit any on such times to tipple or game in their houses, or upon any pretence whatsoever, (except in some necessity as of sickness) to remain in their houses in the time of Divine Service or Sermon, Forenoon or Afternoon, upon those days? or any that will come to hear Sermons but will not come to the Common-Prayer and Worship of God appointed in this Church?

1 Eliz. c. 2. Can. An. 1571.

3. Are there any in your Parish of years of understanding that remain unbaptized, or any that refuse to send their Infants to be baptized publickly in the Church in due time (except in cases of necessity) or in such cases do they procure them to be baptized at home in due manner according to the order of the Church of *England*? Or are there any that send their Children away from their own Minister (present among them) to be baptized in other Churches? Or any persons that being unconfirmed are not instructed in their Catechism, or not Religiously brought up, or not brought to confirmation, or being of years, neglect themselves to seek it upon pretence of elder age, or of having received the Communion, or Orders, or upon any other pretence whatsoever? Or are there any that being Sixteen years of Age, do not receive the holy Sacrament of the Eucharist three times in the year, (whereof *Easter* to be one?) Or that doth forsake their own Parish-Church to receive elsewhere? Or are there any married Women, who after their delivery from the pain and peril of Child-bearing refuse in convenient time to return a publick Thanksgiving to God, according to the Order of the Church? Or are there any that neglect to obtain the

Rubrick. Can. 112. Can. 28. Can. 51. Can. 99, 107.

Christian burial of their dead, according to the Rites of the Church of England?

4. Do any in your Parish entertain in their house any Sojourner, common Guests, or other persons, who refuse to frequent Divine Service, or receive the holy Communion as aforesaid, and what are the names, qualities, and conditions of such Sojourners.

5. Do any refuse to be uncovered during the time of Divine Service, or Sermon, or Homily, prescribed therein, or devoutly to kneel when by the Common-Prayer-Book they are commanded so to do? or to stand up at the *Glory be to the Father*, &c., and at the *Creeds* and holy *Gospel*, and to make answer at all the *Responsals* appointed by the said Book, and due reverence when the Name of our Lord Jesus is mentioned? or to say the *Creed* and the *Lord's Prayer* in a loud voice with the Minister? Or do any in time of Divine Service, or Sermon, or Homily, behave themselves rudely by walking, talking, whispering, laughing, or sleeping.

Can. 18.

Can. 111.

6. Do any persons excommunicate intrude into your Church in time of Divine Service, or doth any other person disturb your Minister doing any part of his Ministerial Office? or do any brawl, quarrel, challenge one another, fight or strike in the Church or Church-yard? Or are any Plays, Feasts, Drinkings, or Church-Ales kept in your Church or Church-yard?

Can. 88.

Can. 59.

7. Do any Housholders, Fathers, Masters, Mothers, Mistresses in your Parish neglect to cause their Children and Servants, Apprentices, or other Persons living in their House, which have not yet learnt the Churches Catechism, to learn the same, and to come to Church on Sundays and Holy-days in the Afternoon, there to be examined by their Minister, and instructed therein.

8. Is there any in your Parish, Master or Servant, Sojourner or Inhabiter, Man or Woman, that lieth under a common fame or suspicion or notoriety of Adultery, Fornication, or Incest or other Incontinency, (having married within the degrees prohibited by God, and expressed in a Table set forth by authority, A.D. 1563.) Or have you any that live together in your Parish as a man and wife, who refuse to make known when, where, or by whom they were married? Or any that being lawfully married do yet live asunder without separation in due form of law? Or have you any Bawds, Entertainers or Concealers of incontinent persons, or any common Drunkards, Extortioners, Swearers, or Blasphemers of God's name, and sowers of Sedition, Faction, or Discord among their Neighbours, any Railers, Revilers, common Slanderers of their Neighbours, filthy and lascivious talkers, or which have sollicited any person to unchastity? or any which have used any Charms, Inchantments, or consultations of those called Wizards, Witches, or cunning men or any Sorceries, (not including here such as are made Felony by the Laws of this Realm) or which have committed perjury in any Ecclesiastical Court and Cause.

Can. 109. & Can. 115.

A.D. 1563.

Qu. Eliz. Artic. 33.

Can. 114.
Can. 112.
Can. 110.

9. Are there any Recusants in your Parish, or other Schismatically affected, who refuse communion with the Church in her Prayers and Sacraments, who keep in their houses any that take upon them to be spiritual guides and instructers, or any Schoolmaster in their Family, which come not to Church to hear Divine Service, and to receive the holy Communion? or that labour to seduce and withdraw others within or without the Family, from the Religion in this Church established? or any in your Parish that retain, sell, or disperse any Popish books or writings, or other books or writings of any Sectaries touching the Religion, State, or Government Ecclesiastical of this kingdom of *England*, or Books of Heresie.

10. Have you any in your Parish that are suspected to be *Antinomians, Anabaptists, Famalists, Libertines, Brownists, Quakers, Muggletonians, Independents*, or *Presbyterian* opposers of *Episcopal* Government.

Can. 92.

11. Did any dying in your Parish or elsewhere, leave any legacy to your Church or Chappel, or to the Poor, or to any other pious or charitable purposes? What were the legacies, and how have they been bestowed? Are there any in your Parish living that do to your knowledge, or as you have heard, withhold any part of the stock, goods or legacies, given to any Church or Pious and Charitable use, any provision for free Schools, Alms-houses, or Hospitals, (not including here such as are of his Majesties foundation or Patronage) or that employ them otherwise then according to the intent of their several foundations, and the allowance of the Laws? Are there any Testaments or Wills by any concealed or unproved, or any Goods unadministred or administred without a due grant from the Ordinary?

Can. 85, 86.
Rubrick after Com.

12. Have you any in your Parish that refuse to pay their duty for *Easter* offerings to your Ministers, or to reckon with him then, or that refuse to contribute and pay the Rate cessed upon them for the repair of your Church or Chappel, or for the providing of such Books, Furniture, or necessary Ornaments as are requisite for the performance of any of the Divine Offices there?

Can. 40.

13. Do you know of any person in your Parish having the presentation or gift of any Ecclesiastical Benefice, who hath presented a Minister to it upon any Bargain, either for Mony, or Pension, or Lease, or reserve of Tythes, or Glebe, or any part thereof, or upon any other Symonical contract whatsoever?

Concerning Churchwardens, Side-men, Parish-Clerks, and Sextons.

Can. 89.

1. Are the Church-wardens of your Parish yearly and duly chosen by the joint consent of your Minister and Parishioners? or one of them by your Minister, and the other by the Parishioners? and are they sworn? Have the last Churchwardens given up their Accounts before the Minister and Parishioners, delivering up also the money remaining into your hands, and other things of right belonging to your Church or Chappel? and is the same delivered to you by bill indented.

Can. 90.

Can. 115.

2. Doth any person or persons trouble or molest you the Church-wardens for presenting any offenders in any of the premises, or for performing the duty that lies upon you in executing any part of your office, and who are they that do so molest and trouble you?

Rubrick.
Can. 20.

3. Do you the Church-wardens against every Communion provide a sufficient quantity of fine white Bread, and good and wholsome Wine according to the number of the Communicants? and do you bring the Wine so provided in a clean and sweet standing Flagon of Pewter, or other purer Metal kept for that use?

4. Do you suffer the Table for the holy Communion to be applied at any time, to any prophane or common use, as of writing, setting dead Corps upon it at Funerals, or others in the Church to sit upon it, or irreverently make it a place to lay their arms or hats upon it?

Act. 1. 1. Eliz.

5. Do you the Church-wardens note them that come late to Church after Divine Service is begun, or depart before it be ended? and do you take diligent notice of the absent? And if upon your Complaint you receive Warrant from some of the Justices of Peace, any sums of money be thereupon levied according as by law it is directed, do you distribute the several sums so levied to the poor of your Parish according to the law in that case provided? and before you at any time present any for such default in the Spiritual Court, do you first seriously admonish them once and again?

Can. 90.

Can. 90.

6. Do you suffer none in time of Divine Service to stand idle, or talk together in the Church-porch, or to walk in the Church or Church-yard, nor children playing or crying in or about the Church? nor suffer any to bring Dogs, Hawks, or Hounds into the Church to the disturbance of the Congregation.

7. Are the Side-men duly chosen? do they assist the Church-wardens in the executing their Office? and do they joyn with them in framing Presentments?

Can. 91.

8. Have you a Parish-Clerk aged 20 years at the least, chosen by your Minister, of honest life and conversation, and sufficiently able to perform his duty in reading, writing, and singing? and doth he daily attend the Minister in all Divine Offices at the Church? doth he keep clean the Church, and carefully look to it, and to the Books? and is he payed the ancient and usual wages as hath been accustomed?

Can. 92.

Can. 67.

9. Doth your Clerk, or your Sexton (if there be any such in your Parish) diligently look to the doors of the Church, that they be locked and opened at due times, and that the Bells be toll'd and rung at the due and accustomed hours before the beginning of Morning and Evening Service, that the people may be warned and invited to come to the Church? and when any person is passing out of this life, doth he upon notice given thereof toll a Bell as hath been accustomed, that devout and charitable persons may thereby be warned to recommend the Soul of the dying person to the grace, mercy, and peace of God Almighty?

10. Do they at the instance of any, make any grave in any part of the Church (except in such Isles where some person hath propriety) without the express consent of your Minister?

Concerning Churches, and their Possessions, Ornaments, Utensils, and other Necessaries to the same belonging.

Can. 85. 1. Is your Church or Chappel in good repair? are the Roofs, the Walls, the Floors, Windows, Seats (if you have them) and Doors well maintained? and all things there in such a decent sort, without dust or any thing that may be either noisom or unseemly, as becometh the House of God? And is your Porch and Steeple in good repair, and Bells kept in good order by the care and oversight of the Church-wardens at the charge of all persons occupying any Lands or Tenements within your Parish, as well out-dwellers as inhabitants, rating all proportionably for the Lands and Tenements they occupy therein? And is your Church or Chappel-yard sufficiently fenced with walls, rails, or pales, as hath been accustomed, and that by the moneys cessed upon Lands and Tenements in your Parish as aforesaid, except you have a special custom otherwise directing you?

2. Are there any Isles adjoining to your Church or Chancel which time out of mind have been repaired by the owners of any Messuage in your Parish? If so, do the owners thereof repair the same?

3. Is the Chancel of the Church sufficiently repaired and beautified by the Minister or other person to whom that doth belong?

4. Is there any in your Parish that hath converted to his own, or to any common secular use, any Land, Timber, Wood, Stone, or other materials belonging to any Church or Chappel, Parsonage or Vicarage-house, or out-houses thereof? Have any of your Church or Chappel Bells been taken down, sold, or lessened; And by whom?

5. Have you in your Church a decent Font of Stone with a cover, for the Administration of holy Baptism, and the same Can. 81, 82. set in the ancient and usual place appointed for it? and have you in the Chancel a decent Table for the Celebration of the holy Communion, and for the Communion-Service, and a Carpet of Silk or other decent Stuff, to lie continually upon the Table, during the Time of Divine Service, and a fair Linnen cloth to lay on the same, at the time of the Holy Communion? And have you a Can. 83. fair Chalice or Communion Cup of Silver, with a cover, a Plate and a Flagon of Pewter, or purer Metal, the one to place the Bread on, the other to bring the Wine unto the holy Table; or have they been profaned by any common use? Have you a Basin or some other decent Vessel for receiving the offerings at the Communion-Service? and have you a fair Linen cloth for covering the consecrated Elements? Have you in your Church or Chappel a convenient reading Seat or Pew, erected for your Minister wherein to read the daily Morning and Evening Service, as also a decent Pulpit set in a convenient place for the preaching of God's word?

Can. 80. 6. Have you belonging to the Church or Chappel a perfect Bible of the largest Volumn, of the last translation allowed by Authority? Have you two Books of Common-Prayer set forth accordto the last Act of Parliament for the Uniformity of Publick Prayers? And are they both of the largest Volumn, fairly bound, one for the Minister and another for the Clerk, to Can. 70, 90. use at the celebration of all Divine Offices? the Book of Homilies, the Book of Canons and Constitutions made in the Synod held Can. 52. at *London*, 1603. Have you hanging up in your Church a Table of Degrees in marriage prohibited set forth by Authority, A.D. 1563. a Parchment Register-book, to Register the several Christnings, Marriages, and Buryings within the Parish? Have you a Book to set down the names of such Strangers as preach in your Church? and another Book wherein to write down and keep the Accounts of the Churchwardens, and an Inventory of all things provided and belonging to your Church? Have any other Books as the Works of Bishop *Jewel*, *Erasmus* his *Paraphrase upon the Gospel*, or any other good Books been carried out of the Church into any man's private House; or been lost?

Can. 82. 7. Are the ten Commandments or the Lords Prayer and other chosen Sentences of holy Scripture set up in your Church or Chappel, as the Canon does require?

Can. 58. 8. Have you a large and decent Surplice, one, or more, for the Minister to wear at all times of his publick Ministration? And have you a Hood or Tippet for your Minister to wear over his Surplice?

Can. 84. 70. 9. Have you in your Church or Chappel a strong Chest with three Locks or Keys for the Alms of the poor, and a hole therefore in the upper part thereof? and is one of those Keys in the custody of the Parson, Vicar, or Curate? And have you one other convenient Chest, for keeping the Books and Furniture belonging to the Church? and a Bier for the carrying of the dead to Burial?

10. Is your Church-yard well and sufficiently fenced, and kept with walls or pales? Have any Trees been cut down, growing in the Church-yard or fences thereof, and by whom, and for what use was it done? What private doors are made into the Church-yard, whereby Nusances are committed, and by whom were those doors made? Is any Encroachment made upon that ground?

11. Have you any Lands or Tenements given or belonging to the repairing of your Church? What is the quantity and value thereof, and in whose possession are they?

12. When any of these things mentioned in the 6, 7, 8, or 9 Articles above are wanting, are they provided by the Church-wardens, at the charge only of the Inhabitants of the Parish, according to each Inhabitants Estate, and not otherwise? And do you the Church-wardens when you make a Rate for the same, and also for the buying of Bread and Wine for Communions, and for the expences of your selves and Side-men at Visitations, and to pay for scouring your Plate, and washing the Surplice and Communion-clothes, and (if you have not a custom to the contrary) to pay your Parish-Clerk his ancient wages? When you make, I say at any time such a Rate, or a Rate according to the first Article for the repair of your Church, do you give publick notice in the Church to the Parishioners of the time and place of your making them, and also of the time and place when and where your Rate shall be offered to be confirmed by your Ordinary? that the Objections of any may be heard, before they be by the Ordinary ratified.

13. Is the House of your Parson, Vicar, or Curate, with all the out-houses thereto belonging, kept in good and sufficient repair? or have any of the said house or out-houses been pulled down without License from the Ordinary? and by whom? Hath any person encroached upon any Orchard, Garden, Yard, or Close belonging to your Parsonage or Vicarage-house, or felled any tree thereon growing?

Can. 87. 14. Have any of the ancient Glebe-lands belonging to your Ministers been taken away, or exchanged for other Lands, without the free consent of the Patron, Incumbent, and License from the Ordinary? And have you a perfect Terrier of all Glebe-lands, Meadows, Gardens, Orchards, Stocks, Implements, Tenements, or Cottages belonging to your Parsonage or Vicarage? as also, a Note of such Pensions, Ratetithes, and Portions of Tithes (or other yearly profits either within or without your Parish) as belong thereunto? and finding no such Terrier, do you the Church-wardens and Side-men, together with your Minister and others of your Parish, make a Terrier of the Premises in Parchment, subscribed and signed by you to be kept by your Minister, and a Copy thereof subscribed and signed sent into the Bishops Registry?

15. Are the bones of them that have been buried in your Church or Church-yard kept decently, interred there, or laid up in some fit place as beseemeth Christians? And is the whole consecrated ground kept free from Swine and other filth and annoyance, as becomes a place so dedicated?

Concerning School-masters, Physicians, Chirurgeons, and Midwives.

Can. 77, 79. 1. Do any in your Parish teach or instruct Youth in any publick School, or private House, without License from his Ordinary? and doth he cause his Scholars on Sundays and Holy-days to resort to Church to hear Divine Service, Sermons and Catechize? and does he see that they behave themselves there orderly and reverently? and doth he himself teach them the Catechism set forth by Authority? and is he diligent to bring them up in the fear of God, in good learning, and manners?

2. Do any in your Parish practise Physick or Surgery without a License from the Bishop himself if at home, or in his absence, by the Ordinary upon the place? Are your Midwives also licensed by the Ordinary?

Touching Publick Ecclesiastical Officers of the whole Diocess (within the Bishops Visitation.)

Can. 135. 1. Are there any Ecclesiastical Officers (within the Bishops Visitation) any Ad-
Can. 138. vocate, Register, Proctor, Clerk, Apparitor, or other Minister belonging to the Ecclesiastical Court, that takes and exacts any extraordinary or greater fees then are due and accustomed?

Can. 134, 138, 123. 2. Hath any Apparitor taken Reward or fee to excuse any appearance before the Ecclesiastical Court? or hath the Register sped any Act, or dismissed any person detected without the knowledge and actual consent of the Judge? have any gifts or rewards been taken by any for the perverting of Justice?

3. Hath any person within your Parish paid or promised any sum of Money, or other reward for commutation of Penance for any crime of Ecclesiastical cognisance? If so, how hath the same been disposed of, to what pious and charitable uses (as far as you know?)

Can. An. 1571. & An. 1597.

An Advertisement to the Church-wardens and Side-men, and also to the Minister.

If you know of any other default or crime of Ecclesiastical cognizance, you are to present the same. The Minister of every Parish joyn in Presentment with the Church-wardens and Side-men; and if they be not faithful in their care to admonish and present, then the Parsons or Vicars, or in their absence, the Curates (being the persons that should principally have care of suppressing of sin and impieties in their Parishes) may, and may find themselves in conscience obliged to present, especially the greater crimes, and whatsoever in their conscience they know needeth reformation in their Parish, as they tender the good of the Souls of their Parish.

Can. 113.

Can. 113.

FEILDING, ARCHDEACON OF DORSET, 1683.

ARTICLES to be Ministred, Enquired of, and Answered, concerning Matters Ecclesiastical: in the Visitation of John Feilding, Arch-Deacon of the Arch-Deaconry of Dorset. 1683:

London, Printed for *Obadiah Blakegrave*. 1683.

The Church-wardens Oath.

Your Oath is, That you the *Church-wardens* for your parts, and you the *Sides-men* for your parts, shall well and faithfully execute your several Offices for your Parish (so long as you shall continue in your Offices) according to the Use and Custom there, and the Law in that behalf; and also duely and truly present such Crimes and Offences punishable by the Laws Ecclesiastical of this Land, which shall come to your knowledge or notice; all Favour and Affection, Hatred and Malice, or sinister Respect set apart, so help you God, etc.

And We deliver you these Articles for your Direction.

ARTICLES to be Ministred, Enquired of, and Answered, concerning Matters Ecclesiastical: In the Visitation of John Feilding, Arch-Deacon of the Arch-Deaconry of Dorset, 1683.

Concerning the Kings Majesties Authority in Causes Ecclesiastical.

Have You any in your Parish that oppose, or gainsay any part of His Majesties Supremacy in all Causes Ecclesiastical, as set forth in the second Canon?

Articles of the Church of England.

1. Have you any in your Parish that affirm, that the Church of *England*, as now by Law established, is not a True and Apostolical Church; and that it doth not teach and maintain the Doctrine of the Apostles, as set down in the 3 Canon?

2. Have you any in your Parish that oppugn or speaketh against the Rites and Ceremonies of the Church of *England*, or the lawful use of them, as contrary to the 6 Canon? You shall present their Names.

3. Have you any in your Parish that impugn the Government of the Church of *England*, under the Kings Most Excellent Majesty, by Archbishops and Bishops, as at present established, and that it is contrary to the Word of God, as contrary to the 7 Canon?

4. Have you any in your Parish that affirm, That the Book of Common Prayer, as now by Law is established, containeth in it any thing that is Superstitious, and contrary to the Word of God, and therefore that Godly Men ought not to approve and subscribe to the same, contrary to the 4 Canon? You shall present their Names.

5. Whether have you in your Parish that Separate from the Church of *England*, and the Publick Worship thereof, and that come not to Church until Divine Service be ended, and the Psalm or Sermon do begin, as contrary to the 9 and 12 Canons?

6. Is there any in your Parish that doth maintain such unlicensed Preachers that refuse to subscribe the Forms of Gods Worship prescribed in the Book of Common Prayer, contrary to the 10 Canon? And whether have you any in your Parish that of late have followed any strange Preacher Unlicensed, Suspended, or Schismatical, from Parish to Parish? Present their Names, and the Places to which they go and resort.

Of Divine Service.

1. Is the present Form of Divine Service used by your Minister upon Sundays and Holidays? And are the Lords days and other Holydays kept in your Parish, according to the Orders of the Church of *England* prescribed in that behalf, by frequenting the Publick Worship, as is injoyned in the 13 and 14 Canons?

2. Whether is there any Man or Woman that useth not due reverence in the Church in time of Divine Service and Sermon? And whether is there any Man that covereth his head in the time of Divine Service, except for some Infirmity? And whether do all persons present in the Church or Chappel, kneel reverently upon their Knees when the General Confession, Litany, and Prayers are read, and stand up at the saying of the Creed, according to the 18 Canon?

3. Is there any in your Parish that lurk or tipple in Taverns, Alehouses, or that stand idle and loiter in the Church-yard in time of Divine Service, as forbidden in the 19 Canon?

Of the Sacraments.

1. Is the Sacrament of the Lords Supper duely administred in your Parish, at the least thrice a year, *Easter* being one? And doth the Minister give warning thereof at Morning Prayer the Sunday before such time? And do the Church-wardens provide a sufficient quantity of Bread and Wine for the same, as by the 20, 21, 22 Canons is required?

2. Have you in your Church a convenient Table, with a fine Linen Cloth to cover the same in time of Administration of the Lords Supper, as Cannon the second? And is the Wine brought to the table in a clean Flagon or Pot, of Pewter or purer Metal, as is required in the said Canon?

3. Doth your Minister admit any notorious Offenders, or Schismaticks, or any Excommunicate persons, for (*sic*) such as live in open contention with their Neighbours, to the Sacrament of the Lords Supper, contrary to the 26 and 27 Canons? Or, doth any refuse to come to the Sacrament, contrary to the 57 Canon?

4. Is the Sacrament of Baptism duly administred in your Church or Chappel, according to the form thereof, and the direction of the Book of Common Prayers? And is there a Font of Stone placed at the lower end of the Church for that purpose, as required in the 81 Canon?

5. Have you any in your Parish that refuse to bring their children to be Baptized by the Minister, according to the Book of Common Prayer? Declare their Names, and how long they have done so.

6. Whether doth your Minister refuse to sign the Children with the Sign of the Cross, when they are Baptized, according to the Book of Common Prayer as is required by the 30 Canon? And doth he Christen and Bury as is required by the 68 and 69 Canons?

Of Ministers.

1. Doth your Minister, when he readeth publick Prayers, or adminestreth (*sic*) the Sacraments, wear a comely Surplice with Sleeves, as is required by the 58 Canon?

2. Doth your Minister visit the Sick, as is required by the 67 Canon?

3. Doth your Minister use the form of Thanksgiving for Women after child-birth? And whether have any Married Wives refused to come to Church, according to the Book of Common Prayer, to give God Thanks after Child-birth, in such usual and decent manner as hath been anciently accustomed? If any be faulty, you shall present their Names.

4. Doth your Minister catechise the Youth and more ignorant persons of the Parish, in the Creed, and Lords Prayer, and the Ten Commandments, as is required in the 59 Canon?

5. Doth your Minister pray for King *Charles* the Second, Queen *Catharine*, and the rest of the Royal Family, as required by the 55 Canon?

6. Hath your Minister more Benefices than one with Cure, and upon which doth he reside? And hath he a sufficient and able Curate, to teach and instruct the People, as is required in the 41. Canon?

7. Whether doth your Parson, Vicar, or Curate frequent Taverns and Alehouses, or is given to Drunkenness, Dicing, Carding, or other unlawful Games, as are forbidden by the 75 Canon?

Of the Church and Church yard.

1. Whether have you the Bible provided of the New Translation, and of the large Volume, and the Book of Common Prayers, as now by Law is established, as is in the 8 Canon required?

2. Whether have you a convenient Seat for your Minister to read Divine Service, and a decent Pulpit set up in a convenient place? Have you also a decent large Surplice? Have you also a fair Cup of Gold, Silver, or other purer Metal, and a Cover agreeable to the same; and all other necessary things for the Celebration of Divine Service, and Administration of the Sacraments, as the 83 Canon requireth?

3. Whether is your Church or Chappel, with the Chancel thereof, and Church-yard, kept in good Reparation, and in a decent and comely fashion, as well within as without, as becometh the House of God, as is required in the 85 Canon?

4. Is your Parsonage or Vicarage-House kept in good Reparations, and all Houses thereunto belonging?

5. Have you in your Parish a Register-book provided, wherein may be written the day and year of every Christening, Wedding, and Burial, as is required in the 70 Canon?

Of School Masters.

Have you any man that teacheth School either in publick or private House, not having Licence from the Bishop of the Diocess or his Ordinary, as required in the 77. Canon? And does the Licensed School-Master bring his Scholars to hear Sermons, as in the 79 Canon is required?

Of Excommunicate Persons.

Have you any Excommunicate Persons in your Parish? And whether doth your Minister read Divine Service or Prayers, when any Persons he knew to be Excommunicated was present in the same Church at that time among the Congregation? And whether hath he not caused the Church-wardens, or some other Person, to put them forth, or to cease from saying any Divine Service during such Excommunicate Persons being thereat?

2. Whether hath your Parson, Vicar, or Curate received any Excommunication, Suspension, or Aggravation from his Ordinary or his Substitute? And hath he published the same according to the tenor thereof, the next Lords-day or Holy-day following the receipt.

Of the Church-wardens and Side-men.

Whether were your Church-wardens chosen in the *Easter* week, as is required in the 90 Canon? And by the consent of the Minister and Parishioners, as is in the 89 Canon required? And did they give up a just Account of what Moneys they had received, and how disbursed? And at their going out of their Office, did deliver up to the Parishioners what Moneys and other things belonged to them?

Of Parish Clerks.

Have you a Parish-Clerk, chosen by the Minister, sufficient for his Reading, Writing, and a competent skill in Singing? And doth he receive his accustomed Wages, as is required in the 91 Canon?

Of Marriages.

1. Is there any Married in your Parish that are within the degrees prohibited by the Laws of God, and expressed in a Table, and set forth by Authority 1563? And have the said Table set up in your Church, as is required in the 99 Canon?

2. Hath your Minister Married any under the Age of One and twenty years, without the consent of their Parents, Guardians, and Governors, as is required in the 100 Canon?

3. Hath your Minister Married any Person or Persons not having first published the Banns, according to the Book of Common Prayer, or obtained Licence from such as have Episcopal Authority, or the Vicar-general of the Bishop, as in the 181 (*sic*) Canon?

Wills.

Whether you have in your Parish any Person or Persons who died and have not their Wills proved? Or whether they died Intestate (that is to say, made no will) as far as you have heard? You shall present such Executors, or such as have been faulty herein.

Parishioners.

Are there any in your Parish that are, or by common Fame or Report are Committers of Adultery, Fornication, or Incest; or that are common Drunkards, Swearers, and Blasphemers of the Holy Name of God, Simonaical (*sic*) Persons, Fighters, Brawlers, or Quarrellers? You are to present them, as is required in the 106 Canon?

Burials.

Have you buried in Your Parish-Church or Church-yard, any Excommunicated Persons, or known Recusants, or such as have been Felons de se? And doth your Minister bury the Dead according to the Form prescribed in the Book of Common Prayer, as is required in the 68 Canon?

All these Things and Persons you are conscionably to present upon your oaths, knowing that the discharge of your duty in your several Places, is or may be a means to reform such Disorders and Persons in your Parish, and prevent the Judgments of God from falling on the same: In which, help you God.

John Feilding Arch Deacon.
Henry Jones Official.

SANCROFT FOR LINCOLN, AS METROPOLITAN, 1686.

ARTICLES of Visitation and Enquiry Concerning Matters Ecclesiastical; Exhibited to the Ministers, Church-wardens & Side-men of Every Parish within the Diocess of Lincoln, In the Metropolitical Visitation of the Most Reverend Father in God, William, By Divine Providence, Lord Archbishop of Canterbury his Grace, Primate of all England, and Metropolitan.

In the Savoy, Printed by *Tho. Newcomb.*

M.DC.LXXXVI.

ARTICLES of Visitation and Enquiry Within the Diocess of Lincoln.

[Collated with a copy of the Articles issued by Sancroft for the Diocese of Canterbury in 1682, containing alterations in his own hand, which is preserved among the Tanner MSS.]

TIT. I.

Concerning Churches, and Chappels; the Fabrick, Furniture, and Ornaments thereof.

1. Is your Parish-Church (or Chappel) kept in good, and sufficient repair? Are the Roofs thereof well covered with Lead, Tile, or Slate? the Windows well glazed? The Floors well paved? the Seats well fastned, and conveniently placed? the Utensils, and Ornaments fairly kept, and preserved from spoil, abuse, and profanation? And all things so decently ordered, as becometh the House of God?

2. HATH the Steeple, or Tower, or any other part of your Church, or Chappel, been pulled, or fallen down? Or have any of the Bells, Lead, or other Materials, or Utensils, formerly belonging thereunto, been imbezelled, sold, or made away? and by whom?

3. Is there a Decent Font of Stone, fixed in the Ancient, and usual place in the lower part of the Church, for the Administration of Holy Baptism? and a decent Table for the Holy Communion, placed in the Chancel where it ought to be, with a Carpet of Silk, or other decent Stuff, to cover it,* and a fair Linen Cloth at the time of the Administration of the Holy Eucharist? And have you a fair Chalice, or Communion-Cup of Silver, with a Cover of the same, and a Plate, or Patin of Silver for the Bread, and a clean, and sweet standing Pot, or Flagon of Pewter, or purer Metal, in which† the Wine for the Holy Communion is set upon the Holy Table, and not in any Vessel of common Use?‡

4. HAVE you in your said Church, or Chappel, a convenient Seat or Pew for your Minister to read Divine Service in? A Pulpit with a comely Cloth, and Cushion; A Bible of the last Translation, in a large Volume; and the Book of Common-Prayer, (established by the late Act of Uniformity;) both well, and substantially bound? And the three Offices, lately set forth by His Majesties Authority, to be used on *Jan.* 30. *Febr.* 6. and *May* 29?§ Have you likewise the Book of Homilies set forth by Authority? A Book of Canons, and Constitutions Ecclesiastical, first‖ set forth in the year of our Lord 1603. by the King's Authority? And a printed Table of the Degrees, wherein Marriage is prohibited?¶

5. HAVE you a comely large Surplice for the Minister to wear at all times of his publick Ministration in the Church, provided, and washed at the charge of your Parish? And also a Hood, agreeable to his Degree, or a Tippet, to be used or worn over his** Surplice?

6. HAVE you a Register-Book of Parchment, wherein the Names and Sirnames of all persons Married, Christned, or Buried within your Parish, are duly Registred from time to time; together with the Names and Sirnames of both the Parents of the Children so Christned, and the Day, Month, and Year of all such Christnings, Marriages, and Burials? And have your Minister and Churchwardens subscrib'd their Names unto every Page of that Book? And is the Transcript thereof yearly within one month next after the 25th of *March*, brought into the Bishop's†† Registry? Have

---

* to cover it] to be used upon it in the time of Divine Service. 1682 *altered by Sancroft as above.*
† only. *Added* 1682.
‡ and not—use] *omitted* 1682.
§ And the three—May 29] *omitted*, 1682.
‖ first] *omitted.* 1682.
¶ Y^e Min^r. to answer as well as y^e Church-wardens. S^r. T. E. [*i.e. Sir Thomas Exton, Judge of the Consistory Court.*] *Marginal note by Sancroft in* 1682.
** his] the. 1682.
†† Bishop's] Archbishop's. 1682, *with the first syllable struck out by Sancroft.*

you likewise another Book of Paper, wherein are duly Recorded the Names and Licences of all such Strangers as are admitted at any time to preach in your Church or Chappel? As also a third Book, wherein are Entred the Churchwardens Accompts for every year?

7. HAVE you a strong Chest or Coffer, wherein to keep the aforesaid Books, and all the afore mentioned Furniture in safe custody? And another with an Hole in the upper part thereof, placed in the most convenient part of the Church, that the Parishioners may put their Alms into it? And are both the said Chests secured with three several Locks and Keys; One Key remaining with the Minister, and the other with the Churchwardens severally?

8. AND lastly, have you a Bier, and a Black Hearse-Cloth, for the more decent Burial of the Dead?

TIT. II.

Concerning the Church-yard; the Houses and Glebes; the Tithes, and other Dues belonging to the Church.

1. Is your Church-yard sufficiently Fenced, and decently kept from all Profanation and Encroachment? Hath any person made any Door into it out of his own House or Ground? Have any Trees there growing been cut down? How long since? By whom? And to whose Use and Benefit?

2. Is there a House belonging to your Parson, Vicar, or Curate? And is the same, with all the Out-houses thereunto belonging, kept in good and sufficient repair? Have any of the said Houses, or Out-houses, been pull'd down, or defaced? and by whom? Hath any encroached upon any Garden, Yard, or Close belonging to your Parsonage, or Vicarage-House? Or cut up any Trees growing thereon? or changed, or removed the ancient Marks, and Bounds of the same?*

3. HAVE you a true and perfect Terrier of all the Glebe-Lands, Gardens, Orchards, Tenements, or Cottages, Stocks, or Implements belonging to your Parsonage, or Vicarage? As also a Note of such Pensions, Rate-Tithes, and Portions of Tithes, or other yearly profits (either within, or without your Parish) as belong thereunto? And is there a Copy of the said Terrier and Note deliver'd in, to be laid up in the Register's Office? Have any of these been with-held from your Minister? and when, or by whom?

4. HAVE any of the ancient Glebe-lands belonging to your Parsonage, or Vicarage, been alienated, taken away, or exchanged for others, without the free consent of the Incumbent, and Licence of the Ordinary? And by whom, and when hath the same been done? And how much is your Parsonage or Vicarage damnified thereby, in the yearly value thereof, as you know, believe, or have heard?

TIT. III.

Concerning the Clergy.

1. Is your Minister (so far as you know, or believe) in Holy Orders, according to the Rules of the Church of *England?* And is he a Licens'd Preacher, and by whom?

2. Is he Lawfully admitted to the Cure of Souls in your Parish, as you believe, or have heard? Or is he reported, or suspected to have obtained either his Orders, or Benefice, by any Simoniacal, or undue practice?

3. DID he within two months after his Induction, publickly in the Church upon some *Sunday*, or Holy-Day, in the time of Divine Service, Read the 39 Articles of the Church of *England*, Established by Authority, and there publickly declare his Assent thereunto? Did he within the said time, upon some Lords-Day, publickly read the Morning and Evening-Prayers; and thereafter declare his unfeigned Assent and Consent to the use of all things in the Book of Common-Prayer, contained† in the Form prescribed by the late Act of Uniformity? And did he within three months after his Induction, upon some Lords-Day, and in the time of Divine Service, publickly and openly read the Declaration or Acknowledgement required in the same Act; together with the Ordinaries Certificate of his Subscription to the same?

4.‡ Is there any Chapel, or Chapels of Ease, or parochial belonging to your Mother Church? If so, at what Distance are they? And how are they serv'd and provided for?

5. HATH your Minister any other Ecclesiastical Benefice with Cure, or without? and how far distant from you, and in what Diocess? Is he constantly Resident among you? Or how many weeks in any one year hath he been absent from you? And when he is resident, doth he constantly live in his incumbent House?*

6. HATH he a Curate to assist him, able, and sufficient, and conformable to the Laws, and Orders of the Church of *England*, and duly Licensed by the Bishop?† Doth he, or his Curate serve in any other Church beside? What yearly Stipend doth your Minister allow his Curate?‡

7. DOTH your Parson, Vicar, or Curate read Divine Service on all *Sundays*, and Holy-Days; and the *Litany* (at least) on every *Wednesday* and *Friday*;§ and publickly administer the Holy Sacraments of Baptism, and the Eucharist, and perform all other Ministerial Offices, and Duties, in such manner and form, as is directed by the Book of Common-Prayer, lately Established, and the Act of Uniformity therewith published, and the three Offices before mention'd,‖ without addition, diminution, or alteration? And doth he in those his Ministrations wear the Surplice, with a Hood or Tippet¶ befitting his Degree?

8. DOTH he administer the Holy Sacrament of the Eucharist publickly in the Church on the three great Festivals; and so often besides, that every Communicant may have Opportunity to receive it at least thrice every year,** whereof once at *Easter*, giving solemn Notice thereof before-hand, by reading the Exhortation appointed for that purpose? And doth he endeavor to his utmost, both in his publick Sermons, and private Conferences, to prevail with his Parishioners to receive it oftner? Doth he take Care, that so many as intend to be partakers of the Holy Communion, do signifie their Names to him at least some time the Day before?†† And when the Holy Communion is administred amongst you, are the Alms and Oblations of devout persons duly collected, or received? Are they constantly dispos'd of to pious, and charitable Uses, by the Consent of the Minister, and Churchwardens; or if they disagree, by the Appointment of the Ordinary? Is there an exact Accompt taken, and kept in Writing of all such Sums, as are given, and receiv'd at the Offertory, or upon other Occasions put into the Chest for Alms?

9. DOTH he on the Lords-Day giue Notice of the Holy-Days, and Fasting-Days in the week following, that the people may be put in mind, and incited to resort to publick Prayers in the Church upon those solemn Occasions? And do your Minister, and Parishioners observe the yearly Perambulation in Rogation-week, for preserving the Bounds of the Parish, and desiring God's Blessing upon the Fruits of the Earth? Doth he also duly observe the Thirtieth of *January*, the Sixth of *February*,‡‡ the Nine and twentieth of *May*, and the Fifth of *November*,§§ according to the Statutes, and Orders set forth in that behalf?

10. DOTH your Minister twice ev'ry year on some *Sundays* after Ev'ning Prayer in your Church, or Chapel, publish the Statute made against prophane Swearing and Cursing?‖‖ And on the Fifth of *November*, after Morning Prayer or Sermon, read distinctly and plainly the Act made in the Third of King *James* for publick Thanksgiving on that day, according as it is by those Laws required? And doth he publickly read over to the people the Canons in force at least once, and the 39 Articles twice, every year, to the end they may the better understand, and be acquainted with the Doctrine, and Discipline of the Church, and not be so easily drawn from it as formerly they have been?¶¶

11. DOTH he himself constantly ev'ry Sunday (unless in case of sickness, or other reasonable impediment) preach in your Church or Chappel; or procure a Sermon to be so preached by some other Licens'd Preacher? Or one of the Homilies set forth by Authority to be there read by a Priest, or Deacon? And doth he constantly at the beginning of his Sermons pray for the King's Majesty in His due Stile, and Title; for the two Queens,*** and the Royal Family; and for all Archbishops, and Bishops, and other Ecclesiastical persons, as the Canon enjoins? And in stead

---

* Yᵉ Minʳ. to answer. Sʳ. T. E. *Marginal note by Sancroft in* 1682.
† Prayer, contained] Prayer contained, 1682.
‡ *This Article is inserted in MS. by Sancroft in* 1682.

* And when—House] *added in MS. by Sancroft in* 1682.
† and duly—Bishop] *omitted*, 1682.
‡ To be answered by yᵉ Minʳ. Sʳ. T. E. *Marginal note by Sancroft in* 1682.
§ and the Litany—Friday] *Added in MS. by Sancroft in* 1682.
‖ and the three—mention'd] *omitted*. 1682.
¶ or Tippet] *omitted*, 1682.
** on the three—year] at least thrice every year. 1682, *altered by Sancroft as above.*
†† Doth he take—before] *added in MS. by Sancroft in* 1682, *but the whole of the rest of this Article is wanting.*
‡‡ sixth of Febr.] *Added in MS. by Sancroft in* 1682.
§§ giving warning of the same the Sunday before. 1682, *struck out by Sancroft, who has placed the days in order of months instead of their historical order.*
‖‖ and against the Profanation of the Lords Day. *Added in* 1682, *but struck out by Sancroft, who adds this marginal note*: This is a mistake. The Statute is not appointed to be read in Churches. q. of a proclamation.
¶¶ And doth he publickly—have been] *omitted*, 1682.
*** two Queens] Queen, 1682, *altered by Sancroft as above.*

or an Afternoon Sermon, doth he explain some part of the Church-Catechism; or preach upon some such Text of Scripture, as leads properly, and naturally to the handling of something contain'd in it; or may conduce to the Exposition of the *Liturgy*, and Prayers of the Church; the onely Cause, why they grew into Contempt with the people, being this, that they were not understood?*

12. Doth he your Minister diligently examine and instruct the Youth of your Parish in the Church-Catechism, as in the Rubrick at the end of the said Catechism is directed? And being thus prepared, and of convenient Age, doth he take care to present them to the Bishop to be confirmed?

13. Doth he endeavour to reclaim all Popish, and other Recusants, and Sectaries, (if any such be inhabiting within your parish) to the profession, and practice of the true Religion, Established in the Church of *England*, and to their bounden Duty, in obeying the Law, and submitting to the Government of the Realm?

14. Doth he refuse, or neglect to visit, comfort, and pray with the Sick, or to bury the Dead? Doth he delay the Baptism of any Infant that is in danger of death? Or baptize them in any other place than the Church, when there is no such danger? And when they are (in case of necessity) thus privately Baptized, doth he cause them afterwards, if they live, to be brought into the Church; and certifie the Congregation of the Form of Baptism used in private, and proceed thereupon in all points, as in the Office of private Baptism is directed? Is there any Child past Infancy, or other person of riper years, through the default of your Minister, or others, yet remaining unbaptized in your Parish? Doth he use to baptize any without Godfathers and Godmothers; or admit either of the Parents to be Godfather or Godmother to their own Children?

15. Hath he at any time (to your knowledge, or as you have heard) preached any False, Heretical, Schismatical, or Seditious Doctrine, which may seduce the people into Parties and Factions, to the disturbance of the publick Peace and Unity, either of Church or State?

16. Hath he presumed to marry any persons in private Houses? Or such, as being under Age, have not the consent of their Parents, or without the Banes first published on three Sundays or Holy-days in the Church? Or at any other hours, than between Eight and Twelve in the morning: unless he had a Licence or Dispensation so to do, granted by such Authority, and in such Form, as the Canons direct?†

17. Doth any person preach in your Parish as a Lecturer? Hath he Licence from the Bishop so to do? Doth he before his Lecture, read the Divine Service, as the late Act of Uniformity requires? And is he in all respects conformable to the Laws and Orders of the Church of *England?*

18. Doth your Minister, or any other, (either Minister or Lay-person) hold any Conventicle or Meeting within any private house or place within your Parish, to which persons of several Families, above the number of Five, do resort, under any pretence of Preaching, Praying, Thanksgiving, or Humiliation, contrary to the Laws and Canons in that case provided?

19. Is your Parson, Vicar, or Curate, and your Lecturer (if you have any) of a sober, unblamable and exemplary life; given to Hospitality, and Alms-deeds? in his Apparel, and his whole outward Garb, and Dress,‡ grave and decent, as the Canons of the Church require? Or, on the other side, is his carriage and conversation in any kind whatsoever disorderly, or scandalous, and unbeseeming a Minister of Jesus Christ? Doth he familiarly converse with vicious, ungodly, or excommunicate persons? Is he a Frequenter of Taverns, Alehouses, or other Houses of ill Fame? A common Gamester, or User of unlawful, or undecent Sports? A Swearer, Railer, or Quarreller? Doth he set Neighbors at variance one with another? Or encourage them to Suits and Contentions? Is he noted to be an intemperate Drinker? Or vehemently suspected of Incontinency with any person, either within your Parish, or without? Doth he use any Trade, Occupation, Traffique, or Merchandizing, for Filthy Lucre sake?

20. Is there within your Parish dwelling or residing any one, who being in the Holy Orders, hath quitted his Profession, and turn'd Lay-man? Or any Stranger, or Unlicens'd Minister or Preacher, that hath been deprived, ejected, or suspended for false Doctrine, Inconformity, or other evil Manners? If so, how do they now behave themselves? And what profession, or course of Life do they follow?

* And in stead—understood] *omitted*, 1682.
† granted—direct] *added in MS. by Sancroft in* 1682.
‡ and his whole—dress] *added in MS. by Sancroft in* 1682.

Tit. IV.

Concerning the Parishioners.

1. Is there in your Parish any known or reputed Heretick, Schismatick, or Separatist? Any person Notoriously known, or vehemently suspected to be of Atheistical Principles, or Opinions? Any Libertine, or profane person? Any Depravers, Disturbers, or Contemners of the publick Service of God, and the Doctrine and Discipline of the Church of *England* by Law established? Or any* that refuse or neglect to come unto the publick Assemblies, and to join in the Prayers, and Service of God in the Church, or that makes profession of any other Religion, or Way of Worship, than what is established in the Church of *England?*

2. Is there any person in your Parish, that lieth under a common Fame, or vehement suspition of Adultery, Fornication, or Incest? Any common Drunkards, or common Swearers, or Blasphemers of God's Holy Name? Or any that are noted to be Railers, unclean or filthy Talkers, Sowers or Maintainers of Sedition, Faction, or Discord among their Neighbors? Or, in sum, any whose Life and Manners are contrary to Godliness, Peace, and Honesty?

3.† Do any of your Parish upon the Sunday-days, or Holy-dayes, follow their bodily, or ordinary Labor? or compel, or permit their Servants so to do? Are any Shops‡ kept open, or Wares sold at such times? Or do any Vintners, Inn-keepers, or other Victuallers, and Sellers of Beer and Ale, suffer any persons to Tipple or Game in their Houses upon those dayes?

4. Doth every person inhabiting or sojourning within your Parish, duly resort unto your Church or Chappel, upon every Sunday and Holy-day appointed for Divine Service? Do they then and there abide quietly with Reverence, Order and Decency, during the whole time of Common prayer, Preaching, or other Service of God there used? Or are there any among you that come only to the Preaching, and not to the Common-prayers of the Church?

5. Are there any in your Parish that refuse to send their Infant-Children to be Baptized publickly in the Church, unless in case of urgent danger? Or do they send them from their own Minister, to be Baptized in any other place, or after other form than is appointed? Or do they keep them unbaptized any longer time, than the Church alloweth? And are there any Infants or persons of riper years in your Parish, who as yet remain unbaptized?

6. Do all the Housholders in your Parish cause their Children, and Servants, to learn their Catechism, and to give an account thereof to your Minister (when he doth require it of them) openly in the Church upon Sundays, and Holy-days, as in the Book of Common prayer is appointed; that when they are well instructed in the same, they may be confirmed by the Bishop?

7. Is there in your Parish any person, who being Sixteen years of age, doth not receive the Sacrament of the Lords Supper, at least three times in the year; of which *Easter* is always to be one? Doth any in your Parish refuse to receive the same kneeling, or from the hands of your own Minister; repairing for it to other Parishes, and Ministers abroad? Or are there any Strangers not of your parish, that forsake their own Churches, and usually repair to yours for it?

8. Have you any among you, that be denounced, and declared Excommunicate for any crime committed? How long have they been so? And do any of your Parish keep society with them, before they be reconciled to the Church, and absolved?

9. Are there any living in your Parish, as Man and Wife, who are within the Degrees prohibited? Or any that being lawfully Divorced have Married again? Or any that being lawfully Married, and not separated, or Divorced by course of Law, do not cohabit together?

10. Are there any Married Women in your Parish, who, after their Delivery from the peril of Childbirth, refuse to make their publick Thanksgiving to God in the Church? And when they come so to do, do they come decently apparelled, and make their Offerings according to Custom?

11. Are there any belonging to your Parish, who refuse to pay their *Easter* Offerings, or Duties to your Minister? Or any that refuse to contribute, and pay the Rate assessed upon them for the Repaire of your Church or Chapel, and for the providing of such Books, Furniture, and Orna-

* Papist, Presbyterian, Familist, Anabaptist, Quaker, or other Sectary. 1682, *but struck out by Sancroft.*
† All this by Statute punishable by y^e^ Justices of P. Sr. T. E. *Marginal note by Sancroft in* 1682.
‡ Leave it out. Sir T. E. *Marginal note by Sancroft, ib.*

ments, as be requisite for the performance of all Divine Offices there?

12. Do any refuse to Bury their Dead according to the Rites of the Church of *England?* Are there any Wills or Testaments of persons dead in your Parish, that be yet unproved? Or any Goods Administred, without a due Grant from the Ordinary?

13. Is there any Strife or Contention among any of your Parish for their Pews, or Seats in your Church? Or have any of them erected new Pews in your Chancel, or in the Body of your Church or Chapel, without leave from the Ordinary?

Tit. V.

Concerning Parish Clerks and Sextons.

I. Have you belonging to your Church or Chappel, a fit Parish Clerk, aged 21 years at the least, of honest Life and Conversation, and sufficiently able to perform his duty in Reading, Writing, and Singing? Is he duly chosen by your Minister? And doth he diligently attend him in all Divine Offices; audibly making, and repeating the Responses and Suffrages, as in the Liturgy he is directed? Are his Wages duly paid unto him? Or who with-holdeth the same?

2. Doth he, or your Sexton (if there be any such appointed in your Parish) diligently look to the Doors of your Church, that they be Locked, and Opened at due times? Doth he keep your Church or Chapel clean from Dirt, Dust, Cobwebs, and other Annoyance? Doth he Ring, and Toll the Bells at the due and* accustomed hours, before Morning and Evening Service, that the people may be warned to come unto the Church? And when any person is passing out of this Life, doth he upon notice given him thereof, Toll a Bell, as hath been accustomed, that the Neighbors may thereby be put in mind to recommend the dying person to the Grace and Favour of God, and to meditate upon their own death?

Tit. VI.

Concerning Hospitals, Schools, Schoolmasters, Physicians, Chirurgeons and Midwives.

I. Is there in your Parish any Hospital, Alms-house, or Free-School? Who was the Founder? Who is now the Patron thereof? And what is the yearly Revenue? What Stipends belong to the Governors, or Masters of the same; Is the same ordered, and governed in every respect, as it ought to be? And are the Revenues thereof rightly employed according to the intention of the Founder, and the tenor of such Statutes and Ordinances, as have been made in pursuance of the same?

2. Have any living or dying in your Parish, or elsewhere, given any Gift, or Legacy by Will, or otherwise to the use of your Church or poor, or of the parishioners in general? How is it setled, and in whose hands? and is it, or hath it been misimployed, or disposed of to other Uses?

3. Doth any Man keep a publick or private School in your Parish? Is he allowed so to do by the Ordinary? Is he of sober Life, and honest Conversation, and conformable to the Doctrine and Discipline Established? Doth he teach his Scholars the Catechism of Religion set forth by Authority? Doth he upon Sundays, and Holy-days, and all good Occasions, repair to your Church, or Chapel, and cause his Scholars to do so too, and see that they behave themselves there quietly, orderly, and reverently, during the time of Divine Service and Sermon? And doth he teach them good Manners, Sobriety, Modesty, and Obedience, as well as other Learning?

4. Doth any Man or Woman in your Parish take upon them to practise Physick, or Chirurgery? or any Woman to exercise the office of a Midwife, without being first examined, and approved, and thereupon Licensed by the Ordinary? or doth any Woman take upon her to keep a School, and to teach Girls, or young Women, not being duly allowed so to do?†

Tit. VII.

Concerning Ecclesiastical Officers.

1. Have any abuses, or offences, presented by the Churchwardens, or others, been suppressed, or left unpunished by any Officers exercising Ecclesiastical Jurisdiction within this Diocess? Do they unnecessarily delay, or protract any Causes brought before them? Do they vexatiously cite any into their Courts for greediness of Gain, or other undue Ends? Do they demand, exact, or take unlawful, or extraordinary Fees? or in any kind grieve, or oppress His Majesties good Subjects?

2. Is there a Table of Fees publickly fastned, and set up in the Consistory, or Ecclesiastical Court, to which you are called to appear, and make your Presentments; that so every one may know what Fees he ought to pay, as the Canons enjoin?

3. Have any Apparitors taken any reward for the concealing any offence, or the avoiding the punishment or reformation of offenders? And do they summon any to appear at the Consistory without Citation first had, and granted from the Ecclesiastical Judge?

4. Hath* any Sum of Money been lately, or heretofore paid to any Ecclesiastical officer for Commutation of Pennance? What was the Sum? Unto whom was it paid, and to what Use appointed, or employed?

5. If you know of any other default, or crime of Ecclesiastical Cognizance, you are to present the same.

Tit. VIII.

Queries to be put to the Minister, concerning the Churchwardens and Sidemen.

1. Are the Churchwardens of your Parish duly chosen by the joint consent of the Minister, and Parishioners? or one of them by the Minister, and the other by the Parishioners? or as the custom of the Parish is?

2. Have the former and last Churchwardens given up their due Accompts to the Parish, and deliver'd up to the succeeding Churchwardens the Monies remaining in their hands, together with all other things belonging to your Church, or Chapel?

3. Do your Church-wardens and Side-men take diligent care to see, and observe, who of the Parishioners are absent from Divine Service, and Sermon in your Church or Chapel every Sunday and Holy-day? and when they find any to have absented themselves without a sufficient cause, do they by Warrant of some Justice of the Peace, levy of them by way of distress upon their Goods, the Sum of 12 pence for every such day of their absence, according to the Act of Parliament in that case provided? And do they distribute the several Sums so Levied, among the Poor of your Parish, according to Law?

4. Do they present all them that come late to Church, after Divine Service is begun, or depart before it be ended? Do they take care, that none stand idle, or talk together in the Church-porch, or walk in the Church, or Church-yard, during the time of Prayers, Preaching, or other Sacred Offices?

5. Do they take care, that no Misbehavior or Disorder be done by Men, Women, Servants, or Children, in your Church or Chapel? That none of them sit, lean, or lay their Hats upon the Communion Table? That no Minstrels, nor Morris-Dancers, no Dogs, Hawks, or Hounds be brought or come into your Church or Chapel, to the disturbance of the Congregation?

6. Do they against every Communion appointed in your Church or Chapel, provide a sufficient quantity of fine white Bread, and of good Wine, according to the number of Communicants, at the Parish-charge?

7. Do they cause all Strangers that preach in your Church or Chapel, to enter their Names the same day in a Book provided for that purpose; together with the Name of the Bishop that Licenc'd them to preach in this Diocess? And do they permit no other to preach?

8. Have they (the Churchwardens and Side-men, now sworn to give in a true Answer unto all these Articles of Enquiry in all their several Titles) taken sufficient time to draw up their Presentments, and therein consulted with you their Minister for your faithful assistance?

We do not by Vertue of this Oath require or expect that the Parson, Vicar, or Curate, or any one of the Churchwardens, or Side-men of any Parish, should detect, impeach or accuse himself of any Fault enquir'd of in these Articles: Nevertheless the Faults of any one of them may and ought to be presented by the rest. And if the Church-wardens, or Side-men will not do their Duty herein; yet the Minister of every Parish, (or in his absence the Curate) may, and ought to present such Persons, and Things as want due Reformation; for upon them is the chief Care incumbent of sup-

* and] *omitted*, 1682.
† or doth any—so to do] *added in MS. by Sancroft in* 1682.

* Ye Min^{r}. to answer. S^{r}. T. E. *Marginal note by Sancroft*, 1682.

pressing Sin, and Wickedness, and all Irregularities in their Parishes. And let all of both sorts know assuredly, that as the Conscientious Discharge of their Duty herein is the next, and readiest Mean, whereby publick Disorders and Offences may come to be punished and reformed; so if they wilfully refuse, or neglect to discover such things, as either they themselves know, or by common Fame have heard to have been, or to be amiss in their Parish, the Guilt will lie at their Doors; and in such cases they shall be proceeded against in the Courts Ecclesiastical,* with all the Severity which the Law enables them to use in such cases.

FINIS.

To the Parsons, Vicars, and Curates, Church wardens, and Side-men of the Parishes respectively within the whole Diocese of Lincoln.

My Brethren and Friends;

Intending ere long (by God's Permission) a Metropolitical Visitation of your whole Diocese, for the Reformation of what shall be found amiss amongst you; and being Credibly inform'd, That many of the Churches, Chancels, and Chapels there, with the Walls, and Fences of the Church, or Chapel-yards; and many of the Parsonage, and Vicarage-Houses, with the Barns, and other Out-houses to them belonging, (or at least some of each kind) are in a very decaying, if not ruinous Condition; to the great Dishonour of God, and his holy Religion; and to the great Damage, and Inconvenience of those, who are, or shall be admitted to be Incumbents there; In tender Regard to the preservation of the Honour of God's House, and of the Patrimony of the Church, We do hereby earnestly desire, and (as far as We may) Require you, that in every Parish, where such Decays, and Defects are found, you do forthwith take to your Assistance two able, and skilful Workmen (a Carpenter, and a Mason;) and that upon a joint, and heedful View, you set down in Writing under your Hands, and theirs, a particular Account of all such Decays, and Dilapidations, as you shall find in the Premises; together with the probable Charge of amending them, and the Names of the Persons on whom (as you think) that Charge ought to lie; according to the best of your skill, and as becomes honest and conscientious Men; And lastly, That you tender this Account to our Commissioners at the Visitation in a Paper by it self fairly written, separate from your other Presentments. And so not doubting of your ready, and chearful Compliance in a Matter so manifestly tending to the Honour of God, and the decent performance of his holy Worship, and to the comfortable Subsistence, and Residence of those amongst you, who now are, or shall be hereafter employ'd to officiate there in Holy things, I commend you All to God's Grace, and Blessing; and rest,

Your very loving Friend,

Lambeth-House, Apr. 7. 1686. W. CANT.

The Charge of the Churchwardens and Sidemen.

Having receiv'd a Copy of this Book, you are requir'd to repair to your Minister; to hear all these Articles deliberately read over to you; duly, and diligently to consider of them; and by his Advice, (and if need be, with his Concurrence) to Present all, and every such person or persons of your Parish, as have committed any Offence, or made any Default, mention'd in these Articles, or any of them; or which are vehemently suspected for the same: Wherein you are to deal uprightly, and impartially, all Affection, and Favour, all Hatred, and Malice, all Hope of Reward, or Advantage, and Fear of Displeasure set aside; signing such your Presentments with your Hands.

The Form of their Oath.

You shall Swear, Truly, and Faithfully, according to the Best of your Skill, and Knowledge, to Present such Things, and Persons, (Enquir'd of in these Articles) as to your knowledge are Presentable by the Laws Ecclesiastical of this Realm. So help you God, and the Holy Contents of this Book.

The Ministers of the respective Parishes are requir'd to give in a List of the Names of all such as they have Catechiz'd, and prepar'd, and do judge fit to receive Confirmation, and to Present it to the Bishop, together with the Persons to be confirm'd, before the Action begins.

FINIS.

* they shall be—Ecclesiastical] the Bishop and his Officers will proceed against them in their Courts. 1682.

SANCROFT, ARCHBISHOP OF CANTERBURY, 1688.

THE ARTICLES Recommended by the Arch-Bishop of Canterbury To all the Bishops within his Metropolitan Jurisdiction, the 26th of July, 1688.

Sir

Yesterday the Archbishop of Canterbury delivered the Articles which I send you inclosed, to those Bishops who are present in this place; and ordered Copies of them to be likewise sent in his name to the absent Bishops. By the Contents of them, you will see that the Storm in which he is, does not frighten him from doing his Duty; but rather awakens him to do it with so much the more vigour: and indeed, the Zeal that he expresses in these Articles, both against the Corruptions of the Church of Rome on the one hand, and the unhappy Differences that are among Protestants on the other, are such Apostolical Things, that all good Men rejoyce to see so great a Prelate at the Head of our Church, who in this Critical Time has had the Courage to do his Duty in so signal a manner. I am,

Sir,

London, July 27, 1688. Yours.

Some Heads of things to be more fully insisted upon by the Bishops in their Addresses to the Clergy and People of their respective Diocesses.

I. That the *Clergy* often read over the *Forms* of their *Ordination;* and seriously consider what Solemn Vows and Professions they made therein to God and his Church, together with the several *Oaths* and *Subscriptions* they have taken and made upon divers Occasions?

II. That in Compliance with those and other *Obligations*, they be active and zealous in all the Parts and Instances of their *Duty*, and especially strict and exact in all Holy *Conversation*, that so they may become Examples to the Flock?

III. To this end, that they be constantly *Resident* upon their *Cures* in their Incumbent Houses; and keep sober Hospitality there according to their Ability.

IV. That they diligently *Catecise* the Children and Youth of their *Parishes* (as the *Rubrick* of the *Common-Prayer-Book*, and the 59th *Canon* injoyn) and so prepare them to be brought in due time to *Confirmation*, when there shall be Opportunity; and that they also at the same time expound the Grounds of *Religion* and the Common *Christianity*, in the Method of the *Catechism*, for the Instruction and Benefit of the whole Parish, teaching them what they are to believe, and what they are to do, and what to pray for; and particularly often and earnestly inculcating upon the Importance and Obligation of their Baptismal Vows.

V. That they perform the Daily *Office* publickly (with all Decency, Affection and Gravity) in all *Market* and other Great *Towns*, and even in *Villages*, and less populous *Places*, bring People to *Publick Prayers* as frequently as may be; especially on such Days and at such Times as the *Rubrick* and *Canons* appointed on *Holy Days*, and their *Eves*, on *Ember* and *Rogation Days*, on *Wednesdays* and *Fridays* in each Week, and especially in *Advent* and *Lent*.

VI. That they use their utmost Endeavour, both in their *Sermons* and by *private Applications*, to prevail with such of their Flock as are of competent Age, to receive frequently the *Holy Communion:* and to this end, that they administer it in the greater Towns once in every Month, and even in the lesser too, if *Communicants* may be procured, or how-ever as often as they may: and that they take all due Care, both by Preaching and otherwise, to prepare all for the worthy receiving of it.

VII. That in their *Sermons* they teach and inform their People (four times a Year at the least what the *Canon* requires) that all *Usurp'd* and *Foreign* Jurisdiction is for most Just Causes taken away and abolish'd in this *Realm*, and no manner of Obedience or Subjection due to the same, or to any that pretend to act by virtue of it: but that the King's Power being in his Dominions highest under God, they upon all occasions perswade the People to *Loyalty* and *Obedience* to his *Majesty* in all things *Lawful*, and to patient Submission in the rest; promoting (as far as in them lies) the publick Peace and Quiet of the World.

VIII. That they maintain fair Correspondence (full of the kindest Respects of all sorts) with the *Gentry* and *Persons of Quality* in their Neighbourhood, as being deeply sensible what reasonable Assistance and Countenance this poor Church hath received from them in her Necessities.

IX. That they often exhort all those of our Communion, to continue stedfast to the end in their most Holy Faith, and constant to their Profession; and to that end, to take

heed of all Seducers, and especially of *Popish Emissaries*, who are now in great numbers gone forth amongst them, and more busie and active than ever. And that they take all occasions to convince our own Flock, that 'tis not enough for them to be Members of an *Excellent Church*, rightly and duly Reformed, both in Faith and Worship, unless they do also reform and amend their own Lives, and so order their Conversation in all things as becomes the Gospel of Christ.

X. And forasmuch as those *Romish Emissaries*, like the Old Serpent, *Insidiantur Calcaneo*, are wont to be most busie and troublesome to our People at the end of their Lives, labouring to unsettle and perplex them in time of Sickness, and at the hour of Death; that therefore all who have the Cure of Souls, be more especially vigilant over them at that dangerous Season; that they stay not till they be sent for, but enquire out the Sick in their respective Parishes, and visit them frequently: that they examine them particularly concerning the state of their Souls, and instruct them in their Duties, and settle them in their Doubts, and comfort them in their Sorrows and Sufferings, and pray often with them and for them; and by all the Methods which our Church prescribes, prepare them for the due and worthy receiving of the Holy *Eucharist*, the Pledg of their happy Resurrection: thus with their utmost Diligence, watching over every Sheep within their Fold (especially in that critical Moment) lest those *Evening Wolves* devour them.

XI. That they also walk in Wisdom towards those that are *not* of Our Communion: and if there be in their *Parishes* any such, that they neglect not frequently to confer with them in the Spirit of Meekness, seeking by all good Ways and Means to gain and win them over to our Communion: More especially that they have a very tender Regard to our *Brethren* the *Protestant Dissenters*; that upon occasion offered, they visit them at their Houses, and receive them kindly at their own, and treat them fairly wherever they meet them, discoursing calmly and civilly with them; perswading them (if it may be) to a full Compliance with our *Church*, or at least, that whereto we have already attained, we may all walk by the same Rule, and mind the same thing. And in order hereunto that they take all Opportunities of assuring and convincing them, that the *Bishops* of this *Church* are really and sincerely irreconcileable Enemies to the Errors, Superstitions, Idolatries and Tyrannies of the *Church* of *Rome*; and that the very unkind Jealousies, which some have had of us to the contrary, were altogether groundless.

And in the last place, that they warmly and most affectionately exhort them, to joyn with us in daily fervent Prayer to the God of Peace, for an Universal Blessed *Union* of all *Reformed Churches*, both at *Home* and *Abroad*, against our common Enemies, and that all they who do confess the Holy Name of our dear Lord, and do agree in the Truth of his Holy Word, may also meet in one Holy Communion, and live in perfect Unity and Godly Love.

FINIS.

IRONSIDE, BISHOP OF HEREFORD, 1692.

ARTICLES to be enquired of within the Diocess of Hereford, In the first Visitation of the Right Reverend Father in God Gilbert Lord Bishop of Hereford, in the Year of our Lord God 1692. And in the first Year of his Translation.

Oxford, Printed in the Year MDCXCII.

The Tenor of the Oath to be Administred to the Churchwardens and Sidemen of every Parish.

You shall swear to enquire with your best diligence, and to make due answer unto every Article in this Book now given you in Charge; and to present every Person that now is, or of late was inhabiting within your Parish, that hath done any Offence, or omitted any Duty therein mentioned. And this you shall do as in the sight of God uprightly and truly, without Favour or Malice, hope of reward or fear of displeasure.

So help you God.

ARTICLES to be enquired of, &c.

Concerning Churches and Chappels with the Ornaments and Furniture thereto belonging.

Can. 85. 1. Have you a Church or Chappel consecrated to the worship and service of God? and is it kept only for that use in good and sufficient Repair and so decently ordered as becomes the House of God?

Can. 81. Can. 82. Can. 20. Rubr. Com. 2. Is there a Font of Stone conveniently placed for the Celebration of Baptism; and is there in your Chancel a decent Communion Table with a Carpet and a white Linnen Cloath to cover it, and have you a Communion Cup or Chalice, and one or more Flagons of Silver or Pewter thereto belonging?

Can. 82. Can. 83. Can. 30. 3. Is there in your Church or Chappel a convenient Seat or Desk for your Minister to read Divine Service in; a Pulpit with a comely Cloath or Cushion for the same, a Bible of the last Translation in a large Volume, two Books of Common Prayer, a decent large Surplice for the Minister to officiate in, a Book of Homilies and Canons, and a printed Table of the Degrees wherein Marriage is prohibited?

Can. 52. Can. 84. Can. 70. 4. Do you record the Names of Strangers that preach in your Church in a Book made for that purpose, have you another Book for the Parish Accounts as also a Register Book of Parchment wherein to Enter the Names of all those that are Christened, Married, or Buried within your Parish, expressing the day, month and year of all such Christenings Marriages and Burials, and is the transcript thereof yearly within one month next after the 25th of March brought into the Bishops Register?

Concerning the Church-yard, Houses, Glebe and Tythes belonging to the Church.

Can. 85. 1. Is your Church-yard sufficiently fenc'd with Walls or Rails, hath any Person Encroach'd upon the same, have any Trees growing there been cut downe without allowance from the ordinary?

2. Is the house of your Parson, Vicar, or Curate with all the out-houses of it kept in good and sufficient Repair, have any of the said houses been defaced or pull'd downe without Licence from the Ordinary? And by whom? Hath any Person Encroached upon any Garden, Yard, or Close, belonging to your Parsonage or Vicaridge house? Or cut up any Trees growing thereon, or changed or removed the ancient marks and bounds of the same?

Can. 87. 3. Have you a true and perfect Terrier of all your Glebe Lands, Tythes and other possessions belonging to your Church by the view of honest men of your Parish by the appointment of the Bishop, so as the Parson or Vicar be one, and are the same laid up in the Bishops Registry as is required by the Canon?

4. Have any of the ancient Glebe-Lands belonging to your Parsonage or Vicaridge been taken away or alienated by Lease Sale or Exchange without Licence from the Ordinary and the Free consent of the Incumbent, have any Inclosures been made in your Parish to the detriment of your Church.

Concerning the Clergy.

Injunct. Eliz. 26. 1. Is your Minister a Priest or Deacon Episcopally ordained according to the Laws of the Church of England.

2. Is he resident among you, has he a Curate, what is the allowance of the Curate? or doth he officiate in any other Church? how far distant is it from your Church, doth he Marry any privately in a house or without Banns or Licence.

Can. 62.

Can. 15, 59, 61, 66, 69. 3. Is divine Service duly performed on the Lord's day and Holydays? is the Litany read Wednesdays and Fridays weekly, doth your Minister on Sundays instruct the Youth in the Church Catechism and prepare them for confirmation by the Bishop? Doth he delay the Baptising of any Infant in danger of Death, or are there any Infants or more aged persons in your Parish unbaptised? Or doth he admit the Parents of the Child or those who have not received the Sacrament to be the Godfather or Godmother?

Can. 55. 4. Doth your Minister before Sermon use to pray for the present Majesties King William and Queen Mary and the rest of the Royal progeny, and exhort the People to Obedience to them, and all other Magistrates in authority under them?

Can. 47. 5. Doth your Minister constantly Preach in your Church or Chappel one Sermon every Sunday, or if he doth not, doth he procure a Sermon to be preached by some other Minister or one of the Homilies set forth by authority to be read by Priest or Deacon lawfully Ordained? Doth he Endeavour to reclaim

Can. 66. all Popish Recusants, and other Sectaries and profane Persons to their bounden duty to God and Submission to the present Government,

and is he of sober Life and Conversation and free from Scandalous Company and places?

Can. 53. 6. Is there any publick opposition between Preachers in your Parish reflecting upon one another either in Doctrine or Practise?

Rubr. Com. 7. Is nothing published or proclaimed in the Church but by the Minister only, nor by him anything but what is enjoyned by the Book of Common Prayer, or by the King, or by the Ordinary of the place?

Can. 13. 8. Doth he take what care lies in him, by his Example, Preaching, and perswasion, that the Lord's day be religiously observed, and especially that there be no profanation of it upon the Wake days of your Parish, if you have any such?

Can. 73. 9. Doth any of your parish hold any Conventicles or Meeting in private houses for People of several Families to resort unto, under pretence of Preaching, Praying, Thanksgiving, or Humiliation without being qualified according to the late Act of Parliament?

Concerning Parishioners.

Can. 109. 1. Is there any person in your Parish that lyes under any common fame or suspicion of Incest Adultery or Fornication, are there any common Drunkards, Swearers, or Blasphemers of Gods name do any profane the Lord's day, play in the Churchyard or frequent Alehouses in time of Divine Service?

Can. 18. 2. Doth every Person reverently uncover his head and so continue during time of Divine Service and Sermon, do they all reverently kneel at prayers and use such Gestures of the body in the several Offices as the Canon requires?

Can. 99. 3. Are there any Living in your Parish who have been unlawfully Married within the Degrees prohibited or having been lawfully divorced, have Married again or any that being lawfully Married and not separated or divorsed by course of law do not cohabit together?

4. Are there any in your Parish who refuse to pay their Duty for Easter Offerings, or any that refuse to contribute what is assessed upon them for the repair of your Church or Chappel, and for providing such books, furniture and ornaments as are requisite for performance of Divine Offices there.

5. Is there any in your Parish that refuse to receive the Sacrament of the Lord's Supper three times in the year, whereof Easter to be one, and do they receive the Communion kneeling?

Can. 92. 6. Are the Wills of Persons dying in your Parish duly 'proved, have any Lands or Legacies in your Parish been given to Charitable Uses, have they been duly disposed of? is any stock of Mony in your Parish for the benefit of the Poor, is it employ'd accordingly?

Concerning Parish Clarks and Sextons.

Can. 91. 1. Have you a sufficient Parish Clark or Sexton aged twenty-one years at least, is he of honest life, and sufficient to perform his duty in reading, writing, and singing, and are his Wages duly paid him or by whom withholden?

2. Doth he keep your Church lock'd? doth he Toll or Ring the Bell before the beginning of Morning and Evening Prayer, and when any is dying, doth he upon notice Toll the Bell, that the Neighbours be thereby warned to recomend the dying Person to the Grace and Favour of God?

Concerning Hospitals Schools Phisicians &c.

1. Doth any in your Parish practise Physick, or Chirurgery, or any Women exercise the Office of a Midwife, without allowance or Licence from the Ordinary?

2. Doth any keep a publick or private School in your Parish without a Licence from the Bishop or his Chancellor? Doth he teach the Schollars in the Catechism of the Church of England, doth he cause them upon Sundays and Holydays orderly to repair to the Church or Chappel, and see that they behave themselves quietly and humbly during time of Divine Service.

3. Is there any Hospital Alms-house or Free-school founded in your Parish; is the yearly Revenue or Stipend ordered as it ought to be?

Concerning Ecclesiastical Officers.

Can. 135. 1. Whether are there any Ecclesiastical Officers exercising Ecclesiastical Jurisdiction within this Diocess, who do take or exact any extraordinary Fees for any Cause.

2. Whether are there placed by the Register two Tables containing the several Rates and Sums of all Fees due to the Judge and other Officers of your Courts, one in the usual place and consistory where the Court is kept, the other in his Registry in such sort as every man may come to view the same without difficulty? and whether doth the Chancellor Arch-deacon or Minister exact or extort any greater Fees or Sums of Mony than in the said Tables are contained?

3. Whether the Chancellor Arch-Deacon or Official, or any other Person useing Ecclesiastical Jurisdiction, speed any Act in any Cause privately of themselves, and not in the presence of some publick Notarie or Actuary?

4. Whether doth the Chancellor Arch-Deacon or Official Commute or change any penance or Corporal punishment for any Mony without the consent of the Bishop? and what Mony have they or any of them received for such commutation and of whom, when and what was the Offence for which any such Sum of Mony was received or appointed to be paid?

Concerning Church-Wardens and Sidemen.

Can. 89. 1. Are your Church-Wardens duly elected according to the Custome of your Parish, and have the last Church-Wardens given up their Accounts, and delivered the Monys remaining in their hands to the Succeeding Church-Wardens, together with other things belonging to your Church?

Rubr. Com. Can. 20. Can. 88. 2. Do they against every Communion provide Bread and Wine at the Parish Charges, do they suffer no misbehaviour or disorder by Servants or Children within your Parish, in sitting or leaning on the Communion Table or by suffering Minstrels Morrice Dauncers, Hauks or Hounds to be brought into your Church?

Can. 19. 3. Do they suffer no idle Persons to walk, talk or stand idle either in the Church, Church-Porch or Church-yard during the time of Divine Service and Sermon, but causing them either to come into the Church or else to depart? and do they often see where there be any tipling or drinking in any Inn Alehouse or Victualling house within your Parish during the time of Divine Service, and present all

Can. 90. such as are found thus tipling together with the Master or Mistris of the said house?

4. Do your Church-Wardens present all Offences in your Parish at the Visitation, and does any Man trouble or molest him for doing his Duty?

Can. 129. 5. Have you (the Church-Wardens and Sidemen Sworne to give in true answer unto all these Articles of Enquiry in all their several Titles) taken sufficient time to draw up your presentments and therein consulted your Minister for his faithful assistance?

For know you assuredly that as the true discharging of your Office is the chief means whereby publick disorders and offences in your Parish may be reform'd and punished, so if you wilfully refuse to present such crimes and faults as either you know to have been committed, or otherwise have heard of by publick fame; that in such cases the Bishop and his Officers are to proceed against you in their Ecclesiastical Courts as in cases of wilful omission and Perjury.

Advertisement.

The Ministers of every Parish whose duty it is to suppress all profaness if they see the Church-Wardens negligent to present, may and ought to do it themselves.

The Ministers are to take Notice that the Bishop at his Visitation will be ready to Confirm those that are brought to him and are fitted for that purpose.

FINIS.

STRAFFORD, BISHOP OF CHESTER, 1701.

ARTICLES to be enquired of and answered unto by the Church-Wardens and Side-men in the Visitation of the Right Reverend Father in God, Nicolas, Lord Bishop of Chester MDCCI.

London: Printed in the year 1701.

The Oath to be administred to the Church-wardens and Sidemen of each Parish.

You shall swear truly and faithfully to execute the Office of Church-Wardens and Side-men within your Parish and

shall make true Presentments of such Things and Persons as you know to be presentable, by the Ecclesiastical Laws of this Realm.

So help you God.

ARTICLES to be enquired of and answered unto by the Church-Wardens and the Side-men, in the Diocese of Chester.

TIT. I.

Concerning Churches, and Chapels, with the things thereunto belonging.

Can. 85. 1. Is your Parish Church or Chapel, in good and sufficient repair, both for the Roof, Windows, Floor and Seats; and are all things therein kept in such decent sort as becometh the House of God?

Can. 81. 2. Is there a Font of Stone with a Cover to it in your Church or Chapel, standing in the usual place? Doth your Minister Baptize publickly in the Font? Is there a decent Communion-Table in your Chancel, covered in time of Divine Service with a Carpet; and when the Lord's Supper is administred, with a fair white Linen Cloth? Have you a decent Bason to receive the Alms for the Poor? And have you a Chalice or Communion-Cup with a Cover; and one or more Flaggons kept for this use, and not employ'd for any other?

Can. 82. Rubr. before the Communion. Rubric before the Prayer for the whole state of Christ's Church.

Can. 82. 83. 80. 99. 58. 3. Have you a convenient Seat or Pew wherein to read Divine Service, a Pulpit set in a convenient place, with a decent Cloth or Cushion, a large Bible of the last Translation; the Book of Common Prayer published in the year 1662. The Book of Homilies set forth by Authority, a printed Table of the Degrees wherein Marriages are prohibited; a Book of Canons and Censtitutions Ecclesiastical, and a decent Surplice provided at the Charge of the Parish?

Can. 70. 4. Have you a Parchment-Book for the Registring of the day and year of every Christening, Wedding, and Burial in your Parish? And are they Registred every Lord's Day, and is every Page of the Book subscribed, and the Book carefully kept according to the Direction of the Canon? And is the Transcript thereof yearly within one Month after the 25th of *March*, brought into the Bishop's Registry?

Can. 52. 5. Have you a paper-Book in which the Names of Strangers who Preach in your Church or Chapel are set down? And another Book for the Church-Wardens Accounts? As also a Chest with three Locks and Keys wherein to keep the said Books, and the fore-mentioned Furniture? And have you a Chest with three Keys for Alms?

70. 84.

TIT. II.

Concerning the Church-yard, Houses, Glebes, and Tithes belonging to the Church.

Can 85. 1. Is your Church-yard sufficiently fenced and decently kept? Hath any Person encroached upon the same, or made any Door into it? And how long since?

2. Is the House of your Parson, Vicar, or Curate and the Out-Houses in good repair? Have any of them been defaced or pulled down without Licence from the Ordinary? Have there been any Encroachments made upon any Garden, Yard, or Close, belonging to your Parsonage or Vicarage House? Or have any of the ancient Marks or Bounds thereof been removed or changed? And by whom?

Can. 87. 3. Have you a true and perfect Terrier of all the Glebe-lands, Gardens, Orchards, Tenements or Cottages belonging to your Parsonage or Vicarage? As also a note of such Pensions, and other yearly Profits (either within or without your Parish) as belong thereunto? Have any of the same been withheld from your Minister? Have any inclosures been made in your Parish to the detriment of the Church? And by whom, as you know or have heard? Is your Terrier laid up in the Bishops Registry?

TIT. III.

Concerning Ministers.

Act of Uniformity. Can. 48. Stat. 13. Eliz. c. 12. 1. Is your Minister Episcopally ordained? Hath he been legally inducted? Hath he read the 39 Articles within two Months after his Induction, upon some Sunday or Holy-day in the time of Divine Service and declared his Assent thereto? Is he suspected to have obtained either his Benefice or Orders by any Simoniacal Compact.

Can. 45. 47. 2. Hath your Minister any other Ecclesiastical Benefice? Is he constantly resident among you, And doth he live in the Parsonage or Vicarage-house? Doth he preach every Lord's Day having no lawful Impediment? How long in one year hath he been absent from his Cure?

Can. Ann. 1571.

Can. 47. 48. 3. Hath your Minister a Curate to assist him? Who is that Curate? Is he a man of able Parts, of a pious and discreet Conversation and Conformable to the Laws of the Church of England? Doth he serve any other Cure besides? What yearly Stipend doth your Minister allow him; And is he licenced by the Bishop?

Can. 48.

Act of Uniformity. 4. Doth your Parson, Vicar, or Curate, in reading the Morning and Evening Service Administration of the holy Sacraments, and other Religious Offices, use the forms prescribed in the Book of Common-Prayer, and all such Rites and Ceremonies as are appointed in that Book so far as you have observed? Doth he read the Litany on Wednesdays and Fridays weekly?

Can. 15. Can. 58. Doth he at Reading and Celebrating Divine Offices wear the Surplice, together with such other Habit as is suitable to his degree.

Rubric after Communion. 5. Doth your Minister celebrate the Lord's Supper so often in every Year, that every Parishioner may receive thrice a year at least? And doth he keep back those who (according to the Rubric and Canons) ought not to be admitted, giving an account of them to the Bishop; And doth he on the Sunday or Holy-day before the Communion give notice thereof in the Church, and read one of the Exhortations fitted for that purpose in the Common-Prayer Book?

Can. 21. Rubric before Communion. Can. 26. Can. 22.

Can. 59. Rubric after Catechism. 6. Doth your Minister diligently instruct the Youth of your Parish in the Church Catechism? And doth he present them being so instructed to be confirmed by the Bishop, And doth he endeavour to reclaim all Popish Recusants (if any such be inhabiting within your Parish) to the true Religion established in the Church of England?

Can. 61. Can. 66.

Can. 67. 68. 69. Rubr. before publ. Baptism. 7. Doth he neglect or refuse to visit the Sick or bury the Dead, or to Baptize infants in danger of Death? Is there any Child past Infancy or other Person grown up, through your Ministers default, yet remaining unbaptized in your Parish? Doth he use to Baptize any without Godfathers or Godmothers?

Can. 62, 63. Can. An. 1579. 8. Hath he presumed to Marry any Persons in private Houses; or such as being under Age have not the Consent of their Parents or Guardians; or without Banns first published on three Sundays or Holy-days in the Church, unless he had a Licence so to do; or at any other hours than between Eight and Twelve in the Morning?

Can. 64. 9. Doth your Minister declare to the People every Sunday, the several Holy-days and Fasting days in the week following? And doth he read Divine Service appointed to be read on those days?

K. Wm's Injunct. 1694. 10. Doth he use his utmost Endeavours that the Lord's Day be religiously observ'd? Doth he set a good Example to his people, and exhort them frequently to their Duty herein?

His Majesty's Letter of *Feb.* 13. 11. Doth he preach frequently against those Sins and Vices which are most prevailing; as namely against Swearing and Cursing, against Perjury, against Drunkenness and Profanation of the Lord's-Day? And on those Sundays in which such Sermon is preached, doth he read to the People such Statute of this Realm, as is provided against that Vice which is the Subject on that day? Particularly, doth he read the late Act for the more effectual suppressing profane Cursing and Swearing, four times in the Year, immediately after Morning-Prayer, on four Sundays; that is to say, the Sunday next after the twenty fourth day of *June*, the twenty ninth day of *September*, the twenty fifth day of *March* and the twenty fifth day of *December*, as is required by the said Act? And doth he after Morning Prayer or preaching on the fifth day of *November*, read publickly and plainly, the Act for a publick Thanksgiving to Almighty God, for our Deliverance from the *Powder-Plot?* And doth he read or cause to be read in

his Church or Chapel, at least four times in every year immediately after Divine Service, the Kings Proclamation for preventing and punishing Immorality and Profaneness.

Can. 75. 12. Is your Minister, or Curate, a man of an unblameable and exemplary Life? Or is he a frequenter of Taverns or Ale-Houses, a Common Gamester, a swearer Railer or Quarreller? Is he noted to be an intemperate Drinker, or vehemently suspected of Incontinency with any Person? Is his

Can. 74. Apparel grave and decent, as the Canons of the Church require? And doth he in all his Behaviour so carry himself, as that he may adorn the Gospel, whereof he is a Minister?

Tit. IV.

Concerning the Parishioners.

Can. 109. 1. Is there any Person in your Parish that is an Adulterer, Fornicator, or Incestuous; or that lieth under a common Fame or Suspicion of any of these Crimes? Are there any Common Drunkards within your Parish, or Common Swearers, or Blasphemers of God's Name, or any that are noted to be Railers or Filthy Talkers; or Sowers of Sedition, Faction and Discord amongst their Neighbours? Are there any who scoff at Religion, or deny the Divine Authority of the Holy Scriptures?

Stat. 29. Car. 2. c. 7. Can. 1571. 2. Do any of your Parish profane the Lord's Day by working in their ordinary Callings, by opening their Shops, or by setting forth, and exposing to Sale any Wares, Fruits, Herbs or Goods, on that Day, or by loitering in the Church-porch or Church-yard? Or do any Inn-Keepers or other Victuallers, Sellers of Beer or Ale, suffer any Person to Tipple or Game in their Houses on the said Day?

Can. 18. 3. Do your Parishioners demean themselves reverently in your Church or Chapel during Divine Service, and preaching the Word of God?

Can. 85. 4. Are there any in your Parish, that refuse to pay their Duty for *Easter*-Offerings; or refuse to contribute to the Rates legally made for the Repair of your Church or Chapel, or anything thereunto belonging?

5. Have any by their last Wills or Testaments left any Legacy to your Church or Chapel or to the use of the Poor, or to any other Pious and Charitable Purposes which hath been mispent and imbezzelled? And by whom?

6. Are there any Wills of Testators dead in your Parish or Chapelry not yet proved, what are the Names of such Testators, and the Executors of such Wills? And do any Persons intermeddle with the Estates of the said Testators, or of Persons dying without Wills in your Parish or Chapelry, having not proved the Wills or taken Administration? Insert the Names of such Persons dying without Wills, And of such rash Administrators.

Act for exempting His Majesty's Protestant Subjects from the Penalty &c. 7. Are there any persons living in your Parish who, under pretence of Liberty of Conscience, wholly neglect all Publick Worship of God; neither going to the Church, nor to any Assembly that meet together, according to the late Act?

8. Is there any Publick Chapel in your Parish for which your Minister hath provided no supply? Hath any such publick Chapel been lately usurped by any sort of Dissenters?

Can. 112. 9. Are there any who profess to live in the Communion of the Church of England, who neglect to come to the Sacrament of the Lord's Supper, being of Age fit to receive?

Rubr. after Catechism Can. 59. Can. An. 1571. 10. Doth every Householder who lives in Communion with the Church of England cause their Children and Servants to come to the Church to learn their Catechism, and to give an account thereof to their Minister?

Can. 99. 11. Are there any living in your Parish as Man and Wife, who are within the degrees prohibited? Or that are reputed to have a Husband or Wife elsewhere? Or are there any who live as Husband and Wife, that are known or suspected not to be married?

12. Do you know or have you heard of any in your Parish, who having the Presentation of an Ecclesiastical Living hath made any Simoniacal Compact or gain thereby; either in Money, or by reserve of any part of the Tithes, or Glebe belonging to the Benefice?

13. Have any Pews or Seats been erected in your Church or Chapel without leave from the Ordinary?

Tit. V.

Concerning Parish-Clerks and Sextons.

Can. 91. 1. Have you a Parish-Clerk, aged twenty years at the least? Is he of honest Life and Conversation? And able to perform his Duty, in Reading, Writing, and Singing? Doth he duly attend your Minister in all Divine Services in the Church? Are his Wages duly paid unto him? Or who withholds the same from him?

2. Doth your Sexton (if there be any such) or Clerk diligently do his Duty, in opening and locking the Doors of the Church at due times, in keeping the Church clean and decent; in tolling and ringing the Bells, Morning and Evening, before Divine Service at the due accustomed hours?

Tit. VI.

Concerning Hospitals, School masters, and Schools.

1. What Hospital, Alms-houses, or Free-School have been founded in your Parish? Are they so ordered in their Revenue and Life, as the Founders appointed, and the Law of the Land allows?

Can. 77, 78, 79. 2. What school-master private or publick is there in your Parish? Is he Licensed by the Bishop? Is he of sober and honest Conversation? Doth he teach his scholars the Church Catechism?

Can. An. 1571. And doth he cause them upon Sundays and Holy-days to repair orderly to your Church or Chappel; and there see that they quietly and reverently behave themselves during the time of Divine Service and Sermon? And doth he at other times train them up with such Sentences of Holy Scriptures, as shall be most expedient to induce them to all Godliness?

3. Do any in your Parish practise Physick, Chyrurgery or Midwifery without Licence from the Ordinary.

Tit. VII.

Queries to be put to the Minister concerning Church-Wardens and Side-men, and Ecclesiastical Officers.

Can. 89. 1. Are the Church-Wardens of your Parish yearly and duly chosen by the joint Consent of your Minister and Parishioners? Or one of them by your Minister, and the other by the Parishioners?

Can. 89. 2. Have the former and last Church-wardens given up their accounts to the Parish, and delivered up to the succeeding Church-Wardens the money remaining in their hands; together with all other things belonging to your Church or Chapel?

7th Rubr. after the Communion and Can. 20. 3. Do they provide against every Communion appointed in your Church or Chapel a sufficient quantity of fine white Bread, and good Wine, at the Charges of the Parish?

4. Do they suffer none to walk, or to stand Idle, or talking in the Church, the Church-yard, or the Church-porch, during the time of Divine Service?

Tit. VIII.

Concerning the Officers in the Ecclesiastical Courts.

Can. 178. 1. Doth the Commissary substitute any person in his absence to keep Courts for him, who is not either a grave Minister, and a Graduate, or a Licensed publick Preacher, and a Beneficed Man near the place where the Courts are kept; or a Batchelor of Law, or a Master of Arts at the least, who hath some Skill in the Civil and Ecclesiastical Law?

Can. An. 1571. 2. Doth the Commissary (not being in Holy Orders) pronounce the Sentence of Excommunication? Or is the same pronounced by some grave man of his appointment, which is in the Ministry?

Can. 134. 3. Do you know, or have you heard of any payment, Composition or Promise made to any Ecclesiastical Officer for conniving at any Fault committed? Hath the Registrer received any Reward in any Cause whatsoever, in favour of any Party? Or hath he been of Counsel directly or indirectly with either of the Parties in Suit?

Can. 135. 4. Hath any Registrer, or any other Ecclesiastical Officer, or any Clerk under them, exacted or taken extraordinary, or greater Fees, than those contained in the Table of Fees, for that purpose made?

Can. 136. 5. Are there two Tables containing the several rates of Fees due to each Officer; the one publickly proposed in the Consistory, the other in the Registry, that every Person whom it concerneth may without difficulty come to the view and perusal thereof?

Can. An. 1571 & 1597. 6. What money hath been given for commutation of Penance? By whom? To whom? For what offence? How hath it been employed?

Can. 133. 7. Is there any Proctor who doth not behave himself modestly in the Court, and is not presently silent when the Judge or Advocate speaks?

Can. An. 1597. 8. Is there any Apparitor who executes his Office by a Deputy? Doth any

Can. 138. Apparitor exact more or greater Fees than are prescribed? Let these and all other Abuses and Offences, which any Officer belonging to the Ecclesiastical Courts is chargeable with, be carefully presented to the Bishop.

The Church-Wardens and Side-men are required conscionably to discharge their Office duly considering the Obligation of their Oath and the danger of Perjury, and that those Sins and Offences will lye at their Doors, which through their Unfaithfulness in not presenting them, remain unreformed in their Parishes.

And if there be any Enormities apparent in the Parish which the Church-Wardens and Side-men will not present, then the Ministers themselves (being the Persons that have the chief Care of the Suppressing of Sin and Impiety in their Parishes) may present them.

To my Brethren of the Clergy.

You are desired to prepare the Young People of your Parish for Confirmation. And to the end it may be administred to the greater Edification of those who shall receive it. I desire you to take notice, that I intend to confirm none but those who are of the age of Fourteen Years, and whose Names shall be delivered to me, by the Ministers of the respective Parishes from which they come, with a Certificate under their Hands that they have examined them (unless they be Persons of Ripe age) and find them not only capable of repeating the words of the Catechism but that they understand the meaning of that Solemn Vow, that was made in their Name at their Baptism, and declare themselves resolved by the Grace of God, to live answerable to it.

For the better regulating of Ordinations I desire you to observe;

I. That a Curacy under a Parson or Vicar is not to be accounted a Title, unless such Parson or Vicar doth under his Hand and Seal, oblige himself to the Bishop, both to accept that Person *bona fide* (when he shall be Ordained and Licensed by the Bishop) to serve under him, and allow him such a Salary as the Bishop shall approve off (*sic*), so long as he shall continue to do his duty there?

II. I desire you to signifie to all those whom you find desirous to enter into Holy Orders; that I require them to send to me in Writing a month before Ordination-Sunday, their Names, and the Places of their Abode, that I may order Notice to be given of their Intentions at the Parish Churches where they live; that if any Persons who are acquainted with their Conversation have any thing to object, why they ought not to be Ordain'd, by reason of any Vice they are addicted to, or any Scandal given by them, they may signifie it to me some time before the Day of Ordination? And I expect, that they all personally repair to me on Thursday in *Ember-Week*, and bring with them such Testimonial of their Lives and Manners, for the three years last past, as the 34th Canon requires; together with a Certificate of their Age, if it can be, out of the Parish Register, or at least a Certificate very well attested.

Instructions to the Ministers and Church-wardens concerning the making the Terriers.

Forasmuch as by sad Experience it is found that the Rights and Revenues of the Clergy are Invaded and much Lessened (from what was anciently injoyed) by the Intervention of many unjust Customs, and pretended Compositions, that have crept in unawares, by the negligence, inadvertency, or easiness of their Predecessors; and that there are very few Terriers of their Glebe-Land and Tithes Exhibited into the Bishop Registry, as the Law requires, that might give light for the understanding of their Dues, which may prove in tract of time, of dangerous consequence to the Church, if not timely prevented, I do require and admonish, that the Rectors, Vicars, and Church-Wardens of each Parish do meet together to make Terriers according to the Directions following, and to deliver them so made at my next Visitation.

1. *Imprimis*, You are to express, what houses belong to the Rector, Vicar or Minister. How many Bays of Building, what Outhouses, Barns, or Stables; what Orchards and Gardens, and the quantities thereof?

2. What Glebe-Lands belong to your Rector, Vicar or Minister, how butted and bounded, of what quantity? Whether Arable, Meadow or Pasture? Whether any have been changed, and for what?

3. What Lands or Estates are Tithe-free, and upon what Account as you have heard? What Compositions are there in your Parish, and what is paid thereupon in lieu of Tithes.

4. What are the Customs of your Parish for Tithes for After-math, Agistment, for Mortuaries, Oblations, Obventions, Herbage, Milk, Calves, Lamb, Wool, and the like; What Beast-pastures, or right of Common are due to your Rector, Vicar, or Minister?

5. What Tithes belong to the Impropriator, what to the Vicar? What portion of Tithes are due to, or from your Church?

6. What Augmentations have been added to your Church? How are they continued, and by whom paid, according to the Act of Parliament 29 *Car.* 2. for the Confirming and Perpetuating Augmentations made to Ecclesiastical Persons, to small Vicarages and Curacies.

A Terrier thus made, one Copy is to be laid in the Parish-Chest, and the other in the Bishops Registry, there to remain for perpetual memory? And the Rectors, Vicars and Ministers, are required to take care that it be exact and compleat, and delivered in as aforesaid, under their, and the Church-Wardens Hands.

FINIS.

PECULIARS OF CANTERBURY, 1703.

ARTICLES of Enquiry, to be answered unto by the Churchwardens of the Deanery of *the Arches London** in the Visitation held *Anno Domini* 1703†.

London. Printed in the Year 1703†.

The Tenour of the Oath to be Administred to the Churchwardens of every Parish, within the Deanery of

You do Swear, that you will Faithfully Execute the Office of Churchwarden according to the best of your Skill and Knowledge. *So help you God, and the Contents of this Book.*

Can. 119. The Churchwardens are to frame Bills of Presentment upon all matters contained in the following Articles; and to exhibit the same at the next Visitation, to be held at on *day* the day of 170 .

ARTICLES of Visitation and Enquiry Within the Deanery of *the Arches London*‡.

TIT. I.

Concerning Churches, Chappels, the Ornaments and Furniture thereunto belonging.

1. Is your Church, or Chappel, with the Chancel in good Repair, and decently kept, as becometh the House of God?

2. Is the Furniture of your Church or Chappel, as Font, Bells, Communion-Plate and Cloths, Minister's Surplice, Pulpit-Cloth, with other usual Ornaments, duly provided and looked after?

3. Have you a Bible of the last Translation in a large Volume, and a Book of Common Prayer, and a Register-Book of Parchment, for the Registring of Christnings, Burials, and Marriages?

4. Have you a Book of Canons, and a Book of Homilies, and a Printed Table of the Degrees wherein Marriage is prohibited? How are the said Books kept?

TIT. II.

Concerning the Church-Yard, the Houses, Glebes, and Tythes belonging to the Church.

1. Is your Church-yard sufficiently Fenced and preserved from Annoyance, Encroachments, and Waste?

2. Is the Dwelling House, and all the Out-houses of your Parson, Vicar, or Curate, kept continually as need requires, in good, and sufficient Repair? If there want Repairs, what part of the Houses or Out-houses are out of Repair? how long have they been so? And what may it cost sufficiently to Repair them? Are the Ancient Glebe-Lands, Orchards and Gardens belonging to them preserved, and not Alienated or Endamaged?

3. Has there been any Wood or Timber cut down upon the Glebe or Church-yard, and by whom, and when, and to what uses employed?

* The words in Italics are inserted in MS.
† The 3 in the date is inserted in MS
‡ Filled up in MS.

4. Have you any Terrier of such Glebe Lands, Orchards, &c. and also of any Pensions, Tythes, and Compositions belonging thereto?

TIT. III.

Concerning the Clergy.

1. Have you a Parson, Vicar, or Curate Legally setled among you? Is he Resident? or how long, or on what occasion is he absent?

2. Has your Minister any other Ecclesiasticall Benefice with Cure? How far distant is such Benefice? And in what Diocese? Has he a Licensed Curate? What Allowance does he give his Curate?

3. Does your Parson, Vicar, or Curate, Constantly, Reverently, and Regularly Officiate, by Reading the Divine Service on the Lord's Days, and Holy-days, in the Forenoons and After-noons? Doth he constantly Preach a Sermon on every Lord's-Day? How often usually doth he Administer the Holy Sacrament of the Lord's Supper in your Church in a Year?

4. Doth your Minister diligently instruct the Youth of his Parish in the Church-Catechism? And does he endeavour to Reclaim all profane, and Irreligious Persons? Is he diligent in Visiting and Praying with the Sick, and ready, and willing to satisfie the Doubts of Troubled Consciences? Is he Peaceable, Sober, and Exemplary in his Conversation, and Grave in his Demeanour, Company, outward Garb and Apparel?

5. Do you know, or have heard, That your Minister has obtained his Benefice by any Unlawful or Simoniacal means?

TIT. IV.

Concerning Parishioners.

1. Are any of your Parish known, or vehemently suspected to be guilty of Incest, Adultery, Fornication, or any other Enormous Crimes?

2. Do any of your Parish profane the Lord's-Day by following their bodily or ordinary Labour therein, or compel, or permit their Servants so to do? Are any Shops kept open, or Wares sold on that day?

3. If there be any Assemblies for Religious Worship in your Parish, besides the Parish Church or Chappel, have the Places of such Meetings been certified according to the Statute? Do any upon that pretence, and who, wholly abstain on Sundays from coming to any publick place where there are Prayers or Sermons, but spend their Time in Alehouses, or in the Works of their ordinary Calling?

4. Are the Wills and Testaments of the dead in your Parish duly Proved, or the Administrations of their Goods duly committed? Have any Lands, Legacies or Charitable Gifts bestowed on your Parish, or any other good uses, been diverted to any other, and what other uses?

TIT. V.

Concerning Parish Clerks and Sextons.

Have you belonging to your Parish or Chappelry, a sufficient Clerk and Sexton, and do they faithfully and diligently perform their Office?

TIT. VI.

Concerning Hospitals, Schools, Schoolmasters, Physicians, Chyrurgeons, and Midwives.

1. Is there in your Parish any Hospital, Almshouse or Free-School? How are they endowed, ordered and governed? Doth any keep School without License duly obtained? or if licensed, neglect to teach the Youth committed to him, the Catechism of the Church, and to bring them duly to Church to hear Divine Service?

2. Doth any in your Parish practise Physick or Chyrurgery, or do the Office of a Midwife, without due Approbation and License?

TIT. VII.

Concerning Ecclesiastical Officers.

1. Have any Persons whatsoever that exercise Ecclesiastical Jurisdiction in this Deanery taken or exacted any excessive Fees for any Collation, Institution, Induction, or for any other Cause or Act; or any Bribe or Reward for the Concealment or Impunity of Delinquents; or done any Act privately, and not in the presence of a Notary? Hath any Ecclesiastical Officer commuted any Penance of any Delinquent Convicted? And how hath the Money been disposed of?

2. Is the number of Apparitors in this Deanery excessive? Have they summon'd any Person unlawfully, or made false Returns of any Citations, or taken Rewards for Concealments, or threatened Prosecutions where they had no Reward, or any other ways misbehaved themselves in their Office?

FINIS.

FLEETWOOD, BISHOP OF ST. ASAPH. 1710.

ARTICLES of Enquiry, Exhibited by the Right Reverend Father in God, William, by Divine Permission Lord Bishop of St. Asaph, to the Church-wardens and Sidemen of every Parish within his Diocese, at his Primary Visitation. With some Remarks and Observations on the Particulars.

Printed in the Year MDCCX.

The Tenour of the Oath to be Administred to the Church-wardens and Side-men.

You shall Swear, That you will diligently Enquire, and true Presentment make, of all Defaults and Offences committed in your Parish, against the Ecclesiastical Laws of this Realm, to the best of your skill and knowledge. *So help you God.*

Articles of Enquiry, &c.

To the Clergy of the Diocese of St. Asaph.

Intending, if it please God, to visit my Diocese this Summer ensuing, I have spent a little time in considering how to make such *Visitation* easiest to my self and Clergy, and best to answer the Purposes and Ends of it. The Bishop's *Charge*, I have observ'd, has usually been a tiresome thing to him himself, and taken up much more time than could be well allowed on such Occasions. This Trouble I have spared both my self and you, by sending to you before-hand, what I should have most insisted on, had I tarried till the time of delivering it by word of mouth. By this Method, I shall also avoid the frequent Repetition of the same things, in several places, which is truly tedious and uneasy: and shall not run the hazard of saying many things unseasonably, by saying them *everywhere*, which would be only pertinent and proper, in *this* or *that* particular *Deanry*. Thus, you see, I have consulted my own Ease; but not, I hope, without your Convenience also. I have saved my self the trouble of connecting the particular Observations I have made, which in a general Discourse I must have done; but then I have also made it easy for you to apply what I have said, to the right place; and given you more time to consider and digest, with your *Church-wardens*, the *Presentments* proper to be made. In a word, the Method I have taken, I judged would be most convenient for our Common Service, without considering how it would be received, as singular, and unusual. And yet (that I may not be thought to have chalked out a Way peculiar to my self, and to affect unbeaten Paths) the antientest Form of an *Episcopal Visitation*, that, I believe, is extant, and which *Baluzius* hath printed, at the end of his *Notes* upon *Regino*, pag. 602. manifestly shews, that the Bishop did not always read his *Charge* (which is there call'd his *Admonitio*) himself, but delivered it to a *Deacon* to read it aloud, in the Bishop's Name and Stead, to the Clergy that were then and there assembled. 'Tis above 900 Years old, and therefore it may be worth the while, to give you the *Title*, and the Beginning of it —— the Title is, —— *Admonitio Synodalis antiqua, à Diacono post Evangelium legenda; Episcopo, & ceteris in ordine sedentibus.* They had no *Sermon* then, but *Prayers, Psalms, Epistle*, and *Gospel*. And then followed the *Admonition*, of which this is the Beginning. *Fratres Presbyteri, et Sacerdotes Domini, Cooperatores Ordinis nostri estis.* Nos *quidem, quamvis indigni, locum* Aaron *tenemus*, Vos *autem locum* Eleazari, et Ithamaris. Nos *vice* duodecim Apostolorum *fungimur*, Vos *ad formam* Septuaginta Discipulorum *estis.* Nos *vero Pastores* Vestri *sumus*, Vos *autem Pastores animarum vobis Commissarum.* Nos *de* Vobis *Rationem reddituri sumus, Pastori Domino nostro Jesu Christo.* Vos *de* Plebibus *vobis commissis: et ideo, Carissimi, videte periculum vestrum. Ammonemus itaque, et obsecramus Fraternitatem vestram, ut quæ vobis suggerimus, memoriæ commendetis, et opere exercere studeatis.* And then follow the particular Injunctions he lays upon them, which are too long for this place. I only transcribe thus much, to justify the Method I take: for I think it full as good, for every Clergy-man to read my *Charge* at home beforehand, as to hear a *Deacon* read it, or *Myself*, at our Meeting; especially since by these Means, he may read it again and again at his Leisure, as I hope, and ought to hope, he will. The *Articles of Enquiry* (which the Antients also called *Inquisitio*) are, generally, the same with those of my Honoured Predecessor, Dr. *Beveridge*, excepting that some new Occurrences have occasioned some few Additions, and some little Alterations. They will be, on that score, as more familiar, so more acceptable to you; and I am truly glad to find the Memory of so excellent a Man, both for his Piety and Learning, so precious with you. May we, all of us, profit our selves of his good Example!

Title I.

Concerning the Clergy.

1. Doth your Minister reside upon his Benefice?

1. The *Residence* of a Clergyman upon his *Benefice*, appears so reasonable and fit, that whensoever it is, for any considerable time, interrupted, a good Man does not (I believe) so often recur to the *Dispensation* of his lawful Superiors, for the Satisfaction of his Mind therein, as to his own Conscience, to know whether that Dispensation be duly and rightly applied. He doubts not of the Reasonableness and Justice of such a Power, to make such Laws, and to distribute such Indulgencies, where needful, but he will make himself the Judge, whether he is himself a proper Subject of such favour; and if he find not his Necessities of Absence and Non-Residence, to be just and true, and very pressing, his Heart reproaches him, even when he has his *Seals* and *Licence* in his Closet: He knows the Law is there ill used, the Judge mistaken, and himself faulty, and accountable to his great Lord and Master, tho' dispens'd with here on Earth, and freed from Punishment. The very nature of his Undertaking shews him this; the Obligations he has laid himself under, with such solemnity, to God in his *Ordination*, and to his Bishop at his *Institution*, have strictly bound it on his Soul: And from this Burthen, nothing but good Reasons, and true Necessities can disengage him.

A Clergyman's *Parish* is, in some sort, his House and Home; there is his Business, there his Family; there all his Time, his Care, his Pains and Diligence should be expended: And I call every Man's Heart to witness, whether, the more Months he lives in his Parish, the more Duty he performs in it, the more care he takes of it, he does not think himself the more approved of God and of all good Men, and of his own Conscience, and does not think he shall give a more joyful account of his Charge in the Day of Judgment. I would therefore intreat all those, with whom I am concern'd, to consider seriously, what Profit, or what Pleasure, can ballance the Satisfaction of approving themselves to God, their own Consciences, and all good Men, by living among their People, as much as possibly they can, and doing them what good lies in their Power, both by their Doctrine and Example. And I hope no Body, for the future, will either, without my leave, absent themselves from their *Cures*, for any long time; or obtain my leave, by false Excuses, and such Pretences, as they know are groundless, tho' I cannot see through them; And I, the rather say this, because, I doubt, there are some *Rectors* who think themselves at liberty to absent themselves, because not tied, by Oath, to Continual Residence, as *Vicars* are. I assure them, this is but an Imaginary Liberty; and the 21 H. VIII. *cap.* 13. may instruct them better.

2. Doth he dwell in his Parsonage or Vicarage-House?

2. Residence, doth ordinarily suppose the Minister to live in his proper House: But *this Enquiry* supposes it may be otherwise. I am sorry to hear that some of the Clergy of this Diocese, have no House at all of their own to live in; and that Others have such as cannot possibly receive their Familes, and are therefore constrain'd to live in hired Ones. I can think of applying no other Remedy to these Evils past, but warning those who are concern'd, to take more care for the future of their Houses; that they suffer them not, for want of a little charge and care at present, to grow daily worse and worse, till at last they come to such a pass that they despair of mending them; and the next Successor finds them on the ground, and is neither able to build them himself, nor to recover anything towards the doing it, from a poor helpless Widdow, or insolvent Executor. By these ways, a tolerable House becomes a mean one, and a mean one falls into Ruine. Wherever therefore the proper House is not sufficient to receive the Incumbent and his Family, I shall expect, and will exact with more than usual strictness, that the House be kept in very good Repairs. But where it is possible, I hope to find every Incumbent in his proper House, and taking all due care both to sustain it and amend it. This is what the Clergy owe in Justice to their Successors, because they either received it from their Predecessors, or thought themselves injured in not receiving it.

3. If he be not there himself, hath he a Curate allowed of by *the Bishop*, always residing among you?

3. The Residence of a Minister on his Benefice is so necessary, that whenever his Business calls and keeps him from it, his Absence is to be supplied with a Curate, who is in all Respects to discharge the Office of the Incumbent, and is to be allowed of by the Bishop, *i.e.* he is not to be Curate, unless allowed of by the Bishop. There are some Reasons for which a Bishop *may*, with safety, reject a *Clerk* presented to him, by the Patron; but there are many other Reasons for which a Bishop *would* reject a Clerk, if he could do it without trouble and danger of the Law. But a *Curate* is so absolutely within the Bishop's Power, that none can be admitted as such, or entertain'd, without his Approbation and Allowance; not his Connivance or Permission only, but his Examination and his *License;* And therefore when the Laws allow of Pluralities and Non-Residence, for fear of what Miscarriages and Mischiefs might ensue from thence, they leave it in the Bishop's Power to prevent all damage to the Church, and to supply all defects of absence, by putting in such Curates as they shall judge Faithful and able to discharge the Office of Incumbents, and also have empowered them to appoint those Curates their *Rewards*.

4. Doth he Read the whole Prayers of the Church distinctly and devoutly every *Sunday*, and every time the People are assembled for that purpose?

4. A Minister is not at liberty to use, or to refuse, what Prayers he pleases, in the *Publick Service*, but must be govern'd by the *Rubrick;* Men may, and must, be left to their Discretion, in things *doubtful;* but where there is a *Rule*, a modest Man will not be wise *above* it, and much less *against* it. But there are few, I hope, that want this Caution. I would to God, there were as few concern'd in the next part of this Enquiry, which is, *Whether they read the Prayers distinctly and devoutly?* I have often wondered, how it should come to pass, that so great a part of the Ministerial Office, as *Reading Prayers* in publick is, should take up so little of our Care and Study as it seems to do, and be so little considered by Us, which, were it well performed, would tend as much to our own, and to the edification of our Audience, as any thing we can do; which is, I dare say, the Desire and Aim of every good Clergyman. I own, that a good Voice, sweet Cadence, and a graceful manner, in reading, fall not to every Bodies share; nor are they to be acquired by Art and Study; they are rather Gifts of Nature, and improvable by Care and Observation; but many who have them, either totally neglect them, or misuse them strangely by an excess of Affectation. But they who have them not, can yet read Prayers *distinctly* and *devoutly;* in this we ask nothing but what is in every One's Power to do, with a little Care and Attention; and I am sure it is their Duty. The Minister, in the Publick Service, is, as it were, the Mouth of the Congregation. His Voice is to reach the Ears, and to direct the Hearts of all his Audience, to their proper Object, at that time; and I will venture to affirm, that much of their Devotion will depend upon the way and manner of his uttering forth his Prayers and Praises. The *Psalms*, and *Hymns*, and *Chapters*, are clearly other things, when read distinctly and devoutly, from what they are when read in haste and unattentively. Much of their Efficacy will, I know, depend upon the Temper and good Disposition that Men bring along with them to Church, on these Occasions; but still, I say, the People will not fail of being more or less affected, with this Service, as it is more or less distinctly and devoutly uttered and performed by the Minister. And therefore all their Care will be well employed, in studying to do it in the best manner that is possible. To read *too loud*, is to disturb the Devotion of the Audience, and draws them only to guessing what's the matter, and what is the occasion of exerting above what is needful: Men, in great Noises, cannot think at all, but are unfix'd, and in much confusion. To read *too low*, is to lose the end of Reading, which is to be heard and understood; it strains the attention too much, and when Men have long listned to little purpose, they presently give themselves up to think of other matters. To read *too fast*, is to lose one's own Attention, and to outrun all other Peoples; the Mind has not leisure to consider and dwell on what is said; the Ear does only take in Words and Sound, but nothing is communicated to the Heart; there is not time for it; and then, you may be sure there is no Devotion; for Devotion is, in this case, the Assenting of the Heart to what is heard by the Ears, and the being pleasingly moved with it. It is as if a Messenger should deliver his Errand whilst he is riding Post by you. You hear him say something, but what it is, you know not, and so it is as if he had said nothing at all. This quick dispatch of Prayers gives great Offence, in many kinds. It makes those, who dislike our *Forms*, continue on their prejudice against them; they fancy there is no Devotion in the *Speaker*, and they are sure the *Hearers* cannot edify by

them, not being able to attend to them duely, and go along with them in the grave manner that they should. It looks like Disrespect to the *Congregation*, as well as to the *Service* it self, to see Men hastning to an End of it, in so unseemly a manner, as if they longed to have it over, and had something better to do afterwards. The reading Prayers *too fast*, is the fault that is most generally charged upon the Clergy, and therefore I insist upon it most, in order to its being mended, because it cannot, in truth, be done either with *Distinction*, or *Devotion*. But there is also something amiss in reading *too slow*, which is the other Extream, but which not many, in comparison, fall into. The Attention, if it is not duly fed, and entertained, is lost; when People know beforehand what you are to say, they are impatient till it is deliver'd; and if you stay beyond your time, their Expectation becomes uneasy; they run before you in their Minds; but their Devotion is hereby disturb'd, and scattered. You may utter your *Sermons*, with what degree of Slowness and Deliberation, you shall think fit, because, not knowing what you have to say, Men will expect with Patience. But in reading *Prayers*, with which they are well acquainted, you must, generally speaking, keep that decent middle Pace to which they are mostly accustomed, or else you will be in danger of having your Audience either overrun you, or not overtake you; either of which quite spoils the end of Publick Prayer. I would not multiply Rules, and Observations of this kind; most People will do best in following *Nature* in their Voice and Utterance; consulting *Reason* in Accents and in Cadence; and Common *Custom* in the Quantities of *proper* Names, and Words that are of doubtful pronunciation. But then a Clergyman will read the Prayers best when he perceives he reads himself and his Audience, into a serious and devout Attention to the good things delivered by him.

5. Doth he Preach every Sunday, either in the *English* or *British* Tongue?

5. Custom, I hear, has, in some places of this Diocese, prevail'd, to the Disuse of *Weekly* Sermons, so that they have Preaching but once in a *Fortnight*, or *Three Weeks*. Such Custom, I am sure, must have proceeded from the Faultiness or Negligence of former Incumbents; and I hope the present ones will not indulge it any longer. I do utterly disclaim the encouraging any such ill Practice; nay, I require it at the hands of all that are concern'd, to change it quickly, as they esteem my Favour, or regard my Authority. I must leave it to the Minister's Discretion, whether this Sermon shall be in the *English*, or the *British* Tongue; but a Sermon there must be in one of them, on every Lords-Day, in every Parish-Church throughout the Diocese, unless there be great Cause to the contrary, *Can.* 45. I will not so far distrust the Reasonableness of this Injunction, as to add any Arguments in favour of it, because I can foresee nothing material to be objected to it. But let me take this Opportunity of advising the Ministers so to divide their *English* and their *British* Sermons, as may most tend to the general Edification of their People. In some places I understand there is now and then an *English* Sermon preached for the sake of one or two of the best Families in the Parish, although the rest of the Parish understand little or nothing of *English*, and those few Families understand the *British* perfectly well, as being their native Tongue: I cannot possibly approve of this Respect and Complaisance to *a few*, that makes the Minister so useless to the rest, and much the greatest number of his People. I should be very glad (for my own sake) that there were but one language common to us all, and that one were *English:* but till that Wish can be accomplished, I heartily desire the Language of the Minister may be always such, as will best instruct and edify his People most; and that no *Civility* should come in competition with his *Duty*, much less take place of it. I know that the Religion and Good-breeding of the Gentry will easily part with a respectful Custom when it is prejudicial to their poor Neighbours. What is it for a Minister to be a *Barbarian*, and to speak in an *unknown Tongue*, but to preach in a Language that is not understood by those who hear him? And if I were to give you Rules of Preaching, whatever the Language were, *English* or *British*, the first should be, to speak to the *Greatest-part* of your Congregation, *i.e.* to those who make up the *Body* of your People. Consider their Necessities and Manners, and suit the *Matter* of your Sermons to them; consider their Capacities and Understandings, and suit your *Language* and *Expression* to them, and I dare warrant you will best discharge the Office of a Preacher. I do not mean, that you should use the *Market-Phrase*, and fall into the Expression of the lowest of the Vulgar; but such a plainness of Speech as is suited to the Capacity of all Men in general, which yet is clean, and pure, and such as the most elegant and well-bred People may and do use: all manner of Words and Expressions, that have any thing base and vile in them, that excite any sordid or impure Images in the Mind, or that are, by use, become ambiguous, and of *double-meaning*, are to be carefully avoided in our Compositions for the Pulpit: That place is Sacred to severity, and will admit no sort of Levities in Language. Let but your Words be plain and proper, and they will be received, and understood, and approv'd by all the Congregation, tho' made up of great variety of People. A Preacher cannot answer it to his *Audience*, if what he says be proper only to *a few*, or intelligible to here and there a Man. Would that be thought a Civil Entertainment, where more than half the Guests must rise from the Table, and go away with nothing? The Case is not unlike, where many Controversial Points are handled, new Notions started, and new Books confuted, and Authors call'd upon, in places where the People (Nine of Ten) have never so much as heard of such an Error, such a Person, such a Book, or Name, or Thing: They profit nothing by such means: Discourses of this kind are wholly lost upon them: And so, indeed, are many others, made on odd and antiquated Subjects; Things that are true perhaps, but so much out of the common way, that they signify but little, and edify less, tho' handled very learnedly, and very well understood. In a word, I ask no more, under this head, than that every Preacher would, whilst he is designing and composing his Sermon, consider the Nature and Condition of his *Audience*, their spiritual Wants, and the Reach of their Understanding; and treat them in such a manner, as shall most probably affect *the greatest part* of them. He should (and would if he could) instruct and affect them *all;* but the diversity of Age and Capacity making that impossible, his next best Aim must be, to instruct and affect the *most*, which is certainly best done by plain Sense in plain Expression.

6. Is he, and his Curate, of an unblemish'd Life?

6. I have been making some Observations upon Reading Prayers, and Preaching in such manner as may tend most to the Edification of the People; but neither will be done as it ought to be, unless the Answer to this Enquiry be in the *Affirmative*. If *a sober and unblemish'd Life* do not adorn the Minister, he will not be able either to Pray or Preach to any great purpose: The People will not fail, in the midst of his best Performances, to remember his Disorders and Irregularities: they will be evermore applying to him what the *Psalmist* says — in the Name of God — *Why dost thou preach my Laws, and takest my Covenant in thy mouth? whereas thou hatest to be reformed, and hast cast my words behind thee?* 'Tis a dreadful Objection People make to all that we can say, in behalf of Virtue and Religion, if we live loosly and disorderly — Why does this man confute his Doctrine by his Practice? Why does he heap up Arguments to stir us to Sobriety and Temperance, that have no Power upon himself? I own these Reasonings are not good; nor does it follow, that the Minister believes not what he says is true, because he lives in Contradiction to it. The Rule is the same to both the Minister and People, and each shall answer for themselves for the breach of it: but the Minister is obliged to show the People that the Rule is practicable. He is to go before them, by Example, in the ways of Righteousness, and shew the People, those ways are passable, and safe, and easier than they apprehend them to be. He is not only to preach up Temperance, and Sobriety, and Chastity, and Justice, and Mercy, and every thing that is praise-worthy — but also to let them see, that the Arguments and Motives by which he persuades his People to the Exercise of all these Graces and Virtues, are such, as thoroughly convince and persuade himself; so that they see his Practice correspond to his Instructions.

I know not (as I said) of one Precept in all the Scriptures, commanding any thing good, or prohibiting any thing evil, that does not as much oblige *every Man and Woman* living, as it does the *Priest* or *Minister* of the *Parish;* but yet I see *his* Condemnation for Offences of the same kind, must needs be greater than *theirs*. Whence can this be, but from the Nature of his Office and holy Calling, which is to teach all Truth, and to live in the Exercise of it? From the Solemnity of his own Engagements, when he was separated from the World to God's Service, by which he willingly bound himself, to go before his People, both in *Doctrine* and *Example?* From the Expectation of all the World, which is, has been, and will for ever be, that the Priest should live a Life according to his Rules, and in most exemplary manner? And from the mighty Scandal that he gives, when he walks contrary to these Engagements, Obligations, and Expectations; no

bodies Crimes exciting more Abhorrence, Rage, and Detestation, in the Hearts of all Men, than theirs who are devoted to the Service of the Altar: nor do any one's Offences equally wound Religion with theirs: not when Men reason well, and judge impartially; but when Men of corrupt Minds and wicked Practice reason and judge, as they have always done, and will, I doubt not, always do. They conclude against the Truths of Revelation, from the little Effect they see they have upon the practice of the *Priests*, its domestick Servants, Votaries, and Defenders. Vain Men, it is not so! You want more solid Arguments against the Truths that trouble you, than any you can find: You want Objections to the Precepts of the Gospel, that enjoin you Holiness of Life, and Virtues of all kinds; and you expect to find them sooner, and more plentifully, from the Practice of weak imperfect Men, and subject to the same Passions, Inclinations, and Affections with your selves, than any your Wit and Invention can furnish you with, or any you can fetch from the defect of Reason in those Rules and Precepts, or of Authority in those who gave them and enjoin'd them. But how can you be strengthened in Infidelity, or settled in wicked Practice, from the corrupt and depraved Manners of the Priests, when the Question is about the Truth and Reasonableness of the *Rules* and Precepts you are to walk by, and their *Authority*, and not about the Effect and Influence they have? when even those Priests, as well as you, are obliged to *walk* by Rule, and will be *judg'd* by Rule, and certainly condemn'd for their Transgressing it? Let us desire these gentlemen, not to defere so much to our Example, unless they will conclude as well *in favour* of Truth and Virtue, from the Practice of such among us as walk honestly and carefully, as they do *against* them, from the Practice of those who walk contrary to both.

But with how much Reason and Strength soever I think I could argue against those Men who slight and discredit Virtue and Religion for the Wickedness-sake of some bad Ministers—yet does my Heart fail me, when I consider how it is *in fact*, and to what degree those good things suffer in the World, from any of our notorious Failings; then have I little Joy in thinking that Men make false Conclusions in these cases, when I remember they *have* made, and *will*, to the End of the World, make just the *same* Conclusions. Then have I little regard to all that can be offered to these Gainsayers of the Truth; and rather turn my self to you, my *Brethren*, and my *Friends*, with the most serious Exhortation of St. *Paul* to *Titus* 2. 7, 8. *that you would in all things shew your selves Patterns of good works, that he that is of the contrary part may be ashamed, having no evil thing to say of you; and giving no offence in any thing, that the Ministry may not be blamed*, 2 Cor. 6. 3. You see how early Men began to take Exceptions to the Sacred Office, for the sake of some who behaved themselves ill in that Character.

7. Doth he diligently upon Sundays, openly in the Church, Instruct and Examine so many Children of his Parish, sent unto him, as he thinks convenient in some part of the Church-Catechism?

7. The Excellence and Usefulness of *Catechising* young People, and instructing them in the Principles of their Religion, is so manifestly great, that I know not what to say in its Defence: things that are plain, do neither want, nor bear any Illustration. Religion is, in this, like all other Arts and Sciences; it must be learn'd whilst People are young, and susceptible of good Impressions, or very little Proficiency will be made therein: and I see most Clergy-men are of this Opinion, by the innumerable multitude of Catechisms that have been, and are dayly put out by them, for the Use of young Beginners in the Knowledge of Religion; not that they differ in their Principles, or Exposition of great Truths each from the other, but that each of them has Regard to some particular Sett of People, to which they have, or have had, Relation, to whose Necessities, and Capacities, they suit their Instructions: This is the true Cause of their Variety; for they all of them comment on the same Text, namely, the *Church Catechism*, which is, in truth, such a *Summary* of the Christian Faith and Duty, delivered with such Brevity, and yet such Perspicuity, that, as far as I can judge, no Church of any Age or Place hath ever produced its Equal; and you shall in vain seek for the like, in the Works of any one, either *Greek* or *Latin*, Writer. And as this Variety of Catechisms demonstrates the Concurrence of the Common Judgment in the Use and Necessity of Catechising, so it has made it very easy for others to do the same good Work after them; and therefore I hope you will every one of you attend to it, and breed up a generation that will shame the present one, both in its knowledge and sincere Practice of Christian Duties.

And that which should the rather invite you to discharge this part of your Duty to your Parishes, is this, That the Elder People, who have either never learn'd, or quite forgotten the Principles of their Religion, will be hereby instructed, or reminded of them: I never yet heard Catechising in a Church, where I did not see the Oldest and the Gravest People attend as seriously as any else; and I dare say they were as much edified, and more pleas'd to be so, than the Younger. I was once in a Church (which I have ever since remembered with some pleasure) where I heard Men and Women, some 50, some 60, and others upwards of those Years, repeating their Catechism before the Congregation, as Children commonly do, in other places. A good Christian had, it seems, left so many *Loaves*, to be disposed of to such poor People (of what Age soever) as should publickly submit to be instructed in the Church Catechism, and publickly rehearse the several parts of it; which they did, very readily, without any Shame, or Shiness. Who knows but these poor people would, without this Motive and Encouragement, have lived and died in utter ignorance of the Faith and Duty of a Christian? And was ever any Bread distributed with more Charity, that fed the Soul (as it were) as well as Body? But tho' Old People will not (without the *Loaves*) be brought to rehearse their Catechism among you, yet I dare say the Oldest will not be ashamed to learn it, and remember it, from what they hear the Young-ones say, and what is said to them.

8. Doth he administer the Sacrament of Baptism publickly at the Font in the Church, and not elsewhere, except in case of necessity, when there is cause to fear the Child may otherwise die without it?

9. Doth he, in that case, use only the Office for Private Baptism; and afterwards, if the Child recover, receive it Publickly into the Church, as the Law requires?

8, 9. These two articles are Points of *Discipline*; and in all such Cases, the *Rubrick* is the Guide. The *Font* was usually placed at the Entry of the Church, to signify that no body could be a Member of Christ's Church but he who was initiated into it by *Water-Baptism*; and the bringing Children to publick Baptism, in Churches, was, among other Reasons, required, to the intent, that every one of the Congregation, hearing the Stipulations and Engagements made for the present Infant, might be put in mind of their own, and accordingly endeavour to reform their own Defects, and faulty Negligences. The Injunctions of the Antient Christians of this kind, had more and other Reasons to proceed upon than the late or modern ones had, or can have. But *the Church of England* had, and hath Authority enough, and Reasons enow, to enjoin what she enjoins of this nature; and I must also add, that she hath Goodness enough to connive at the Relaxation of such Rules of Discipline as cannot strictly be observ'd without great Danger, or extream Inconvenience, upon some Occasions, and in some Places; not to *schismatical*, or *careless*, or *presumptuous* Heads, regardless of all Rule and Order, but to such modest, prudent, and considerate Men, as finding themselves in great Straits, do rather venture an Irregularity of their own, than an apparent Mischief, to the Church.

10. Doth he Administer the Sacrament of the *Lord's-Supper* so often, that all his Parishioners may Receive at least three times in the Year?

11. Is he always ready to Administer it when there is a sufficient Number of his Parishioners duly prepared and desirous to Communicate with him?

12. Doth he on Sunday or Holy-day before the Communion, give Notice thereof in the Church, and Read One of the Exhortations fitted to that Purpose in the Common-Prayer-Book?

10, 11, 12. Both Laws and Custom have so secur'd this Point, that I do not expect to hear of one Parish, in the Diocese, where the People have not the Opportunity of communicating, three times at least in every Year; but oftner, if they signify any Disposition to do so, and have sufficient Numbers to joyn with them. I doubt not but the Ministers will be so far from neglecting the Opportunities required by Authority, that they will seriously and earnestly invite their People to communicate more frequently than they are commanded to do: And will dispose them to it by such Discourses as will shew them, that the Duty they are called to, is none of those they think the *Burthens of Religion*, but rather a great Privilege, an Honour, and Advantage; a Feast of Love, and Joy, and Thanksgiving for the Deliverance of our Souls from Death, for the forgiveness of our Sins, and for the Satisfaction made to God by the most meritorious Sacrifice of Christ upon the Cross, which we then and there commemorate. They will endeavour to abate the Horror, and most dreadful Apprehensions which some of St. *Paul's*

Expressions (used also by our Church in its *Exhortations*) ill applied and understood, are apt to excite in many Peoples Minds: By shewing them what St. *Paul* meant by them, in the particular Case of the *Corinthians;* and what the Church now means in the general application of them to all her Children; which surely cannot be the same, where there is not the like Occasion given, the same Abuses not to be committed, nor any Circumstances appear common with theirs, which first occasioned that Discourse, and which can best instruct us in its sense and meaning. They will insist upon a *penitent Heart, a lively Faith,* and a *forgiving Temper;* and that will scatter all their Fears, and fill them with good hope when they approach to the Lord's Table, and bring them home again with Peace and Satisfaction. See if the whole Communion Service tends not to this purpose; if it supposes any other preparation to the coming to the Sacrament, to the eating and drinking Worthily, and to the avoiding that Damnation that it threatens to the Unworthy Receiver, whatever it means by these Expressions.

13. Is he careful to Visit the Sick, and to prepare them for the Holy Communion, and for their departure into the other World.

13. This is so tender a part of the Office of a *Parish* Priest, that even good Nature and Compassion are so ready to excite him to the due discharge of it, as the sense of Duty, and the Injunctions of Authority can be: But when they joyn, no Considerations can be wanting to enforce the carefullest Attention to this good part of *Visiting the Sick.* Surely, men are never more in earnest, never more truly sensible of their everlasting Concern, than when they lie upon the Bed of Sickness, and believe they are going to give an account to God of all their past Life. Then therefore is the time when they will gladliest hear your Prayers, attentively consider your Advice, bear your Reproofs, and hearken to your Admonitions, Exhortations and Instructions; then are they readiest to confess their Sins, promise Amendment, and Submission to the Laws of Christ. Then therefore is the Season of applying to them, with most success, in such Discourses as you find most proper to their State and Condition; whether it be to bring them to a Sense and Acknowledgment of their past Offences, to work in them such Shame and Sorrow as befits them; such Purposes of Satisfaction and Amends, (where it can possibly be done) as will testify they have brought forth Fruits *meet for Repentance,* and such firm Resolutions of Amendment, for the future, that they and you may have great Comfort in them, whether they live or die: Or whether it be to strengthen them in their Faith, clear up their Doubts, and encourage them against all causeless fear, distrust of their Condition, and Despondency.

I would not have the Clergy to be Busy Bodies, nor Medlers with other Peoples Matters, especially their Temporal and Domestick Concerns, because it gives Men great distast, and does disservice to them in the main: But yet, unless they be most diligent and heedful Observers of the Lives and Manners of their People, they will neither preach pertinently to them in their Churches, nor discourse properly in their Houses, nor rightly apply to them, on their Sick Beds. To do these Patients the best Service, one must throughly know, and be well acquainted, with their Condition. If Shame, or Pride, or Vanity, or other Reason should cause them to conceal their State, and talk in generals only (as the Case too often happens) yet your Acquaintance with their practice will help you to speak plainly to them, and your Duty will oblige you to be particular, in all points that are necessary. Whereas if the Sick be silent, or conceal himself, and the Minister be ignorant how things have pass'd, the Visit will be meer formality and useless to them both. I would not therefore have the practice of sending for a strange, or neighbour Minister, on these Occasions, encouraged beyond what is necessary. The *Parish-Priest* is much the fittest Person to be used in this Service, because he is presum'd to know the Parties best, and consequently can best fit his Exhortations to the present necessities. In cases indeed, where the Sick have something secret to impart, and would unburthen their Conscience, and receive either Satisfaction of some Doubts, or Absolution. I cannot but believe they are at liberty to send for whom they please, and the Clergy at liberty to go, and serve them to their utmost. But in all other Cases, which are ordinary, where neither Secrecy, nor greater Skill, are required, I should be glad the People would always send for their own Ministers, and that the Clergy should make some scruple of invading their Brother's Office, on these Occasions, when they know he is in the way, and within Reach, and ready to do his Duty. They will, I hope, be ever tender of each other's Credit, and will contribute nothing (which they can avoid) to the bringing any disrespect on any one; nor should the People be encourag'd in the Opinion, that *One Man's* Service is so preferable to *Another's,* in matters of this Nature, where all depends upon the Grace of God, and the good Disposition of the Recipients, or the Parties administred to; and nothing at all upon the goodness of the Minister, tho' he were holy as *John* the *Baptist.* But can I slip this Opportunity of saying, that, tho' I know this is an Error of the People, and wish the Prejudice were wholly rooted up out of their minds, yet I believe it never was, nor ever will be otherwise? The Clergy who live best, will not only evermore be best esteemed of by all Men (that is their due, and always will be paid) but Men will always think their Ministerial Service to be much more efficacious, than that of Others, and will be always more desirous of it; and in the times of Sickness more than any other. I know not how to rectify this Error, but I know how it may be turn'd to good, and made subservient to the best of Purposes, and that will be by living holily; for then the People will desire our Prayers, and covet earnestly our Spiritual Service, and believe us more effectually when we apply to them; and tho' *they* should be mistaken, yet *we* shall be the better, and reap the Fruits and Rewards of being so. But where will those unhappy Ministers appear, who, by their wicked and licentious Lives, have given such Scandal and Offence to their Congregations, that they abhor the Sacrifice of the Lord; and know not how to send for them, or ask their Prayers; *who have* themselves *lived,* as it were, *without God in the World?* What a discouragement must it needs be, to poor People from calling for the Minister to dispose them for Death, when they have known him live, as if there were no after-reckoning to be made? But with what Face, what Heart, can he prepare them for the Sacrament, by exhorting them to a lively Faith, and most sincere Repentance, who seems, to them, to have no sense of either? The People are, in truth, too slack in calling for the Assistance of their Pastors, upon these Occasions, even when they are Sober, Virtuous, Godly Men, and every way qualified to do them Service: But who can bear the Burthen of that Guilt, that makes it seem so reasonable for People not to send for, or admit that Service? Some few there are, I doubt, of this bad Class; God, of his Goodness, shorten every Day, their Number, by giving them the Grace of true Repentance, that they may save themselves and those that hear them. But where the People are slack and negligent, there I advize the Minister to find his Opportunity, and visit without being sent for, for fear he should not be sent for at *all,* or sent for, as the manner often is, when 'tis too late. The Friends and Relations of the Sick are indeed obliged to give the Minister notice, when it is most convenient he should come; when are the intervals of greater ease, from Pain or Sickness; when they are most awake and sensible; and when the Operations of Medicines best permit; want of this Information may make a Visit troublesome, if not entirely useless; besides the loss of Time and Pains, which in some cases, is not inconsiderable. I do not therefore judge a Minister to be always in fault, when some of his Parishioners have died without his visiting them; it may be he has had no notice of their Illness, or was not called by those who should have done that good Office for their Friend or Relation. He must be always ready and disposed to go; and he must do it *freely,* without *asking* and without *expecting* any manner of Reward; for fear that Consideration should hinder poor People from requiring his Prayers and Assistance in their last Extremities, which they want, and would be glad to have, but cannot bear the Charge of. This is an Age of such Corruption, that tho' I hope, nothing like it has reached so far as *Wales,* yet I cannot choose but give warning of it, to all with whom I have any thing to do. As to the Business of *Absolution,* in this Office, as it is a matter of great moment, so it is also thought of some Difficulty to know when it is to be applied. The Conditions of it, are the truly Repenting, and unfeignedly believing the Gospel. The Difficulty of applying it arises from the Difficulty of knowing when Men truly Repent, and when they unfeignedly believe. And I must needs say, that it is not in any Man's power to know, with any certainty, when this is truly done: We must take Mens Word for it, and depend upon the Professions they make; and tho' we may pass a wrong Judgment, and pronounce a Sentence that will not stand, before the great Judge; yet we shall do it without hazard to our selves, provided the Sick Penitent make, at that time, a special Confession of his Sins, and humbly and heartily desire the Priest or Minister to give him *Absolution.* These are the Directions the Church gives in the *Rubricks* of this Office, which if carefully read and well observed, I know not what great Difficulty the Priest will find about pronouncing the Absolution. I will end this Article with remarking, That the Performance of this Office, with such a serious, grave, and compassionate Concern, as the Sick Person's Case requires,

does usually draw with it a greater degree of Esteem and Love, from those who behold and hear it, than the Performance of other Offices is wont to do: And I have known it engage Men in a very Serviceable Friendship to their Minister for ever after. Under this Head, I think it proper to say, That the Minister remind such People as have in their Sickness desired the Prayers of the Congregation, to return their Thanks as publickly to God, for his restoring them to their Health.

> 14. Doth he ever Celebrate Matrimony without Banns being first Publish'd Three several Sundays, or Holy-days in the Parish Church where the Parties dwell, unless he have a special Licence to do it?

14. To prevent Incestuous, Shameful, and Unequal Matches, the Church has all along been careful to ordain that none should be clandestinely Married, without *Banns* being first *published*, or without Special *Licence* obtain'd, and within the Hours of 8 and 12 in the Morning. To this purpose it has been made highly penal by the *Canons*, for any Clergyman to Marry otherwise than was allowed and publickly approved. The 62d *Canon* made in 1603, ordains Suspension *ipso facto* for three Years, to any one offending in this kind. We must indeed own, that all the Evils and Mischiefs of Clandestine Marriages, how great and many soever they be, are justly chargeable upon the Clergy, since, without their concurrence, there could be no such things; and therefore no Severities can be too great, to be inflicted on those wicked Men, who for the sake of a little Profit more than ordinary, bring so much Shame, and Sorrow and Substantial Misery, upon whole Families; undo young thoughtless Creatures; dissolve the Ties of Childrens Duty and Obedience to their Parents; and of Parents Care and Affection to their Children; nothing being more apt to alienate their Hearts, and provoke them to many rash and hard Resolutions, than the strange and unaccountable Choices their Children often make; which yet they could not compass, without the Assistance of some Mercenary Wretch abusing his good Office. Ought not a Clergyman, above all others, to consider, the strength of Parents Love to their Children; their constant care and thoughtfulness to do them good; their Charges in their Education; the Toils they are at, the Pains and Labours they undergo continually, to make Provision for them; the Designs they have laid to make them happy; the hopes they have treasured up in them, and the pleasure they have already conceived in having them well bestowed? These things are all so natural, that they come within the compass of every Bodies thought: and how can any Clergyman forbear to put himself in such a Parents Case, and see how he could endure the Disappointment of all such Love, such Hope, such Expectations, and Desire; and, in their stead, to find himself covered with Confusion and Disgrace, by the most disagreeable, unequal, if not shameful Match of his extravagant and disobedient Child? And all this, by the means of a Man who must transgress all the Rules of Reason, and Commands of God and his Superiors to bring it to pass. I know not how a Man can make himself more justly hated, than a Clergyman does, by these clandestine and forbidden Marriages; nor draw more Execrations, if not Vengeance, on his Head, from Families so provoked and injured. I doubt the Laws themselves tho' executed carefully by all the Clergy, would not be able to prevent all manner of Miscarriages of this Nature. The business of *Licenses* is subject to much abuse, but this is what the Clergy cannot help, and therefore are not to answer for; what they can help, I hope they will; and to this purpose, I can think of nothing better than that they should consider what the *Penalty* is now by the Laws of the Land, upon Offenders in this kind, and acquaint the *Churchwardens*, and their Parishioners with it. In the 7 and 8 of *William* III. *pag.* 734. it is enacted — *That every Parson, Vicar, or Curate, who shall himself marry, or who shall substitute, or employ, or knowingly and wittingly shall suffer and permit any other Minister to marry any Persons in any Church or Chappel, to such Parson, Vicar, or Curate belonging, or appertaining, without Publication of Banns, or Licenses of Marriage first had and obtained, shall, for every such Offence* forfeit *the Sum of One hundred Pounds.* Of this the *Informer* who shall sue for the same, is to have *Fifty*; the *Queen* the other half. This is the Penalty of the *Clergyman* besides Suspension for three Years. Moreover it is enacted—*That every Man that is so Married without License or Publication of Banns aforesaid shall forfeit the Sum of Ten Pounds to be recovered with Costs of Suit, by any Person who shall inform or sue for the same.* So that here is an Encouragement for the *Churchwardens*, or Others, to look after such People as are thus clandestinely Married. Nay, *the Parish Clerk, or Sexton, or other Person, acting as the Sexton or Parish Clerk, who shall aid, promote or assist such Marriage without License, shall forfeit the Sum of Five Pounds, to be recovered as above is said.* You see what Care the Laws both of Church and State have taken to prevent Clandestine Marriages. Let them be put in execution, and see what will come of it. Let us make a most severe Example of the first *Clergyman*, the first *Married Man*, and the first *Clark* or *Sexton* we can take offending in this kind, and try what effect it will have upon Others. Let none of Our Eyes spare them; it may be they are all so poor, that nothing can be got from any of them; no matter; let us pursue them into Prisons, and there let them lie unpitied, unrelieved, till they have suffered as much Want and Misery as they have brought upon the Heads of other People that were innocent. I should not be ashamed to be my self an *Informer* to the Magistrate against such People. Make but a poor Man lie in Prison, till he has paid *Ten Pounds*, and I believe his Neighbours will take heed of being married without *Banns*, or *License*, for the future. I do for my own part, promise to pursue with all the warrantable Zeal I can, whoever shall be found offending in this point, within my Jurisdiction. And if the *Churchwardens* shall present these People (as by their Duty they are bound) we shall, amongst us, be able, I hope, to bring them before the *Secular Judge*, who will deal with them according to Law.

Thus I have gone through all the several Articles contained under the *First Title*, which relate to the *Clergy* in particular, and tho' the *Enquiry* is made to, and the Answer expected from the *Churchwardens*; yet I conceived it best, to direct the Consideration of all these things to you, *My Brethren*, who are indeed the most concerned in them, and whose Practice is to furnish the *Churchwardens* with proper Answers to the several Questions. I hope you will, all of you, seriously read, and think upon them; and if any thing is, or hath been amiss, that you will set it right again, that I may come and meet you (as both my Wish and Inclination is) *in Love and with the Spirit of Meekness.*

Title II.

Concerning the Parishioners.

It will not be amiss, I believe, that the Churchwardens should remember, and be told. 1. That they are Officers of the Parish, in Ecclesiastical Affairs. 2. That when they enter on their Office, they take an *Oath* to discharge that Office, *well and truly*. 3. That by Virtue of this Oath, they are obliged, at *Visitations*, to make *Presentments* of such things as are amiss in their Parishes, according to the *Articles* delivered to them. 4. That if they knowingly neglect, or refuse to make such *Presentments*, the *Ordinary* has Power to proceed against them, as *wilful Breakers of their Oath*. These things it is fit they should understand; and, I doubt, the Education, way of Living, and Capacity of most of them, will make it needful for the Minister to instruct them in their Duty, and remind them of their Obligations, and help them to make their *Presentments*, in such manner as shall best answer to the end and purpose of their appearing at *Visitations*, which is, in truth, to be aiding and assisting to the *Ordinary*, in the exercise of what Church-Discipline is left within his power. And I hope the short Remarks I shall make upon each Head, as I go along, will convince Men of the Reasonableness of making *Presentments* of Offenders in these particulars.

> 1. Are there any in your Parish who commonly Absent themselves from Morning or Evening Prayer, upon the Lord's Day?

1. As it was God alone who sanctified this Day, and separated it to a holy Rest, in Commemoration of his Benefits and Mercies. So it is He alone who can excuse a Man, absenting himself entirely on this Day, from performing his Devotion in publick with the Congregation, *i.e.* A man must needs be disabled from coming to Church, by Age, or Pain, or Sickness, or Indisposition, or extremely bad Ways and Weather (all which are Excuses of God's own making) who ordinarily and commonly absents himself, Morning and Evening from the Church, or Congregation, where he pretends to worship God. I have ever thought it a great disservice to Religion to carry the *Common Duties* of it, beyond *the Common Powers* of those who are to practise them; or stretch Commands to an unreasonable extent. And upon this Score, have wondered much, and not without much dissatisfaction, to see so many worthy People in the Days of our Fathers, press the Observation of the *Sabbath* (as they call'd it, by which the *Christian Church* for 1500 Years did ever mean *Saturday*,) in so rigorous and precise a manner, as would have been a Burthen even to *Jews*. But I would not, for all that, have their mistakes so rectified, as to run us into the

contrary extream, of a loose and negligent Observance of that Day. *That Day* still *is*, and ever must be, *holy to the Lord:* and when it ceases to be so, there will be an end of our Religion. Observe the People that neglect the serving God upon that Day, and I believe, you will find them good for nothing; they serve him very carelesly at all times else; nay, we may well suspect they serve him not at all; for wherever *Christianity* has got any footing, it has been allowed, that the Lord's Day should be the Day of Publick Worship for all sorts of People, and they who have neglected it, have generally been reckoned Men of no Religion: Or if they are not so by Principles, they will soon become so, by this practice of absenting ordinarily from Church on the *Lord's Day*. 'Tis the frequent Return of this Day, and what is said and done thereon, that keeps Religion alive in Peoples Hearts. They would forget the *Lord's Prayer*, the *Creed*, and the *Ten Commandments*, if they came not to Church, to hear and repeat them there on *Sundays*. It is on these Occasions, that even good and serious Christians are glad to be put in mind of many useful Truths, and important Duties, which they had, in a manner, forgotten or neglected: All People do not come to Church to learn what they never heard or knew before, but to be exhorted to put in practice what they knew, and to be reminded of what they understood, but had not well enough attended to. And I question not, but most of us owe what share of Virtue, and Religion we have, to the Improvements we make, by the Grace of God, of these Weekly Opportunities of meeting together and serving him in Publick. Let the *Churchwardens* therefore look about, and see who they are, that *commonly* (not seldom, or now and then, for most People have occasions so to do, and must not be call'd upon for that) absent themselves from Morning and Evening Service on the *Lord's Day:* and *present* them at the *Visitation*, that care may be taken, to admonish and instruct them better, or, if there be good Reason, to punish them and make them *Examples*. As to *Dissenters* who are known to resort to their own *Assemblies*, and to have qualified themselves as the *Toleration-Act requires* (*i.e.* who have taken the Oaths of *Allegiance* and *Supremacy* and subscribed the *Declaration* mentioned in a *Statute* made 30 Car. II.) such *Dissenters*, I say, are not to be *presented*. But if you know of any such, as under pretence of being *Dissenters*, abstain from going either to *Church*, or to *separate Assemblies*, you may well *present* them, and put it upon them to prove that they have qualified themselves, as is required. And this, without Offence even to *Dissenters*, if they are good and serious People: For the Law was not made to encourage *Irreligion*, but *for the Ease of Tender Consciences;* not to tolerate Men that would not worship God *at all*, but such as could not be brought (Unhappy People they!) to worship Him, in the way of the *Church of England*. I cannot choose but thank God, that I have not many *Dissenters*, within my Diocese; And yet I should be glad to hear their Numbers were increased, by the Addition of all such, as constantly pass away the *Lord's Day*, either in doing nothing, or in doing their private and domestick Affairs, or in walking about their *Grounds*, or in what they call *good fellowship:* that is, I had rather they were of *some*, than of *no* Religion; and would worship God in any Congregation, *by Law permitted* if they will not do it, in our good way, *by Law establish'd*.

2. Are there any who follow their Callings, or other worldly Employment, upon the Lords-Day?

2. If the Covetousness of Gain, and the Hardheartedness of many Men, were not strangely great, such an *Enquiry* as this, could not, in a Christian Country, be, in any degree, necessary. The Mercy of the *Fourth Commandment* was to extend, we know, to all the Family, even to the Servants, and the Cattel without doors, for fear they should be over-wrought. And because the Servants were, heretofore, much in their Masters Power, it was ordain'd (in the days of our *Saxon* Ancestors) that if a Master *commanded* his Slave to work on *Sunday*, the Slave was to be set at *Liberty*, and the Master punish'd by *Fine:* and if he wrought upon that Day, without Command, he was to be publickly scourged. And, that there might be no pretence of Necessity for doing any other worldly Business on this Day but what was charitable, or needful for the Life and Ease of Man, not even for killing and providing Victuals for the Family, it was ordain'd, that *Saturday* should generally be the *Market-Day* for all Christians; and it has, accordingly, been so, in most Countries, for upwards of 900 Years, as appears from our Books: tho' other Days are also *Market-Days* in many places, for some particular Reasons. Now if the Laws, both of God, and of the Land, prohibit Men the following their Callings, and other worldly Employments on the *Lords-Day*, not only for the Servants and the Cattels sake, that they might rest from their Labours; but also to distinguish it from other Days, and to give all People Opportunities and Leisure of serving God, and looking after the Concerns of Religion, and securing their eternal Interest, by offering up their Prayers and Praises, by hearing, and attending to, God's Word, and taking their Lives into Examination: if these, and the like, are proper Exercises for the Lords-Day — it is to be hoped, that the People will be brought to think, that not their worldly Labours, and the following their proper Callings only, will be Hindrances and Impediments to these good *Sunday-Works;* but all such rude and boisterous Playings, Games, and Exercises, as quite transport the Mind, from serious sober Considerations; consume abundance of their Time; tempt them to Swear and Curse; and either end in Quarrels, or in drunken Associations, and loose Appointments. These, and the like ungodly Works of Riot and Excess, are of much worse consequence, and more profane the *Lords-Day* by a great deal, than the following lawful Callings and Employments would; and, certainly, the Ways that naturally lead to them, should be most carefully avoided. *The Book of Sports* it self, (which was but a *Declaration* put out by *James* I. and afterwards unhappily reviv'd in the Days of K. *Charles*, his Son) as odious, and licentious as it was esteem'd, did yet prescribe such Rules, as I should be glad were *now* observ'd, in some places, in Honour of the *Lords-Day*. No Liberties were allowed (by that *Proclamation*, or *Declaration*) but with these Conditions and Restrictions: 1. That the Men and Women should have been at *Divine Service*. 2. At their own *Parish Churches*. 3. To have no Liberty till after *Evening Service was ended*. 4. The People that belong'd to *One Parish* were not to join in Recreation with the People of *Another Parish*, but each to keep to their own Company.

I confess, I cannot see, but, if innocent, modest, and moderate Recreations, are to be allowed upon the *Lord's Day*, that any better Limitations, and Conditions can be set to Peoples Liberties, than *these*. And therefore till the People can be brought to consider things better, and betake themselves to wiser Counsels, let care be taken, that these idle Hours be pass'd with as little offence as can be, to Virtue and Religion: and that if any thing be done, at such Times, as the *Laws* and Canons will take hold of; let the Offenders be certainly taken notice of, and pursued to Extremity. The Laws forbid all *Swearing*, *Cursing*, *Drunkenness*, and *Reveling;* it will be hard for those who meet (to take their *Pastimes*) on these Occasions, to avoid the falling into some of these Offences. Let not a Man of them be spared; make the severest Examples of them, that the Laws will allow; make it a *shameful*, or a *painful*, or a *chargeable* thing, to swear an *Oath*, to utter a *Curse*, or to be *Drunk*, or to use any *wanton Dalliance*, on these Occasions, and you will quickly see an End of these *Assemblings:* it will be so *uneasy* a thing, to be *upon* the *guard*, so long, in a suspected Company, that they will either refuse to meet *at all*, or will soon break the *Meeting* up; and, either way, be inoffensive; I think the Laws that punish these Offences, may, by this means, be made as useful, as if they did directly threaten and forbid such *Meetings*, which are the Occasions of them, and Incitements to them. And those will be to be blamed, who shall not contribute to put them in Execution, when there is good Reason.

There is another innocent and artful way of *cutting short* at least, if not *preventing*, these *unseasonable Recreations*. And that is, of not going so soon to *Evening Prayer*, as ordinarily is done, and lengthening out the Time, when there, by *Catechizing* the young People. A prudent Man, may, by these means, steal *an Hour* from these disorderly Folks, and give it them again, in something better for them. But how much happier would it be, both for the *Minister*, and for themselves, if these young People, would be brought to consider seriously, that these their idle Hours (as they account them) are, generally speaking, the only Hours they have, of all their Life, to spend in good Reflexions and Religious Meditations; to bethink themselves of what is past, and to resolve upon Amendment for the future. The Excuse they make, is, that they have no other time for Recreations, but the *Sunday Evenings*. I doubt it is not true; I have not heard, the People of our Countries, are so famed for diligence, and painful Labours, all the Week long. But, if we take them at their Word, let us also ask them what time they have, besides the *Sunday Evenings*, for attending to their Spiritual Concerns? When else they recollect their past Miscarriages? When they consider to what purpose they were sent into this World? In what manner they have led their Life in it? And whither they are hastning every Day? And what account they shall be able to give to God, when he shall summon them, by Death, to appear before him? They are, daily, call'd up *early* in the Morning by their Labours;

and they return *late* from them, in the Evening; and very *weary* we may well presume. The rest of their Time is spent in Eating, Drinking, and Refreshing of themselves; after which, as soon as their Fathers, or their Masters will permit, they hasten them to Bed, and fall to Sleep immediately. Hear, O Father of unbounded Mercies, and incline thine Ear to all who pray for those that pray not for themselves; who let the Sun *rise* every Day, and *set* upon their Heads, without remembring their *Creator*, their *Redeemer*, and their *Judge!* And is not this the *daily* and the *weekly* course, of most Uneducated, Poor, and Labouring People? And how much ought they, then to value *Sunday*, which gives them easy Opportunities of praying to God, and praising him, of hearing and attending to his Word, of confessing their Sins, imploring his forgiveness, and of asking every thing they stand in need of? How little a part of such a Day, can they afford to lose, who have taken so little care, the six foregoing Ones? I am not, I must own, for pressing a precise and rigorous Observation of this Day, nor for filling Peoples Heads with false and *Jewish* Notions of its Sanctification. But I would have it carefully observed; the Time allotted for the *Church*, with Gravity, with Seriousness, and all Devotion; part of the rest, in sober Recollections, good Instructions of our Families, and reading some good Book; the other part, in such Discourse, Visit, or Friendly Entertainment, as is consistent with Sobriety, and Vertue, and Religion. Christianity is a most sweet, good-natur'd Institution, and will allow all easy, inoffensive Freedoms, even upon its highest *Festivals*, or its most Solemn *Fasts*. But let all Rude and Riotous Assemblings; all Clamorous Sports, and boistrous Exercises, and all undecent Liberties both of the Hand and Tongue, be banish'd from this *Day of Rest, and Holiness*. The *Article* forbids a Man, to work *his own Works*, on this Day, much more the Works that lead so easily to Sin, and most of all, the acknowledged *Works of Darkness*.

3. Are there any who refuse or neglect to send their Children and Servants to be Instructed in the Principles of the Christian Religion, by the Minister of your Parish, every Lord's-Day, at Evening Prayer?

3. It is the Duty of Parents, and of Masters, to send their Children, and Servants, to be instructed in the Principles of the Christian Religion; nor can they do either *them*, or themselves, any greater Service, than in so doing. They make them thereby *wise to Salvation;* and put them in the way of being useful here, and happy hereafter. The Children that are best instructed, are like to be most dutiful and obedient to their Parents; and the Servants that are best taught, are like to be most just and honest to their Masters. Why should they not therefore, take all care, to have them well instructed in the Christian Duties? Children and Servants are very apt to give false Answers, to conceal Truths, and invent Lies, to save themselves from Blame and Punishment. They are apt to take what is none of theirs, to gratify some present longing they have; very apt to mispend their Time, either in Idleness or Vicious Pleasures, to feed which, they often defraud their Superiors, either by selling their Goods underhand, or by keeping back part of the Price they have received, or by buying too dearly for them; and by many other ways making advantage of their Ignorance. Now there is no way so likely to keep Children and Servants, from falling into these Offences, and to make them Just, and True, Honest, Faithful, and Conscientious, as the instructing them, and causing them to be instructed in the Principles of the Christian Religion, which forbids all these wicked Practices, and secures to all Parents, the Duty and Obedience of their Children; to all Masters, the just Gains of their Servants Time and Labour; and to all People, the Truth and Honesty and Justice of each other. And nothing but Religious Principles can make Men truly honest, at all Times, and in all Cases. And if People are not taught these Principles when young, they hardly ever learn them to good purpose. This is the Reason the Church insists so much upon the sending Children and Servants to be Catechised; 'tis for the Publick Good, as well as for their own; the whole *Parish* is the better for dutiful Children and honest Servants; and much the worse for Disobedient, False, Lying, and Theevish Ones. Such therefore as neglect, or refuse to send their Children and Servants to be Catechis'd are very fit to be *presented*, in order to their Reproof and Punishment.

4. Have you any in your Parish not yet Baptized?

5. Are there any who have been Baptiz'd, and likewise Instructed in the Church-Catechism, and yet have not been Confirmed by the Bishop?

6. Are there any Confirm'd, and above Sixteen Years of Age, who do not receive the Sacrament of the Lord's-Supper, at least three times in the Year, and particularly at *Easter?*

4, 5, 6. I suspect none can come under this 4th Article, but the Children of *Quakers*, and *Anabaptists* (if their Parents died whilst they were young) but if there be any others not Baptized, they ought to be discovered, that due care may be taken to have them instructed, and then *Christened*. After this, when they come to Years of Understanding, they are to be *Confirmed* by the Bishop, and if above Sixteen Years of Age, are obliged to communicate *three times in the Year at least*. The Children of Believers enter into Covenant with God, by Christ, in Baptism, before indeed they understand what any Covenant means, or what is required of those who are to be Baptized; and they are made, thereby, *Members of Christ, Children of God*, and *Inheritors of the Kingdom of Heaven*, without knowing there are any such Persons, Things, or Place. This is a Wonder of Mercy upon God's part; for the Church assures us that—*It is certain by God's Word, that Children, which are Baptized, dying before they commit actual Sin, are undoubtedly saved;* In lieu of this, the Children, promise on their parts, but promise by their Sureties, without knowing it, *to renounce the Devil and all his Works, to believe in God, and to serve him*, (*i.e.* they promise Faith, Repentance, and Obedience) which promise, when they come to Age, themselves are bound to perform. This coming to Age, is coming to Years of Discretion and Understanding; as soon as they come to discern between Right and Wrong, Good and Evil, and know what is commanded and what forbidden. A Child's *Knowledge* and his *Duty* grow together. His understanding is not to be measured by his Years, nor by his Memory, but by his sense of things, and apprehension: And some young ones, we see, will sooner by much than Others, find out their Obligations to God and Man, and set about discharging them. It is then the *apprehending* what Vows and Promises of Faith, Repentance, and Obedience, their Sureties have laid them under, that is indeed *the coming to Age*, which binds these young People to perform them: *i.e.* as soon as they understand their Christian Duties, they must needs engage to discharge them. Now the business of *Confirmation* on the Childrens part, is the renewing and confirming with their own Mouth, the Promise and Vow which was made by their Godfathers, in Baptism; and acknowledging themselves bound to believe and perform, what was then undertaken for them. I should therefore, be glad that none were brought to *Confirmation*, but such as may be well supposed to have some Sense and Understanding of what they undertake, and not be able barely to answer to the Questions of the *Catechism*. I hope that no Body will think himself not bound to perform his Baptismal Vows, because he has not solemnly undertaken to do so, by being *confirm'd:* Whether People are confirm'd or no, they are under the same Obligations to perform those Vows. *Confirmation* is by no means necessary or *essential* to Baptism; nor *completive* of it. 'Tis an excellent Institution of the Church, and serves to very good purposes, but it is no *Sacrament;* and therefore those who have not slighted, and neglected it, but wanted it, either through Ignorance, or lack of Opportunity, need not be much concern'd, altho' they have receiv'd the *Lord's Supper*, without being *Confirm'd*. It is sufficient (in the want of Opportunity) that Men be ready for it, and desirous of it, where and when it may be had. And for such as have received the Lord's Supper without it, they are presumed to have done already all that *Confirmation* supposes, they should do, and therefore are not proper Subjects of it. Such therefore as have received the Lord's Supper, should not come to *Confirmations*. But when things go Regularly, the Children that have been Baptiz'd, are to be brought to Church and there Catechiz'd, and instructed in the Principles of the Christian Religion, and when they have a Reasonable Sense and Understanding of them, are to be brought to the *Bishop* and *Confirm'd*, and, after that, are, at convenient Opportunities, to receive the Sacrament of the *Lord's Supper*. The Church supposes them capable of this, at 16 Years of Age; some are so, before, and others not, even Years after that Age: But a certain time is to be named, and 16 is as likely an Age as any other. And they are call'd upon at that Age, because if they enter not, whilst Young, they put it off for many Years, and sometimes, do it not at all, till they come to die; whereas by entring early on this Duty, they engage betimes in a Course of Virtue and Religion, which strengthens them against the Temptations to which that warm Age is most liable, and secures them all their Lives after. This supposes also, that all young People should receive the Communion (the first time at least) from the Hands of their proper Minister, in their own Parish Church, which is a thing I would have

observ'd; he is indeed the best Judge of their Capacity, and of their due Preparation.

7. Is any Part of the Stock of the Church, or any Legacy Bequeathed to Pious or Charitable Uses, perverted, or concealed, or otherwise employed than was intended by the Donor, and is it in such Hands as are esteemed Responsible? And do you know of any Augmentations of Vicarages or Curacies? When were they made, and by whom are they Registred, and made as Records, as the Law requires?

7. A Man cannot falsify his Trust, with more Injustice and Wickedness in any Instance, than in perverting and concealing the *Legacies* bequeath'd by good People, to the Benefit of Parishes, and Charitable Uses; nor does any thing so discourage the *Living*, from designing and performing these good Works, like the seeing the Charitable Benefactions of the *Dead*, abused or misemployed, if not converted to private Use. No Man can therefore exercise his Zeal, or take Pains on a better Occasion, than in seeing all such Gifts and Legacies employed and put to the Uses intended by the Donors; and in detecting all such Works of Darkness, as would frustrate and make void the good Intentions of those Pious Benefactors. The *Church-wardens* must therefore bestir themselves, and see that in every Parish, there be a good Book, wherein the *Names* of their *Benefactors* are enrolled: The *Time* when they died; the Clauses or Parts of their *Wills*, by which they bequeathed either *Money*, *Land*, or *Houses*, carefully transcribed, and well attested; together with a full Account *where* those Houses and Lands lie; and what they are truly worth; how bounded, and in whose Hands they are, and were. But they must take especial care of *Money* (which is more perishable, and liable to loss than either *Land* or *Houses*) that it be put into such Hands, as are secure and most responsible; they must trust no Man's *Word* or *Promise*, but must have *Bond:* they must let it continue in no Man's Hand, for fear, or Friendship, without such *Security* as the Laws allow, and require. All these things should be fairly written, that they may be known to all that are concern'd, and be Instructions to the succeeding *Trustees*, and indeed to all Posterity. These things are to be well look'd after, and the *Church-wardens* must *present* according to the particular Branches of this *Article:* And, if they should be negligent, the Clergy will, I hope, discover what they know of these Particulars; that we may, all of us, use our best Endeavours, to discountenance all Unrighteous Dealings, and secure the Benefactions of those who are gone before, according to their good Intentions, and encourage Others to do the like.

8. Are there any Wills of Persons Deceas'd, Concealed, or Unproved?

9. Are any Goods of Persons Dying Intestate, Administred without lawful Authority?

8, 9. The *Concealing*, and *not proving* of *Wills*, will always make it suspicious, that some Injury is intended to be done to some Parties, that are concern'd: For he who intends honestly, *cometh to the Light;* and what he does will bear the Light. The Deceased had a Right to dispose of what was theirs, to what Persons, and in what manner they saw fit. 'Tis therefore a piece of great Injustice to deprive them of this Right, and 'tis downright stealing from those to whom the Deceased had left anything, to deprive them of that advantage, by concealing *a Will*, and to transfer it to other People who have no Right to it; this is robbing both the *Dead* and *Living*. The not proving a *Will*, does not always intend or do the same Mischief as *concealing* it, for the Parties concern'd, may have the Advantages intended them in the *Will*, tho' the *Will* is not *proved*, to save Charges. But tho' this may sometimes happen, yet the Law would leave no place for fraud and underhand dealing, and therefore knows no difference betwixt *concealing a Will*, and *not proving it:* And how shall any one come to know, whether he is, or is not concern'd in such a Man's Goods or Estate, but by the *Probate* of his *Will*, which is *a Publick Act*, and done by *a Publick Officer*, to which all People may recur, without enquiring of an *Heir* or *Executor*, whose interest it may be to keep them ignorant? There is also room for great Injustice to be done, by Persons taking upon them to *Administer* the Goods of such as die without *Wills*, who have no Authority to do so; this the Law would remedy, by putting it into the Hands of the *Ordinary* and his *Officers* to give out *Letters of Administration*, to such as have most right to them, and who are likeliest to administer with most Justice and Honesty. And the Laws making these Officers accountable for their Male-administration, there is a great deal of Reason, that no Body else should take upon them, to do their Work, without Authority. To do all Right therefore, both to the Living and the Dead, the *Church-wardens* are to *present* all such, as they know, or hear, by common fame, have either conceal'd any *Will*, or have not proved any *Will*, or have administred the Goods of any one who died without a *Will*, without lawful Authority, empowering them to do it.

10. Are there any who refuse to Pay their Rates to the Repair of the Church and providing Books and other Necessaries for the Service of Almighty God?

10. There is no need of shewing the Reasonableness of all Peoples contributing to the bearing *a Common Burthen*, it is of it self, so plain; there should not therefore be so much trouble given to the Officers, as I hear there is in collecting these Duties: But since nothing else will make these People wiser, *Presentments* must.

11. Are there any in your Parish, whom you know to be common Swearers, Cursers, or Drunkards, or to live in Fornication, Adultery, or Incest, or to lie under the common Fame of such horrid Crimes?

11. Few or no People want to be convinced, that these are great and odious Sins, and fit *to be punish'd*, as *Job* says, *by the Judge*. The *Guilty* do not, that I hear of, defend their own Practices; nor is there any *Advocate* appears on their behalf; the *Judges*, I believe, Ecclesiastical and Secular, are ready and inclin'd to punish, and the *Laws* have taken all care imaginable to give them Power. From whence, then, can proceed the Impunity of these Offenders? Why, only, from the want of Accusers. This is part of the *Church-wardens* Office, and I know not how they will acquit themselves of a great deal of Guilt, and of partaking of other Peoples Sins, but by presenting such as they know are guilty of these provoking Offences; or such as by common Fame lie under such Imputations. Great indeed is the Envy and Malice of some People; and great is the Carelesness of others, in their Behaviour; and others are of weak Judgment, and over Credulous, and apt to take up things by halves, and to misconstrue many others, and willing to find out faults. And from these Springs arise a great many Calumnies and Slanders, that spread an evil fame, on many People that are innocent: and therefore care is to be taken that Credit be not given to loose and idle Reports, nor every thing that is said to Peoples prejudice be look'd upon as *common Fame*, or a ground of Accusation: But when there is so much Reason, as moves good and honest People to believe and report such things of their Neighbours, who are not otherwise apt to take up Slanders, and ill Speeches against them, there is then Reason enough to present upon *Common Fame*. For, Scandal and Offence are apt to arise where such Reports go current, without Control or Notice taken, by such as are concern'd to look after such Offences. And after all, as bad as the World is, there are but few, who are reputed *Common Swearers*, *Cursers*, or *Drunkards*, or who are said to live in *Fornication*, *Adultery*, or *Incest*, that are *altogether* wrong'd by *Common Fame:* The Conduct of such People must be very faulty indeed, that gives occasion to such Reports, when there is no true Cause for them; and even for *that*, they are Responsible.

Title III.

Concerning Church-wardens and Parish-Clerks.

1. Are your Church-wardens Chosen every Year, according to the Law and Custom of the Parish?

1. The Office of a *Church-warden*, if well discharged, is not only of great use, but carries a considerable deal of trouble with it; and therefore, except some few Priviledg'd Persons, no one is, ordinarily, exempted from bearing it. They are chosen every Year, that no one should be too long burthened with it; and tho' some Men hold it two, or three, or more Years, yet they are to be sworn anew into it, every Year, and if they are not so, are not *legal* Church-wardens. They must be chosen every Year in *Easter-week*, by the Minister and Parishioners; but if they cannot agree, or if the Custom has been otherwise, the Minister chooses *one*, and the Parish *another*, and in some Places, *both* are chosen by the Parish.

2. Have the former Church-wardens given up their Accounts, and delivered the Money, or what else they had belonging to the Church, into the Hands of the present Church-wardens?

2. That the Old *Church-wardens* should give up their *Accounts*, and deliver what *Money* and *Church-Utensils*

they have, into the Hands of their Successors, is very Reasonable, not only to shew they have been honest and faithful Stewards for the Parish, but that the Parishioners may see how the *Rates* and Sums of Money gathered from them, have been expended and laid out; and know, either what they still owe, or what is left over and above for the New *Church-wardens*. These Accounts are for the Satisfaction of the Parish, for the Credit and Discharge of the *Old* Officers, and for help and information to the *New:* And where they are neglected to be given up, the People will have great Reason to think themselves cheated and ill used.

3. Is fine White-Bread, and wholsome Wine provided against every Communion, according to the Number of the Communicants, by the Curate and Church-Wardens, at the Charges of the Parish?

3. I understand that in some places of this Diocese, there hath been a Custom, that the *Minister* should be put to provide *Bread and Wine* for all the Communicants at *Easter*, which are probably more, than communicate all the Year besides, to his very great Expence. I am sure there could be no Reason good enough to introduce such a Custom at first, nor is there any good enough to continue it on; and therefore *I resolve to have it alter'd*, as being expresly against the *Rubrick*, and the *Laws of the Land*. I have reason to think the Custom is not of long date or standing; but be it of what date it will, it *is*, and always *was Oppression;* why must the Clergy of those Places, be so ill distinguish'd from the rest of their Brethren throughout Her Majesties Dominions? For such a Custom prevails *no where else*. I wonder how the Clergy came to suffer, or submit to it, at first, and did not use the Remedy that God had put into their Hands, namely the *Law*, to repel such an *Injustice:* But it must be suffered no longer; the last Law is not yet fifty Years old, that (by confirming the Rubrick) expresly says, *The Bread and Wine for the Communion, shall be provided by the Curate, and the Churchwardens, at the Charges of the Parish*. And the *Rubrick* just before supposes the same thing—*And if any of the Bread and Wine remain unconsecrated, the Curate shall have it to his own Use*. If the *Curate* (which in all these places is the *Rector*, or *Vicar* to whom the *Cure* of the Parish is committed) were supposed to find the Bread and Wine *at his own Charges*, how improper had it been, to have *given* him what no one else could have any Right to? Whereas 'tis now *given* him, altho' it was indeed *the Parishes*, who paid for it. And if it be affirmed, that this Custom only relates to the finding the Bread and Wine at *Easter*, let it be answered, that the Law makes no difference betwixt *Easter* and *Whitsontide*, or any other time: For, the very next *Rubrick* that follows says—*And Note, That every Parishioner shall communicate, at the least, three times in the Year, of which,* Easter *to be one;* and therefore commands the Bread and Wine to be furnish'd *at the Charges of the Parish*, at *Easter* as much as at any other time. The Church-wardens therefore, will, I hope, be quickly convinced, how unrighteous such a Practice is, and how directly contrary to *the Law of the Land;* and do herein as they ought to do, and as all the *Parishes* in *England* do, and always have done: And, if they will not, must expect to be proceeded against, according to Law, with all severity.

4. Have you a Parish-Clerk of the Age of 21 Years, of Sober Life, and well Qualified for his Office?

5. Is he Paid his accustomed Salary, Dues, and Perquisites, belonging to his Place?

6. Doth he keep the Church clean, and carefully look to the Books, and all Things committed to his Charge?

7. Doth he Open and Shut the Church Doors at due Times, and Toll the Bell, or Bells, at the usual Hours before Prayers, that People may have sufficient warning to come to Church?

4, 5, 6, 7. 'Tis very fit that all who any ways relate to the Church, be of sober Life, and rightly qualified for their Office. The *Parish-Clerks* were heretofore in some low sort of *Orders*, and had their part in *assisting* at the Divine Service, and they still keep the Name of *Clerici*, and ought to be of exemplary and good Behaviour. And if they discharge their Office well, especially that part of it of *keeping the Church clean*, they will deserve, and ought to have their Salary duly paid, and none of their accustomed Perquisites withheld. But if they are negligent, or slovenly in their Churches, or live not soberly, they are to be *presented*, and if they are found incorrigible, they are to be *removed* from their Places, to make room for those who will live, and do their Business better.

TIT. IV

Concerning the Churches and Chappels, with their Possessions and Utensils.

1. Is your Church or Chapel, with the Chancel, and Tower, or Steeple in good Repair and decently kept within and without?

2. Is the Roof well covered, the windows well glaz'd, and the Floor kept well Pav'd, plain, and even?

1, 2. The Building, Repairing and Adorning Churches, was heretofore esteemed so meritorious a part of Religion, that our Forefathers had but little need of being constrain'd to look after it, by *Laws* and *Injunctions*. I do believe they sometimes placed too much Confidence in such Works, and look'd upon them as *Attonements* for great Offences. But what then? Is it not still an indication of an excellent Devotion, and of a Mind that truly honours God, and intends to promote his Service, to lay out Money upon such Occasions? There is nothing draws so near to Superstition, as an unreasonable dread of it. When the Rulers of the *Jews* would move our Saviour, in behalf of the *Centurion's* Servant, they come to him and tell him—*He loveth our Nation, and hath built us a Synagogue*, Luke 7. 5. And any one may foretel, without the Gift of Prophecy, that unless this bountiful good publick Spirit, prevail a great deal more among us, and be more encouraged; an hundred Years will bring to the Ground a large Number both of our *Temples* and of our *Synagogues*. In the mean time, all care imaginable must be taken, to keep them up in good Repair; that Men may serve God with Security, with Decency, and Cleanliness, and in the best Order; which things contribute, more than people think of, to the raising and maintaining their Devotion:—There is one thing, I observe, in the Churches I have seen among you, that wants to be amended; and that is, the great *Unevenness* of the *Floors*, occasion'd by the frequent *Burials* in the Churches. The way to remedy this, is to make it more *chargeable*, to break up Ground in Churches, than it now is; let such a *Rate* be set upon it, as will be sure to pay for the work of making the Ground even; and this, in time, may repress the Vanity and Pride (for such it undoubtedly is, in mean People) of burying the Dead within the Churches; a thing the Ancient Christians forbore to do, for more than 600 years, not only out of *Reverence* to those Places that were sacred to the Service of God; but out of *Prudence* also, that the *Dead* might not annoy the *Living*. However, till inconvenient Customs can be *broken*, let us make it as hard as we can to *keep* them.

3. Is your Church-yard sufficiently Fenced?

4. Hath any one encroached upon it, or cut down any Trees that were growing therein?

5. Have any Bells, Lead, Timber, or other Materials of your Church, or Chapel been embezell'd, and by whom?

3, 4, 5. The *Church-yard* was first inclosed, and consecrated, to be the Common *Burial-place* of the Dead, and therefore is to be carefully fenced and look'd after, that no Indecencies may be committed in it, by such Beasts as are apt to root up the Earth, and sometimes uncover Dead Bodies. It is the *Freehold* of the *Incumbent*, and therefore must not be *incroached upon:* The *Trees* are planted there for Ornament, and Shelter, and for Repairing of the *Chancel*, and therefore are not to be cut down for any other use. The embezelling of any Church-Materials, is just as much mischief and damage to the Parish, as they must be put to purchase the like, and therefore such Injustice, ought in all Reason, to be *presented*, in order to be *prosecuted*.

6. Have you a decent Font of Stone in your Church, for the Administration of the Sacrament of Baptism?

6. People were at first (especially if there was any great number of them) baptized in Rivers, Brooks, Ponds, or other Waters that they met with accidentally. But if single Persons, or private Families were to be Baptized, 'tis very likely it was done in private Houses, in some convenient Place or Vessel. St. *Paul* seems to have been so Baptiz'd himself, *Acts* 9. 17. and so to have Baptiz'd the Converted *Jailor* and his Houshold, Asts (*sic*) 16. 33. and in all likelihood, it was generally so in times of Persecution; the Christians (tho' bold to Death, when there was any necessary Call, and just Occasion) never causelesly provoking their Adversaries, either *Jews* or *Gentiles*, by publicly performing their Offices, when they could do it privately, with safety and the same advantage. But when God had turn'd the Hearts of the Governors towards them, and the *Empire* was in the Hands of *Christians*, they had liberty to do as they would, and they built great and costly *Bap-*

tisteries (or places to baptize in) sometimes adjoyning to, sometimes near, the great Churches; and by degrees came to set up *Fonts* in the manner we now have them, within the Church Doors; they were usually made of *Marble*, or the *hardest* Stone they could get, as well for Cleanliness, and Preservation, as that the Consecrated Water should not be sucked up by a Spongy, or less solid Vessel.

7. Have you a decent Table, commodiously placed in the Chancel, for the Celebration of the Holy Communion, with a decent Carpet always over it, and a fair Linen Cloth to cover it when there is a Communion?

8. Have you a Silver Chalice, with a Cover, and a Flaggon of Pewter, or purer Metal for the Wine, and also a Silver Plate for the Bread, with a fair Linnen Cloth to cover the Consecrated Bread and Wine?

7, 8. All People who are seriously affected with the matters of Religion, do immediately fall into this Reckoning, that the greatest and most mysterious Duties of it, are to be performed, not only with the greatest Veneration and *Aw of Mind*, but with the greatest *outward* Honour and *Solemnity*. This Conclusion is, in it self, but reasonable and just; and yet, unless it be restrain'd, with great Prudence, it will grow into great Extravagance, and wonderful excess. The indulging to this thought had (in the Days of our Forefathers) loaded the *Altars* of the Churches with *Silver*, *Gold*, and *Precious Stones*, cloathed the *Priests* with the finest and most costly *Linnen*, and embroidered *Vestments*; and fill'd their *Wardrobes* with such Wealth, that, probably, the very hope of spoiling them, was a Temptation to their Adversaries. In a word, the *Blessed Sacrament* was attended with so many gorgeous and surprizingly glittering Circumstances, that the good, plain, simple Duty, seem'd to be lost and smother'd with its own Pomp, and Ornaments. The *Reformation* set these Matters right again; restored Religion to its liberty, and free breathing, and ordained the Celebration of these holy Mysteries, in such a serious sober manner, so void of all unnecessary Pomp, and Ostentation, that a Man must have but little sense of *decency* and *fitness*, that is offended at it, on the score of *Ceremony*. Nothing but decency, and cleanliness is here injoyn'd; and I am throughly ashamed to think this cannot be obtain'd in many Places. What shall we say, when the Vessels of the *Lord's House* are of so course a Mettal, that many People of the Parish could not eat and drink out of the like, *at home?* Let *David* speak to them, as he did to *Nathan*, 2 Sam. 7. 2. *See now, I dwell in an House of Cedar, but the Ark of God dwelleth within Curtains.* He was ashamed of it, and presently resolved to build a *Temple*. Some such Religious Ingenuity, will, I hope, at one time or another, provide becoming Receptacles for *the Sacred Symbols*, in places where that care is not already taken. But, what is wanting in *Cost*, let it be made up in *Cleanliness*. If the *Paten*, and the *Chalice* be not *Silver*, let them be *bright*, and *sweet*, however. Let the *Table* be decent; it is, on these Occasions, the *Lord's Table*. Let it be always covered with a decent *Carpet*: and when there is a Sacrament, with *a fair Linen Cloath*, with a fine Napkin also to cover the consecrated Elements; not to conceal them from the Peoples Eyes, or make these things *mysterious;* but to beget Respect, and a degree of Seriousness in their Minds on these Occasions, and to prevent some inconvenient Accidents. It is not, I think, enough, to say, that People are to approach this Holy Table, with *clean Hands, and pure Hearts*,—But there is all the need imaginable of raising up their Minds, quickning their Devotion, kindling their Affection, and fixing their Attention, at these solemn times, by all the innocent and artful Methods we can think on; to which I know of nothing that contributes more, than the performance of these Rites, in grave serious manner, in decent order, and with all the care and cleanliness that can be used.

9. Is there a convenient Reading-Desk and Pulpit?

10. Is there a comely Surplice provided and Washed at the Charge of the Parish?

11. Have you a large Bible of the last Translation, with Two Common-Prayer-Books, both in *English* and *Welsh?*

9, 10, 11. As to the reading Prayers in *English*, or *Welsh*, I refer you to what I have said concerning *Preaching*, Tit. I. A. 5. The Edification of the *most* is ever to be first in the Minister's Consideration.

12. Have you a Register-Book in Parchment?

13. Are all Persons who are Christened, Married or Buried in your Parish duly Registred therein from time to time?

12, 13. The *Registring* Peoples *Christnings*, *Marriages*, and *Burials*, hath often proved of great and useful Consequence. It hath help'd to determine Peoples *Age;* the Legitimacy of their *Birth;* and certainty of their *Marriage*, which otherwise might have been disputed; it hath intitled People to certain *Benefits*, that were appropriated to such and such *Places, Towns, Hundreds* or *Counties;* and it is, if kept with Care, and according to the Injunctions of the Canons, admitted for *good Evidence*, in Law; And moreover the Minister knows, by this Book, when People are Old enough to be call'd upon to prepare for the *Communion*. It is in truth of so much Use, that 'tis some wonder how it came not to be publickly injoyn'd till 1538 or thereabouts. They must have had something or other like it, before that time: for, many and notable Matters could not possibly be decided, without such *Certificates*.

14. Is the House of your Rector or Vicar, with the Barns, Stables, and all the Out-Houses kept in good Repair?

14. I have already spoken to the keeping the Incumbent's *House* in good Repairs *Tit.* I. *A.* 2. But I can pass by no Opportunity of insisting again upon it: it is so fit, so reasonable, so just, and necessary a Tie upon all Clergymen, that if they have any Sense of Honesty, or Gratitude to their Religious Founders and Benefactors, they will carefully discharge their Obligation; and have the same Regard to their *Successors*, which their *Predecessors* had, or should have had, to *Them*. By our Ecclesiastical Law the Bishops are required—*To put the Clergy in mind of keeping their Houses in sufficient Reparations*. But what if they neglect to do as they are bid? Why, *if they do it not in two months time, the Bishop is to take care* (*by Sequestration of their Benefices*) *that it be done out of their Profits*. Othob. f. 55. 2. But to save the Bishop and the Incumbent this trouble, it were much better, the Clergy would follow the *Injunctions* of King *Edw.* VI. in 1547, and the same repeated in 1559 by Queen *Elizabeth*, and *set aside the fifth part of their clear Revenue for this Purpose*, till all were finished, and afterwards to maintain them in good Condition, which a much less proportion would do. It has been resolved by the Judges in the *Kings-Bench*, 12 Jac. 1, that *Dilapidation is a sufficient cause of Deprivation*. I should be loath to find a Man fit to be made an Example, of this kind; but truly, I intend to look with much less pity on this Fault, than on many others; because I see that *Pity* to the present Incumbent, may very easily become *Cruelty* to his Widow, if she be sued by his Successor, and he recovers Damages of her; or great *hardship* to that Successor, if he recovers none, and finds his House in a ruinous Condition.

15. Has any Money been left or paid by any one, to repair the Incumbent's House, which has not been employed to that Use and Purpose?

15. A Man would be unpardonable, who should sue for *Dilapidation-Costs*, and should not expend, upon the Premises, what he recovered on that Score: He has *two Years* time allowed to do it in; but, after that, he forfeits to the *Queen* double to what was recovered but not applied to the proper use: If any such Fraud or Negligence be known, the Party guilty of it, is to be *presented*.

16. Have you a perfect Terrier in Parchment, specifying all Lands, Meadows, Orchards, Gardens Tenements and Cottages belonging to your Parsonage or Vicarage and shewing what Tithes, Portions of Tithes, or other Profits within and without your Parish, do belong unto the same?

17. Is one Copy of such a Register kept by the Minister of your Parish, and another delivered into the Bishop's Registry?

16, 17. The decay of *Houses*, *Barns* and *Stables* is a thing that falls under the Eye and Observation of all People that pass by them, and is therefore easily complained of, and may be prevented, or be made amends for; but the Incroachment upon *Lands*, *Orchards* and *Gardens*, may be done so insensibly, and by degrees that even the Party injured may not be immediately aware of it; or an Incumbent may by Compact or at least Connivance, take no notice of it; and so it passes from his Successors, without Recompence, and without Remedy, if it be not timely discovered. To prevent these Damages, and Diminutions of the Churches Revenue (whether they be occasioned by the Incumbent's Negligence or Naughtiness) it is required that an exact and well attested *Terrier*, be made of all Lands, Meadows, Orchards, &c., belonging to the Parsonage or Vicarage; and shewing what Tithes, Portions of Tithes, or other Profits within and without the Parish, do belong to the same. One Copy of this is to be put into the Hands of the *Register* of the *Diocese*, and another to be

kept by the Incumbent of the Parish, and delivered to his Successors, for their continual Use and Information. I will take this Occasion to advise the Clergy of this Diocese, to write down all the Observations they shall make, in the course of their Ministry, concerning their *Houses, Gleabs, Tythes, Modus's*, or whatever else they think useful and fitting to be known, and transmit them in a Book, to those who are to follow them; that they may give them all the Light they can, and prepare them against the Practices of a Set of Men, that are alway apt and ready to impose on their *New Minister*. This I only say by way of Advice; but for the *Terrier*, I require it without fail, and will not be satisfy'd, till it be delivered to the *Register;* that all who shall hereafter have occasion to consult that *Office*, may be sure to find their Satisfaction, in these Matters; that the Clergy may run into no inconvenience by making New unusual Claims themselves, nor suffer the Church to be despoiled of what appears to have been formerly its Right, by others. And I hope the Ignorance in which abundance of Incumbents live of these matters, will convince them how needful it is, to have a *Terrier* to inform them, and to which they may appeal.

Tit. V.

Concerning Hospitals, School-masters, Physicians, Chirurgeons, and Midwives.

1. Is there in your Parish any Hospital, Almshouse, or Free-School?
2. What Revenue belongs to each of them?
3. Are they Governed, and the Revenue employed according to the Will of the Donors?

1, 2, 3. Something I have said already on this Head, under *Tit.* II. A. 7. But that related chiefly to *private Legacies*. These Articles refer to *Publick Charities*, such as *Hospitals, Alms-houses* and *Free schools*. The Enquiries are, *what is the Revenue belonging to them?* And, *how it is employed?* The way in many Places of *England*, is, to have the Names of all their *Benefactors* written in fine large and fair Hand, and set up in handsome *Frames*, in such a part of the Parish Church, as is most conspicuous, and easiest to come at, where all may read—*In what year, such a Person died, and left such a Sum of Money to such and such Uses:* or, *so much Land, or Houses to this or that Purpose*. By this means, all the Parish come to know their publick Benefactors, commemorate them with praise, and glorify God for them: and by these means they come to understand, who are qualified for *Hospitals* and *Alms houses* and *what* their Allowance is to be, and *whence* it is to come. I think such a Custom as this might be followed very usefully, in *Wales*, it being naturally fitted to prevent the Misapplication, Abuse or perverting of Publick Charity. But, whatever other Courses may be taken to secure the employing these Benefactions according to the Donor's *Will*, the *Bishop*, as the general Overseer of all good Works within his Jurisdiction, is to enquire, whether they are indeed employed, and used, as they ought? And to that purpose, every honest good *Churchwarden*, will contribute all he can, by making honest, true and faithful Answers to these *Articles:* And should they fail, in this their Duty, I question not but the *Incumbents* will do all Justice to themselves, and me; and indeed to all the Dead and Living, that are concern'd in these Benefactions.

4. Doth any one in your Parish Teach School publickly or privately, without License from the Ordinary?
5. Doth the School-master come to Church himself, and cause his Scholars also to come duly at the Times of Divine Service?
6. Doth he diligently instruct his Scholars in the Church-Catechism?
7. Do any in your Parish practice Physick, or Chyrurgery, or undertake the Office of a Midwife, without License?

4, 5, 6, 7. 'Tis of great Consequence, both to the Parents, and the Children (not to mention here the Commonwealth) what sort of Men are trusted with the Education of young People. And therefore the *Laws of the Land*, which acknowledge, own, and encourage no Other Church-Government, but what is *Episcopal* (tho' they both *tolerate*, and *defend from Penalties*, all that dissent from it, and call themselves *Protestants*) will have no *School-master*, either publick or private, but what shall be *allowed and licens'd by the Bishop*, 23 *Eliz.* c. 1. §. 6. and 1 *Jam.* 1. c. 4 and 14 *Ch.* 11. c. 4 and *Canon* 77. 79 and altho' these Laws are of much elder Date than the *Act of Toleration;* yet whoever shall read it carefully, will find *they* are not, in this particular, voided and annull'd by it. *Statutes* are not removed by *Construction, Consequences*, or imagined *Inferences*, but by express and positive *Revocation* and *Repeal* of them. And therefore no Body has yet leave to teach Scholars, but such as shall be licens'd thereto, by the *Bishop*, all Others are, and ought to be *presented*, and are as liable to Penalties as formerly they were.

Tit. VI.

Concerning Church Officers.

1. Hath any Church-Officer, Register, Proctor, or Apparitor exacted more than their ordinary and legal Fees?
2. Have any of them for any Reward, excused, or unduly Dismissed any Offender that hath been Presented?
3. Hath any Apparitor Cited any Person unlawfully, without a Citation first had from the Court?
4. Hath any taken a Reward for concealing any Offence, or avoiding the Punishment of the Offender?
5. What Commutations have you heard have been paid by Offenders, and to whom, since the last Act of Grace, in 1709?

1, 2, 3, 4, 5. The Corruption and Exaction of *Ecclesiastical Officers* is very carefully to be looked after, presented, and pursued to Punishment. That those who are employed in correcting the Abuses, and Enormities of *Others*, may by no means escape *themselves*, if guilty. And, to this end, if any one be afraid to make a *publick Presentment* of their Offences, let them take care to give me notice in as *private manner* as they will (but with all truth and certainty) wherein they are aggrieved; that Order may be taken for their Redress, and the Removal of such Offenders.

Having gone through these *Articles* in the plainest and most useful manner I could think on, I have now a few things to say to you distinctly, *my Brethren of the Clergy;* they have not, indeed, any Relation to the Articles foregoing, but I fasten them to them, for the better conveyance of them, and that you might have them always by you. I have had (and shall again have, when it pleases God) occasion to Ordain *Priests* and *Deacons*, and to *Collate*, and *Institute*, to *Benefices* when they shall be vacant, in my Diocese, such as I shall judge to be duly qualified: But I must, in a great measure, depend upon the *Testimonials* of the *Clergy*, for the Virtue and good Behaviour of such as come either to be *Ordain'd* or *Instituted* by me; because I cannot be presumed to know them personally my self. My Request is therefore to you all, that before you give your Hands to any one's *Letters Testimonial*, you would seriously consider these few following Particulars.

First, Whether you are *personally* acquainted with the Party to be recommended by you; or only Subscribe upon the Credit of those you write under; and think with yourselves, if this last part, be fit to offer to your Bishop, either in Conscience, or good Breeding?

Secondly, Whether, if you are personally acquainted with the Party, you are truly perswaded that he is *indeed* what you have represented him, in your *Certificate;* I do not mean in the most rigorous and exact Interpretation of Words, according to the *Letter*, but in such a fair and equitable Sense, as wise and honest People take them, and use them in their Intercourse with one another?

Thirdly, Altho' the Party may be honestly recommended by you, as a Person both of good Learning, and good Manners, yet whether you truly think him fitly qualified for the *Order of Priesthood*, or of a *Deacon*, or for such a *Benefice*, or *Cure*, as the *Letters Testimonial* are design'd to recommend him to. For, certainly, a Man may be a good Scholar, and a good Man, and yet not fit to be ordain'd a *Priest* or *Deacon*, by reason of some Imperfections. And a Man may be a good *Priest*, and yet not fit for such or such a *Cure*, or *Benefice*, as it may happen, upon many Accounts. I think you cannot but see the Reasonableness of considering these few things, when you are sought to, for subscribing *Testimonials*. And I would have you (if you please) imagine I am by, and wanting to be satisfied in those Demands; and that you give by your *Subscription* the same account, you would to me *in Person*. But, it were better still, if you would seriously reflect upon the Mischief you may do, and on the guilt you may contract your selves, by leading me into Mistakes, and causing me, by giving Credit to your Names, to put unworthy People into the Ministry, or to prefer unworthy Ones to *Benefices, Cures*, or *Schools*. How will you answer this, to God, to Me, or to the Places where these People must officiate, who may be greatly injured by these means, and that for many Years? I intreat you therefore, by the Power of these Considerations, not to suffer your selves to be corrupted, by the facility of your Temper, your Easiness and good Nature, by Importunity, by Friendship, or the Fear of any Man, nor by the hopes of receiving the like favour, to give your Name to any one's *Certificate* or *Letters Testimonial*,

unless you secretly, and in your Heart, approve of what you say therein. I cannot ask less (nor do I ask any more) than that you would not induce *Me* to believe of Men, what you do not *your selves* truly believe of them. It may be, that some of you will think these Terms are hard, and hinder you from paying Acts of Friendship and Civility to one another, by making it so difficult to subscribe your Names, upon Occasion. In answer to this, I say, let *Truth* and *Justice* go along with *Friendship* and *Civility*, and then the more of them the better. But where those things are separated, Civility to Men is Rudeness, Injury, and Mischief to Religion; and such a *Friendship of the World is*, as S. *James* tells us, *Enmity to God*. One of my Aims is indeed, hereby to have the Clergy live in Friendly awe, and Respect of one another; that they may so behave themselves both to their Brethren, and their People, that when there is occasion for a Character, it may be both unreasonable and unjust, to refuse a good one, to each other. There will be always room enough (in spite of all the care that can be taken) for the Partialities of *Acquaintance*, *Neighbourhood*, and *Inclination*, to take place, in *Letters Testimonial:* and therefore I have no apprehension of creating any misunderstanding among the Clergy, by requiring this Exactness at their Hands. I only hope to stir up such a jealousy among them, that, unless they live virtuously and studiously, they shall despair of getting their Neighbours *Hand* and Approbation, when they stand in need of it; without which, they will, in vain, attempt to make their way to any Favours I can shew them. I will always pay, you may be sure, that Deference that is due, to the Characters the Gentlemen of the *Laity* think fit to give the *Clerks* they now and then Recommend to me. But I, who am convinced that the Clergy know each other much better, and in another manner, than most Gentlemen can do, shall never be content to take a Clerk on trust, without the Testimonials of his Neighbouring *Brethren* of the *Ministry*. And therefore let it be a Rule among you, that you make your selves as valuable as you can, each to the Other; for, certainly, the Esteem you shall derive from thence, will be of greatest use and service to you.

I press this matter of an honest, true, and Conscientious Subscription of *Letters-Testimonial*, with a more than common Zeal and Fervency, not only because I am obliged to do it, by the *Canons*, and *Injunctions* of my *Superiour Metropolitane*, but from a little Indignation I have also had, to find myself presented with some *Certificates*, well sign'd and seal'd indeed, but which I thought, had little Regard to truth in them. I have forgotten, and shall to all Intents and Purposes forget, those Names, if they do not refresh my Memory by coming again in my way upon the like false Errand: I promise my self they never will; and hope that when ever you subscribe your Names to *Letters-Testimonial*, you will not fail to make some Conscience (as we say) of imposing on your *Bishop;* who has it in his Heart (and bows his Knees, in Thanks, to Him that put it there) to do you all the good he can, according to the measure of his Skill and Power.

Another thing, wherein I would require your Care and Caution, is in the matter of *Titles*. A Bishop is not allowed by the *Canons*, to ordain any One, without a *Title*, *i.e.* unless he has a Right to some means of Livelihood and Subsistence either by an Estate in his own Hands, or by way of Recompence for doing Duty. If He neglect this Rule, he is, it seems obliged to provide the Party so ordain'd some Place in the Church, and to furnish him with all Necessaries till he has done it, *Can.* 33. The Wisdom of this Rule may appear, in part, by the Infamy and Scandal which those few miserable Men bring upon the Church, who stroll about the World like Impudent and Vagrant Beggars; and shew their *Orders* for a *Pass*, to license them as it were, to do their Sacred Function all the dishonour they can; this *Canon* would prevent these Scandals, in great measure, by forbidding such to be ordain'd, who have no present setled maintenance, nor are in any near and reasonable prospect of one. You know the Bishop of *this Diocese* is so great a *Patron*, that you can hardly bring a *Title*, for *Ordination*, but it must be the certainty of some *Curacy*, within his Patronage. Now I am very well assured, that not one *Third part* of the Benefices (I would I could not say *Half*) within my Jurisdiction, can bear the Charge of keeping a *Curate;* I would not therefore have the *Rectors*, or the *Vicars* of such poor Benefices pretend to give a Title of *Curate*, when every Body knows they have much to do to live themselves, upon their Profits. Age and Infirmities, and long continued Absence must indeed be evermore considered, as Reasons for the keeping Curates, even in small and poor Parishes; but those are Cases that cannot lie concealed from me. Where nothing of this happens, I intend not to admit such Promises of Curacies, for *Titles*. In a word, whatever *Titles* are offered me for *Orders*, shall be *Real Titles*. They, who certify to me, that they admit such or such a One, to be their *Curate*, shall certainly have him for their *Curate*, and shall pay him as their *Curate*, and that, not for the present turn, a *Week* or *Month*, or *Quarter*, but as long as I shall judge convenient. For since 'tis this *Collusion* that helps, above all other ways, to overstock the Church with Labourers, I think we cannot guard too much against it, where they are so little wanted. I desire, therefore, all that are concern'd, as well *Rectors* and *Vicars*, as those who shall come to be *Ordain'd*, to take this Intimation for a timely warning, what *Certificates* they send or bring to me; for I have told them what I will accept, and what shall find no place with me; and after this, they will owe their Disappointments to themselves, if they come not rightly qualified. I do also require them to give me a *Fortnights* notice before the *Ordination Sunday*, that I may have time to enquire about them; and together with this *Notice*, to send me their *Age*, *Country*, *College*, *Degree*, and the *Place* where they have last lived, together with *Letters Dimissory*, if they belong to any other Diocese.

Another thing I have to mention to you, is, That all who are not *discharged* by *Act of Parliament*, from paying *Tenths*, should do it punctually, *every Year*, at the Time appointed. It was, before, an Act of *Justice*, and to be paid like other stated *Taxes:* But now it is become (through the unexampled Goodness of the *Queen*) an Act of *Charity* also to our poor *Brethren* of the *Clergy*, to whose Relief and Comfort it is designed and given. That *Royal Bounty* is, every Day, preparing, by wise Methods, to be made most useful and extensive. And I gladly take this Opportunity, of acquainting you, in short, how that Affair stands; that you may no longer wonder, nor causelesly complain, that the *Fruits* of so excellent a Design have hitherto appear'd *so small*. It is, I assure you, through no ones Fault, or Negligence: There is neither want of good Will, nor of Application, in the Parties concern'd, to whom these Matters are entrusted; but a most Noble and Religious Zeal appears, to answer the good Purposes for which they are incorporated. The yearly Revenue of the *First-fruits* and *Tenths*, did usually (at a *Medium* of 20 Years) amount to about 17000*l. per Annum*. But this was charged with *Grants*, and *Pensions* (and many of them *for Life*) to the amount of about 11000*l. per Annum*, besides an *Arrear* of upwards of 20000*l.* which was to be discharged, and has for some Years last past been, and is still discharging. From this Revenue there has been a Deduction made of something more than 3000*l.* per Annum, by discharging the *Tenths* of as many *Small Livings* (under 50*l. per Annum*) as amounted to that Sum. So that the 17000 is reduced to 14000, out of which the *Grants* and *Pensions* must be paid, which, by Death, and other prudent Methods of the Governours, are now also reduced to between 9 and 10000*l. per Annum*. So that, allowing a Decrease of *First-fruits*, by the foresaid Discharge of Small *Livings*, the *Governours* will not have (according to the best Computation I can make) above 3000*l. per Annum* to dispose of, till it pleases God to order otherwise. This is the State of the Revenue, when I have added, that there is a Debt of some Thousand Pounds to be Recovered, by the Governours, in some Reasonable Time. Now, whoever can consider the *Incumbrances* that lay, and yet do lie, upon this Revenue, and can conceive how intricate and perplext, Accounts of so many Years standing must needs be, and how difficult a thing it is, to settle great Designs of *Charity* in such a Method, at first, as shall not quickly call for Repentance and Alteration—Whoever can put these things together, will easily account for the *Time* that has already been spent, and for the *little effect* this gracious Benefaction of the *Queen* may seem as yet to have taken. Assure your selves, *my Brethren*, that where so many different Rules, and Methods, are, and must have been offered, and so many particular things of weight to be considered, before a Settlement can possibly be made to any purpose, the more time it takes in doing, the better it will certainly be done, when done. Delays, in this case, are not dangerous, but tend to more security. But, methinks, I need not make an Excuse, for the little that has been done; the Discharge of as many Livings from paying *Tenths*, as amounts to more than 3000*l.* per annum, is the having already given (at 20 years Purchase) upwards of *Sixty thousand Pounds* to the Poor Clergy. God of his Goodness, return it, into her Royal Bosom, Sixty thousand fold! This I have observ'd to you, a little (as it were) out of my way. The thing I at first intended was, to advise you to be punctual in your Annual Payments of *Tenths*, because this great and good Design will depend very much upon the ready payment of our Dues at the appointed time. And also because I intend, neither my *Self*, nor my *Executors*, shall run any hazard, by your *Delays*, or *Nonsolvency*. Whoever shall not punctually discharge his *Tenths* shall very punctually be return'd *Nonsolvent* to the *Exchequer*,

and take his Fortune there. I have known such ill Effects of Pity, wrong placed, on these Occasions, that I will not venture them. And I hope this warning will suffice to prevent all such Miscarriages.

There is another thing, which I am going to desire of you, in which, I will own, my *Curiosity* has a great share; but which, I hope, may, some time or other, tend also to the Benefit of some Parishes. I desire to know the true *Names* of your Parishes, and if there be more Names than One. The *Saints* to whose Memory they were dedicated, and what Day the *Wakes* (if there be any) are kept. What *Superstitious Usages* are still observed by the Common People, under the Name of *Antient Customs*. How many *Families* there may be in the Parish, and what the Number of Communicants at Easter (in these things, I look not for exactness, but according to a reasonable way of reckoning. and general guess). How many *Townships*, what their *Names*, and to whom the Tythes of them are paid, and their reputed *Valuation per Annum*. And if you have any remarkable *Monuments* in your Churches, I should be glad you would transcribe them for me, at your leisure. These things, I hope, will not put you to much pains, to write in a Sheet of Paper, and offer them to me, at the *Visitation;* as also what ever you shall think fit to communicate to me, which you would not *publickly* present or complain of; if you Seal them up, I will take care they shall be still *Seal'd* to all besides my self, till it be fit to make them manifest, and, even then, it shall be to no one's prejudice.

I have now a few things to say to you, in *general*, and shall then put an end to these Papers, And,

First, I cannot choose but hope, that you do, every Day, either at Church or at your Houses offer to God, the continual Sacrifice of *Prayer* and *Thanksgiving*, as well for the long Life, and Health, and Preservation, and Prosperity of the *Queen*, as also for the manifold good Gifts, Virtues, and Graces, that we see Her exercise continually, and daily improving in. This we should, all of us, do, did Conscience of our *Duty*, only move us; but Her Deservings towards *Us*, are such, that *Gratitude* and *Sense of Justice* will constrain us to add all zeal and Fervour possible to our Devotions. God has, indeed, made Her a *Nursing-Mother* to the *whole Nation*, and given Her the Hearts of all Her People, in a fuller measure, than He has to any Prince, within our Memory; But yet her Birth, her Education, her Reason, Inclination and true Interest, must needs have fill'd her Heart, with all the favourable Prepossessions to *the Church of England* (above all) that even that Church could want, or wish for. And therefore, sure the Clergy of *that Church* will evermore be trying to distinguish it self, by Acts of Love, and Duty, and Obedience to her, if it be possible, above all other Subjects. Not in exalting Her *Prerogative* above what our *Constitution* allows; nor in asserting *a Power*, to which *the Laws of the Land* are Strangers, and know nothing of, (for that, *my Brethren*, is as well a *Snare* to *Princes*, as an *Entanglement* to *Subjects*), but in pressing, upon all Men, a dutiful and conscientious Obedience to *Her Laws;* by which the Honour and the Safety of Her Person and Government are best preserv'd. It is not for *Princes* to side with any *Party*, but to make use of all. They are the *Common Parents* of their Country, and will dispense their *Justice* with an equal hand to all; but they who best *deserve*, will share their *Graces* and their *Favours* in the greatest Plenty; And that, I hope, will ever be *the Church of England*, properly so called.

You do, in the next place, pray as constantly, in course, for the Princess *Sophia*, and you know the meaning of that is, for the Succession of the *Protestant Line*, in the Illustrious House of *Hannover*. There our *Laws*, have placed the Crown, and there our *Prayers* and our *Endeavours*, will, I hope, for ever keep it. We have had but two *Popish Reigns*, since the blessed *Reformation of Religion;* and both of them, were, God be thanked, of very short continuance: But what Alarms, what Disturbance and Distraction did they give, what mighty Mischiefs did they do this Kingdom? The *first of them* did cheaply pour, like Water on the Ground, the Blood of a World of innocent and harmless People, for no other Cause, but they could not against their Conscience, comply with *Popery*. The Laws of the Land were *then* upon the side of that Cruel false Religion, and authorized the kindling those devouring Fires, that consumed so many *Protestants*. Insomuch that if God, in his Mercy, had not shortned those Days, the Name of the *Reformation* had been no more in Remembrance. For 'tis in the Nature, 'tis interwoven in the frame and make of that furious *Superstition*, never to spare, what it calls *Heresy*, when it has the Power of destroying it: And I challenge all the World, to give an unexceptionable Instance to the contrary. Shall we ever run this Risk again? Will you not, all of you, say with me, *God forbid that we should ever try again the Mercy of a Popish Government!* I say the less of *the other Popish Reign*, because I trust to the *Remembrance*, and the *Senses*, of all Reasonable observing People. And I should despair of being much heeded, should I give any Caution for the *future*, by those who have so soon forgotten the *past* Fears and Dangers, they were in. But tho' we should incline to spare the Name of a *Prince*, to whom we once both owed, and payed the Obedience of good Subjects and who, moreover, was the Father of *two such Queens*, yet let us never so forget those Days, as not to thank God heartily, that they pass'd away so soon: and that the Legislative Power hath done what it could to prevent the like, for the time to come, by enacting (as by the 14th of *Elizabeth*, it appears they might) that *no* Papist *shall hereafter be King or Queen of* England; and settling the Succession in the *Protestant Line*. God grant it may be *very long*, before that *Act of Parliament* take place, but God forbid that anything should ever interrupt the *Protestant Succession*. *This* is *the Royal Family* that we are understood to pray for.

You do, in the last place, pray, *for Bishops, and Curates, and all Congregations committed to their Charge:* And as I always try to put *my own Clergy*, in a more particular View, when I either repeat, or hear this Prayer; so I do seriously desire, that they would always have *Me* in their Minds, on the like Occasions. And since the Providence of God hath placed Me, through the Favour of the *Queen*, in the highest Order of Church-Ministers, I am sure I have thought myself the better, for being, in a more immediate manner, the Subject of so many good Peoples Prayers, as are daily offered up to God, in our Excellent *Publick Service*. We do, indeed, stand in need of all our Peoples Prayers, and all the Assistance of the Grace of God, and all that our Reason, Observation, and Experience can afford, to direct us in our Ways; for we are, methinks, encompass'd with unusual, unexpected Difficulties. Whence comes it that the Times seem so much more unequal to some Men of this *Sacred Order*, than they are to Others? From what infected Quarter does this Mischief rise? Are they not full as Learned, Virtuous, and Religious, as their Brethren, or their Predecessors? Shew they not equal Zeal for the Glory of God, the Honour of Christ's Revelation, and for the Souls of Men, the Purchase of his Blood? Walk they not prudently and circumspectly, shewing themselves *Patterns in all good things?* What part of Duty is it, that they are defective in? Is Malice so restrain'd, as not to tell them of their Faults? Or are their Enemies so tender of their Credit and good Name? And yet if you should trace these Clamours to a Head, you will find they end in this poor Senseless, Accusation, that *they are not good Churchmen*. Great God! that Men of the most valuable Abilities, and learned in all kinds; beloved of all that know them, for their Candor and good Nature; famed for their Prudence, and venerable for their Piety and Goodness; of exemplary Charity; assiduous Preachers; constant Frequenters of the Common Prayers; and, in a Word, who whilst they were *Parish Priests*, did every way adorn their holy Calling—That these Men, when they came to be *advanced*, should cease, immediately, to be *good Churchmen!* My heart, I own it, is too full of Indignation and Disdain, to give a serious Answer to such Calumnies. I rather humbly beseech God, to forgive those Men, their great Trespass, who have either invented, spread, or cherish'd them. But be not you, *my Brethren*, Partakers of their Sin, by harbouring such ill Thoughts, or countenancing such Reports. *Speak not evil of* these *Dignities*. I know I am the unworthiest of them; but yet I bind it on your Consciences, to entertain a good Opinion of me, till you find cause to do otherwise. I shall not else be able to do any good among you. I speak not this, from any Reason or Suspicion I have that I am not esteemed by all of you, as I desire to be. But what can I expect? What have I not to fear, when Men of so much greater Caution, Prudence, Virtue, and Religion, fare so ill? Had *Papists* been the Spreaders of these Slanders, I should not much have wondered, because they are such hearty Lovers of whatever may discredit us, or weaken our Influence, with our People, that, I account, we are obliged to them, if they only *report*, and are not the *Authors* of them. But these are not the wounds of *Enemies*, but of *Companions*, *Friends*, and *Children*. But after all, what is the ground and occasion of this Outcry? If I can guess aright, 'tis this. The Bishops, for these 20 years last past, have behaved themselves, with that good Temper, Moderation, and Paternal gentleness, that they have gain'd more ground upon the Hearts of the *Dissenters*, than had been done for an hundred Years before, by all their Predecessors: And yet, they have not parted, (that I know of) with one point of *Doctrine;* one Point of *Discipline;* one *Church* or *Chappel;* one Line of the *Common Prayer;* nor one external *Ceremony*. But it may be they *would* if they *could*. 'Tis time enough to

answer those Suspicions, when better proof of their Inclination appears. I have as much Reason to say, and I do say it, that whenever they do part with anything, belonging to the Church, my Life for yours, they will have something *equal* to it, in Exchange. They have, as yet, parted with nothing; made no Advances, no Proposals, no Concessions. They have only purchased the Reconciliation, and Benevolence of those People who dissent from our Church, by a Management that is truly Wise, and truly *Christian*. And I am verily perswaded, that the best and wisest of their Predecessors would have taken the same Courses, had the Situation of Affairs been the same, and the like Seasons and Opportunities concurr'd.

But how does it appear, that the *Dissenters* have been gain'd upon, by this good Treatment? Allow them to be *Men*, and you will see something of what I say; for all men love *Humanity*, and all Mens Hearts are won upon by *gentle Treatment*. But does it not appear by plainer Tokens? Have they not (many of them) manifestly changed their Stile, and way of Expression? Have they not changed their Manners and Behaviour towards Church, and Churchmen? Do their Writings seem to proceed from such a furious bitter Spirit as they used to do? Do they insist upon such rigorous Terms of Church-Communion as they formerly did? Do they treat our *Service*, or our *Ceremonies*, with the antient Scorn and Contempt? Have they not spoken decently, and respectfully of *Bishops?* I may not insist on all Particulars—I affirm, that since the Days of Queen *Elizabeth*, the Bishops of the *Church of England*, were never held in that Esteem and Value by the *Dissenters*, as they now are, and have been for these 20 years; and that for doing nothing but what did always become Wise Men, and good *Christians* to do, so circumstantiated as they are. And is it not astonishing, that that which is, in Truth, matter of Praise and Honour, should be turn'd into an Accusation? For, (to come to the Point I am upon) I have never seen a better Cause assign'd, why some Bishops should not be thought *good Churchmen*, than that they have treated the *Dissenters* with more Condescension and less Acrimony, and have been treated *by Them*, with more Civility, Respect, and Honour, than was heretofore the Custom to do, on either side. And I leave it to all the World to judge, whether the Bishops are to change their *Conduct*, or those who blame them, their *Opinion I* meant not, by what *I* have said, to make an *Apology* for any of *my Brethren*, and Most honoured *Collegues*, Dead or Living; their good Example wants not to be *justified*, but *followed* by Me. And herein I should but do, as They have done, *viz.* pursue the Advice given to the Clergy of his Province by Archbishop *Sancroft* in 1688—"More especially, that "They have a very tender Regard, to *our Brethren the* "*Protestant Dissenters*: That, upon Occasion offered, "They visit them at their Houses, and receive them kindly "at their own; and treat them fairly where-ever they meet "Them; persuading Them, if it may be, to a full com- "pliance, with our Church, or at the least, that *whereunto* "*we have already attained, we may all walk by the same Rule.* "*and mind the same Thing*—And that They warmly and "most affectionately exhort Them to joyn with us in daily "fervent Prayer to the God of Peace, for an Universal "Blessed Union of all *Reformed Churches*, both at *Home* "and *Abroad*, against *our Common Enemies.*"

But I have said these things, to shew upon what poor Occasions, many People, who love the *Order*, have yet parted with their Respect for the *Persons* of their Bishops: And to caution you (for whom I am most concern'd) against the falling in, with such unreasonable Suspicions. Take heed of every thing that may lessen the Respect you owe to your Superiors; for when that Band is broken, who can tell but *Hatred* or *Contempt* will follow? And then you know how little good can possibly be done, by any one. You may make it your own Case, with Respect to your private *Parishes*, and think how ineffectual all your best Labours would be, if your People were either prejudiced against your Person, or suspected you of any ill Designs.

I see I have exceeded the Bounds I had set my self; but my Zeal for so much injured worth, hath occasioned it, and must excuse the length. I neither am, nor have at any time been concern'd, my self, in any of those Affairs, or Controversies, that have occasion'd the Divisions, and Distinctions, that have so long troubled Us. But I have not been an Unconcern'd Spectator of the Mischiefs they have done; nor can I help the apprehending, with pain, the Mischiefs that they will go on doing to the End. And in that View, I could not refrain from warning every one of you, from having any Hand in cherishing and keeping these Divisions up, amongst us.

God of his infinite Goodness, grant, that you and I, and every one of us, may every Day we live, remember the Relation we bear to each other, and to the Flocks committed to our Care, and so attend to the Discharge of our good Office, that when the Shepherd and the Bishop of our Souls shall call us to account, each for the Other, we may do it with Joy, and not with Grief.

I am your most affectionate Brother,
Westminster and humble Servant,
Febr: 16, 17 $\frac{99}{10}$ W. Asaph.

Finis.

TRIMNELL, BISHOP OF NORWICH, 1716.

Articles to be Enquired of and Answered unto by the Church-Wardens and Sworn Men in the Ordinary Visitation of the Right Reverend Father in God, Charles Lord Bishop of *Norwich*, 1716.

Norwich: Printed by *W. Chase*, at the *Printing-Press* in the Market: Who Binds and Sells all Sorts of Church-Bibles, Common-Prayers, &c. very Reasonably.

The Oath to be Administred to the Church-Wardens (and Sides-men) of every Parish.

You shall Swear truly and faithfully to Execute the Office of a Church-warden (or Sides-man) within your Parish, and sahll diligently Enquire and make true Presentment of all such Things and Persons as you know to be presentable by the Ecclesiastical Laws of this Realm.

So help you God.

Articles of Enquiry, &c., In The Diocesse of Norwich.

Tit. I.

Concerning Churches or Chapels, with the Glebes, Tithes, Houses, Books, Ornaments, and other Goods and Revenues belonging thereunto.

Can. 85. I. Is your Parish-Church or Chapel, with the Chancel thereof in good and sufficient Repair, in the Roof and Windows, Floor and Seats; and are all Things therein kept in an orderly and decent sort? Is your Tower or Steeple in good Repair, and the Bells, Clock, and Chimes kept in good Order?

II. Hath any Part of your Church, Chancel, or Steeple been demolished or fallen down, what Part, and how long since? Or hath any or the Lead, Timber, Bells, Plate, or other Church-Goods, been embeziled or sold, and by whom?

Can. 81, 82. III. Is there a Font of Stone in your Church or Chapel with a Cover to it, standing in the antient usual Place? Is there a Communion Table in your Chancel, covered in time of Divine Service, with a decent Carpet, and when the Communion is administred with a fair Linnen Cloth: And have you a Basin for the Alms, a Patin or Plate for the Bread, a Chalice or Communion Cup with a Cover, and one or more Flaggons: Have any of these Things been profaned by common Use?

Can. 80, 82, 83. IV. Have you a convenient Seat or Pew wherein to read Divine Service, a Pulpit with a decent Cloth or Cushion, a large Bible of the last Translation, a Book of Common-Prayer according to the last Act of Uniformity, the Books of Homilies set forth by Authority, a printed Table of the Degrees wherein Marriages are prohibited, a Book of the 39 Articles, a Book of Canons, a decent Surplice duly washed at the Charge of the Parish, and a Hood suitable to your Minister's Degree?

Can. 70. V. Have you a Parchment Book for the Registring of the Day and Year of every Christening, Wedding, and Burial in your Parish; and is it kept in a strong Chest or Coffer, with Three Locks and Keys, and in all Points according to the Canons in that behalf; and a Book for the Church-Wardens Accounts?

VI. Have you a Chest or Boxes in which the Alms of the Parishioners are to be gathered and received; a large Chest for the Books, Ornaments and Writings belonging to the Church; a Bier, with a black Herse-cloth for Burials?

VII. Is your Churchyard well fenced, and decently kept? Hath any Person encroached upon it, or made any Door into it; Have any Trees there growing been cut down, how long since, and by whom?

Can. 85. VIII. Is the Dwelling-House of your Parson, Vicar, or Curate, with the Barn, and all the Out-houses in good Repair: Have any of them been lessened, defaced, or pulled down without

License: Hath any Waste been made of the Timber on the Glebe: When, and by whom?

Can. 87. IX. Have you a true and perfect Terrier of all the Glebe Lands, Meadows, Gardens, Orchards, Houses, Stocks, and Implements belonging to your Parsonage or Vicarage: As also a Note of such Pensions, Rate-Tithes, and Portion of Tithes, or other yearly Profits (either within or without your Parish) as belong thereunto: Have any Encroachments been made upon the same, or have any of them been with-held from your Minister, and by whom, as you know or have heard: Have any of the antient Glebe-Lands belonging to your Parsonage or Vicarage been alienated by Sale or Exchange, without License from the Ordinary, and free Consent of the Patron and Incumbent: By whom, and how long since was such Exchange or Alienation made. Is your Parsonage or Vicarage damnified thereby?

X. Have you any Legacies, Lands, Tenements, or Stocks of Money given or belonging to the Reparation of your Church or Chapel, the Relief of the Poor, or other Parish Charges: Are they employed to the Uses they were given: If not, in whom is the Fault: Are the Church-houses or Town-houses in sufficient Repair?

Lynd. de off Archid. C. ut Archd. XI. Have you a Terrier of all such Church-lands and Town-lands, and Houses, setting forth their Quantity, yearly Value, Abbuttals, and present Occupiers: Have you a Note of all the Plate, Ornaments, Books, and Goods belonging to the Church: Have you true Copies of such Terriers and Notes to be filled up in the Bishop's Registry:

17 Anne c. 14. XII. Have you any Parochial Library in your Church or Parish? Is there any abuse in the management of the same? Is there a Catalogue of the Books belonging to the same deliver'd into the Bishops Court?

Tit. II.

Concerning Ministers.

Can. 48. I. Is your Minister, so far as you know or believe, Episcopally ordained Deacon and Priest, according to the Laws of this Realm: Hath he been legally instituted and inducted; and read the 39 Articles within the Time by Law appointed, and declared his Assent to them, and to the Book of Common-Prayer: Is he defamed or suspected to

Stat. 13 Eliz. c. 12. have obtained either his Benefice or Orders by any Symoniacal Compact.

II. Is your Minister constantly resident among you, and doth he preach every Lord's Day, unless hindred by Sickness, or reasonable Absence: How long in any one Year has he been absent from his Cure:

Can. 45. III. Hath your Minister any Curate to assist him, or is your Benefice a bare Curacy: Is such Curate an able, discreet, and sober Person, conformable to the Laws and Orders of the Church of *England*: Is he Licensed by the Ordinary: And is there a sufficient Salary or Stipend allowed him by your Minister, or the Impropriator: And how much?

Can. 47, 48. IV. Hath your Parson, Vicar or Curate, any other Ecclesiasticall Benefices, or doth he serve any other Cure besides: And at what Distance?

Act of Uniformity. Can. 14. V. Doth your Parson, Vicar or Curate, in Reading the daily Morning and Evening Service, Administration of the Holy Sacraments, Celebration of Marriage, Churching of Women after Child-birth, Visitation of the Sick, and Burial of the Dead, use the Form and Words prescribed in the Book of Common-Prayer, and all such Rites and Ceremonies as are appointed in that Book, so far as you have observed: And doth he read the Service with an audible and distinct Voice: Doth he add to, or omit any Part of the Office appointed to be read?

Can. 58. VI. Doth your Minister at the Reading and Celebrating Divine Offices in your Church or Chapel wear the Surplice, together with such other Habit as is usual to his Degree?

Can. 21, 22, 62. Rubrick before the Commun. VII. Doth he celebrate the Sacrament of the Lord's Supper so often, that every Parishioner may receive it Thrice at least in every Year: And doth he keep back such as ought not to be admitted, giving an Account of them to the Bishop?

Can. 59. Rubrick before Confirmation. VIII. Doth your Minister diligently instruct the Youth of your Parish in the Church Catechism: And doth he prepare and present them, being so instructed, to be confirmed by the Bishop?

Can. 61. IX. Doth he refuse or neglect to visit the Sick, or delay the Baptism of any Infant in Danger of Death: Is there any Child past Infancy, or other Persons grown up,

Can. 67, 69. who through your Minister's Default yet remain unbaptized in your Parish?

Can. 62, 63. X. Hath he married any Persons without Banns first published in the Church on three Sundays or Holy-days unless he had a License so to do: Hath he married any Persons in private Houses, or such as being under Age have not the Consent of their Parents or Guardians, or at any other Hours than between Eight and Twelve in the Morning; or at any Hour Persons that are prohibited to marry, according to the Table of Marriage?

Can. 64. XI. Doth your Minister declare to the People every Sunday the several Holy-days and Fasting-days in the Week following, and doth he observe them?

Can. 74, 75. XII. Is he a man of a sober, studious, peaceable, and exemplary Life: Is he grave, modest, and regular in his outward Demeanour and Apparel: Doth he use any Trade, Gaming, Farming, or Merchandising for filthy Lucres sake: Is he in any kind disorderly and scandalous?

XIII. Doth your Minister with the Churchwardens and Chief Men of the Parish make a Perambulation upon some of the Rogation-days, to view the Limits and Bounds of the Parish, and to desire God's Blessing on the Fruits of the Earth: How long since was the last Perambulation?

Can. 50, 75. XIV. Have you any Person within your Parish who being Ordain'd Priest or Deacon hath voluntarily relinquish'd his Calling, and does behave himself in the Course of his Life as a Layman: Or is there any Person not Ordained according to the Form of making Priests and Deacons in the Book of Common-Prayer that does openly read Divine Service, preach, or execute any Ministerial Duty in your Church or Chapel?

Tit. III.

Concerning the Parishioners.

Act. 9 & 10. Will. c. 32. I. Is there in your Parish any Person that denies the Being of a God, or or (*sic*) any one of the Persons in the Holy Trinity to be God, or that denies the Christian Religion to be true, or the Holy Scriptures of the Old and New Testament to be of Divine Authority, or that maintains any Atheistical or Immoral Principles and Opinions?

Can. 109. II. Is there any Person in your Parish who lieth under a common Fame or Suspicion of Adultery, Fornication, or Incest; wilful Violation of Oath in an Ecclesiastical Court, or Falsifying any Ecclesiastical Instruments: Are there any common Drunkards, Swearers, or Blasphemers of God's Name, or any that are noted to be filthy Talkers, Railers, Sowers of Sedition, Faction or Discord among their Neighbours: Or any that by Sorcery, Charms, or Astrology pretend to tell Fortunes and discover lost Goods, or any that consult with such Persons?

III. Are there any Persons within your Parish that have committed Incontinency together before Marriage: Hath any Woman unmarried being with Child, been harboured or delivered in your Parish, and departed thence before she had done Penance or been censured by the Ordinary; and in whose House has she been harboured or delivered: Or hath any Woman unlawfully begotten with Child in your Parish removed or been conveyed from thence: By whom have such Persons been removed or conveyed: Who are suspected to be the Fathers of such Children?

Can. 85. IV. Are there any that refuse to pay their *Easter* Offerings, and other Dues belonging to your Minister; or to contribute to the Rate made for Repair of your Church or Chapel, or any thing thereunto belonging.

Can. 18. V. Doth every Parishioner demean himself Reverently in your Church or Chapel, during Divine Service and Preaching the Word of God, continuing all the Time with his Head uncovered, kneeling at the Prayers and Sacrament; standing up when the Creed and Gospel are read; saying audibly with the Minister the Confession, Lord's Prayer and Creed; and making such other Answers to the Publick Prayers as are appointed in the Book of Common-Prayer: Are there any that by Walking, Talking, or other Noise, hinder the Minister or Preacher?

VI. Are there any in your Parish who under Pretence of Liberty of Conscience wholly neglect all publick Worship of God, neither going to Church, nor

Act for Exempting, &c. to any Assembly that meet together according to the late Act for Exempting

Their Majesties Protestant Subjects dissenting from the Church of *England* from the Penalties of certain Laws; Have you any such Assembly of Dissenters in your Parish: Have they certified the Place of their Meeting to the Bishop, or such others as that Act appoints: Do they meet with their Doors locked, barred or bolted during the Time of their Meeting: Have their Preachers subscribed the Articles of our Religion (except those excepted in the Act) and taken the Oaths, and subscribed the Declaration therein required?

Can. 114. VII. Have you any Popish Recusants in your Parish, Men, Women, or Children, above the Age of Thirteen-years: If so, what are their Names?

Can. 112. VIII. Are there any professing to live in the Communion of the Church of *England* who neglect to come to the Sacrament of the Lord's Supper, being of Age fit to receive it: Or any that refuse to send their Children or Servants to be catechised. Or do any Children or Servants refuse to come, What Age are they of?

Can. 13. IX. Do any of your Parish profane the Lord's-day, by neglecting the Publick Service, by following their bodily Labour or ordinary Callings, or using unlawful Recreations, or permitting their Servants or Children so to do: Are any Wares sold, or do any Vintners or Alehouse-keepers suffer any Persons to Tipple or Game in their Houses on those Days?

Can. 97, 107. X. Are there any living within your Parish as Man and Wife, who are within the Degrees prohibited: Or any that being divorced have married again to other Persons: Or that being lawfully married, and not separated or divorced by due Course of Law, do not cohabit together?

Can. 40. XI. Do you know, or have you heard of any in your Parish, who having the Presentation of an Ecclesiastical Living, hath made any Simoniacal Compact or Gain thereby; either in Money, or by Reserve of any Part of the Tithes or Glebe belonging to the Benefice: Or by any other corrupt Method?

XII. Hath any Gallery, Pews, Seats, or large Monuments been erected or pulled down in your Church or Chapel, without Leave from the Ordinary: Is there any Strife or Contention about Seats in the Church: Are there any Seats of an extraordinary or indecent Height, so as to hide the Reverend Behaviour of those that sit in them from the rest of the Congregation, or to hinder their neighbours in hearing Divine Service?

5 & 6 Ed. vi. c. 4. Ar. Cl. c. XIII. Is there any Person that hath fought, quarrelled, or brawled in your Church or Church-yard, Or any that hath quarrelled with, stricken or used any Violence to, libelled or spoken any slanderous Words against any Minister in contempt of his Person and Office?

Can. 65, 3. XIV. Have you any in your Parish that be denounced Excommunicate. How long have they been so: Do they presume notwithstanding to come to Church: Do any keep familiar Society with them?

21 H. viii. c. 5. XV. Are there any Wills or Testa- of any Persons dead within your Parish concealed, suppressed, and not yet proved: Hath any Person administred or intermeddled with the Goods of any Persons dying intestate within your Parish, before Administration granted to him by the Ordinary?

Tit. IV.

Concerning Parish-Clerks *and* Sextons.

Can. 91. I. Have you a Parish-Clerk aged Twenty One Years at least: Is he of an Honest Life and Conversation, able to perform his Duty in Reading, Writing, and Singing: Is he chosen by your Minister and obedient to him: Doth he duly attend him in all Divine Services in the Church: Are his Wages duly paid him, or who with-holds the same from him?

II. Doth he or your Sexton keep the Church and the Ornaments belonging to the same clean and decent, and toll or ring the Bells before Divine Service, and perform all other Parts of their Duties diligently and faithfully?

Tit. V.

Concerning Ecclesiastical Officers.

Hath any Ecclesiastical Judge or Officer within this Diocese, any Advocate, Register, Proctor, Clerk, or Apparitor, any way offended in their Offices or Services contrary to the Canons and Laws Ecclesiastical; and in what manner?

Tit. VI.

Concerning School-masters, Schools and Hospitals.

Can. 77, 78, 79. I. What School-master, private or publick, is there in your Parish: Is he Licensed by the Bishop: Does he teach his Scholars the Church Catechism: Doth he cause them to repair orderly to the Church or Chapel on Sundays and Holy-days, and there see that they behave themselves quietly and reverently, during the Time of Divine Service and Sermon?

2. Hen. V. c. 1. II. What Hospital or Free-School is there (not of Royal Foundation or Patronage) in your Parish: Are they in good Repair, and so ordered in their Revenue and Use as the Founders appointed, and the Law of the Land allows?

3. Hen. VIII. c. 11. III. What Persons are there in your Parish that practice Physick, Chyrurgery, or Midwifery: Have they License from the Ordinary?

Tit. VII.

Concerning Church-Wardens.

Can. 89. I. Are the Church-wardens of your Parish yearly and duly chosen:

Ibid. II. Have the former and last Church-wardens given up a just Account of the Money they have received and laid out for the Use of the Church: And have they delivered up the Money remaining in their Hands to the succeeding Church-wardens, together with all other Things belonging to your Church or Chapel:

Rubrick after Communion. III. Do they provide against every Communion appointed in your Church or Chapel, a sufficient Quantity of fine White Bread and good Wine, according to the Number of the Communicants, at the Charge of the Parish:

☞ *It is expected that the Minister and Church-wardens of every Parish take great Care in making, renewing, and giving in* [*fairly ingrossed*] *Terriers, with* new Abuttals *of the Glebe, &c. and in Vicarages particularly specifying what Tithes by Composition or Prescription belong to the Vicar.*

It is further required, That they annex a true Account of all Houses, Lands, Summs of Money, &c. given by any last Will and Testament, or otherwise, to the Reparation of their Church Maintenance of the Poor, or other pious or Charitable Use within their Parishes, with the Abuttals, Quantity, yearly Value and present Occupiers of the same.

They are also to give in Writing a true, plain, and perfect Note of all the Bells, Books, and other Ornaments and Goods belonging to their several Churches and Chapels.

At the Bottom or on the Back of the Bills indented of Births, Marriages and Burials they are to set down the Number of all the Persons of both Sexes, within their respective Parishes, above the Age of Sixteen Years; how many of them are Popish Recusants, and how many Protestant Dissenters, and of what Perswasion. In the Bills when the Parties married or buried or the Parents of Children Christened are not Parishioners they are to put down the Places of the Habitation of such Parties and and (sic) Parents: In the Burials they are to distinguish Men and Women from Children, and married Women from Widows and in the Marriages to certifie whether the Parties were married by Banns or License, and these Bills are to be continued to the Day of the Visitation.

WILL. STANLEY, D.D., ARCHDEACON OF LONDON, 1728.

Articles of Visitation and Enquiry, Exhibited to the Church-Wardens and Side-Men of every Parish within the Arch-Deaconry of London, in the Diocess of London; in the year 1728*.

The Oath administered to the Church-Wardens.

You do Swear that You will truly and faithfully Execute the Office of Church-Warden within Your Parish for the ensuing Year, according to the best of Your Skill and Knowledge; and make true Presentments of all Things and Persons, which You shall find presentable by the Ecclesiastical Laws of this Realm,

So help You God.

The Oath administered to the Side-Men.,

You do Swear that You will be assistant to the Church-

* The date is filled up in MS.

Wardens in the Execution of their Office, so far as by Law you are bound,

So help You GOD.

ARTICLES OF VISITATION and ENQUIRY, &c.

TIT. I.

Concerning Churches and Chapels, with the Ornaments and Furniture thereunto belonging.

Canon 85. 1. Is your Parish-Church or Chapel in good and sufficient Repair, for the Roof, Windows, Floor and Seats, &c.?

2. Hath any part of your Church, Chapel, or Steeple, been demolished or pulled down? What part? How long since? Has any of the Lead, Timber, or Bells thereunto formerly belonging, any way been embezzled or sold? and by whom?

Can. 81. 3. Is there a decent Font of Stone, with a Cover? Does it stand at or near the West End of your Church, in such manner as anciently

Can. 82. and usually Fonts have stood? Does the Minister Baptize publickly in that Font only? Is there a decent Communion-Table in your Chancel, with a decent Carpet, and another Covering of Linen, to be spread thereon at the Time of administring

Can. 20. the Lord's Supper? Have you a fair Chalice, or Communion Cup, with a Cover, and one or more Flaggons? Have they been prophaned or misapplyed by other use?

Can. 82. 4. Have you a convenient Seat for your Minister to read Divine Service in?

Can. 83. A Pulpit with a decent Cloth and Cushion? A large Bible of the proper Translation; together with a Common-Prayer-Book of the

Can. 80. same? Is your Common-Prayer-Book corrected in such Places as relate to the King and Royal Family, as by his Majesty's Order, pur-

Stat. suant to the *Act of Uniformity* it ought to be? Have you the Book of Homilies, set forth by Authority? A Book of Canons? A

99. printed Table of the Degrees wherein Marriages are prohibited? And a decent Hood and Surplice.

70. 5. Have you a Register-Book in Parchment, of Christenings, Burials and Marriages? Is the same kept in all particulars according to the ancient Usage? And is a Transcript of it sent (as it ought) to the Bishop's Registry.

51, 52. 6. Have you a Paper-Book to Record the Names and Licenses of such Strangers as are admitted to preach in your Church or Chapel? And do such Strangers subscribe their Names? Have you another Book for the Church-Wardens

70, 84. Accounts? And a Chest with Locks and Keys, wherein to keep the said Books, and the Furniture before-mentioned?

TIT. II.—*Concerning the Churchyard, Houses, Glebes, and Tythes belonging to the Church.*

Can. 85. 1. Is your Church-yard sufficiently fenced, and decently kept? Has any Person encroached on it, or made any Door into it? And how long since?

2. Is the House of your Parson, Vicar, or Curate, and the Out-Houses in good Repair? Have any of them been pulled down without License from the Ordinary? Have there been Encroachments made on the same? Or have any of the ancient Marks or Bounds been removed or changed? and by whom?

[Can.] 87. 3. Have you a true and perfect Terrier of all the Glebe-Lands, Gardens, Orchards, Tenements or Cottages belonging to your Parsonage or Vicarage? As also an Account in Writing, or Note, of such Pensions, Rate-Tythes, and Portions of Tythes, or other yearly Profits (either within or without your Parish) as belong thereunto? Have any of the same been withheld from your Minister? And by whom; as you know, or have heard?

TIT. III.—*Concerning Ministers.*

Stat. Eliz. 1. Is your Minister a Priest, or Deacon, Episcopally ordained?

2. Has he been legally instituted and inducted into his Benefice? Did he within two Months after his Induction, publickly in the Church, upon some Sunday or Holiday in the Time of Divine Service, read *the* xxxix *Articles of the Church of* England, established by Authority; and declare his Assent to them?

Can. 47. 3. Is your Minister resident among you? How long has be been absent from you? and upon what occasion?

47, 48. 4. Has your Minister a Curate? Is that Curate Licensed by the Ordinary? and conformable to the Laws of the Church?

14. 5. Does your Parson, Vicar, Curate, or Lecturer (if you have any) perform his Office in all Things according to the *Rubrick of Common Prayer*, and the *Act of Uniformity?*

Stat. Without either diminishing from, or adding any thing to the Matter and Form?

58. 6. Does he at the reading of Divine Service wear a Surplice and Hood, according to his Degree in the University?

14. 7. Does he observe the Holidays, Fast-days, and other Days appointed to be kept by the Rubrick?

45. 8. Is he a Minister Licensed to Preach? If so, does he constantly (not having a reasonable Impediment) Preach one Sermon in your Church or Chapel every Sunday? Or if he be not Licensed, or be hindred, does he provide one to supply his Office,

46. by Preaching or Reading one of the Homilies?

Stat. 9. Does your Minister (if residing) read once a Month in your Church or Chapel, the Common-Prayer himself in Person?

Stat. Does he four times a Year read the *Act of Parliament against prophane Cursing and Swearing*, and his Majesty's *Proclamation against Vice and Immorality*, in such manner, and at such times, as he is by Law required?

11. Does your Minister in Preaching set forth Doctrines agreeable to the xxxix. Articles of Religion made and settled in Convocation, *Anno 1562?* Or has he at any time Preached contrary to the same?

55, 1. 12. Does your Minister use the Form of Prayer before his Sermon as he is directed by the Canon? And in that pray for our Sovereign Lord King GEORGE, as Supream Governor, over all Persons, and in all Causes, as well Ecclesiastical as Temporal, &c.?

66. 13. Does he take all proper occasions to confer with Popish Recusants and other Sectaries, or Persons *dissenting from the Church of* England, *or disaffected to the present Government?* Does he endeavour to bring such to the true Religion profest and establish'd in the *Church?* And encourage a Loyalty and Affection in them to *his Majesty's Person and Government?*

59, 61. 14. Does he instruct the Youth of your Parish in the Church-Catechism?

Rubr. to Catechism. And prepare them against the Bishop's Confirmation?

67, 68, 69. 15. Does your Minister neglect or delay to visit the Sick, bury the Dead, or baptize any who are in Danger? Does he baptize any without Godfathers and Godmothers? Or admit either

29. of the Parents to be Godfather or Godmother to their own Children?

62. 16. Has your Minister married any clandestinely in a private House? Or

100. irregularly? Without Banns, License, or Dispensation? Without consent of Parents or Guardians? Or by any other Form? Or in any other manner

Rubrick. than that directed by the Rubrick and Common-Prayer-Book? And who have been so married?

74, 75, 76. 17. Is your Parson, Vicar, Curate or Lecturer, a Man of a sober Life and Conversation? Is his Dress and Apparel decent? Or is his Carriage in any kind disorderly, scandalous, and unbecoming a Minister?

TIT. IV.

Concerning Parishioners.

[Can.] 115. 1. Is there any Person in your Parish, who liveth under a *Common Fame or Suspicion* of Incest, Adultery, or Fornication? Are there any common Drunkards in your Parish, Common Swearers, or Blasphemers of God's Name, &c.? Any who are noted to be Railers, Unclean, and filthy Talkers, or Sowers of Sedition, Faction, or Discord?

13. 2. Do any upon *Sundays* follow their ordinary Business or Labour? Are any Shops kept open, or Wares sold? Or do any Vintners, Innkeepers, or other Victuallers and Sellers of Beer or Ale, suffer any Persons to waste their Time, or tipple in their Houses?

18, 19, 90, 111. 3. Are there any who are irreverent at Church? Any who loyter, or are noisy in the Church-yard during the time of divine Service?

** 21.

** of In[dul]gence.

4. Have you any Persons, who under a Pretence of going to some *Meeting* by Law *tolerated*, wholly neglect all publick Worship of God, and go to no place at all on *Sundays?*

[Stat.] 1. E[liz.] c. 2. ** Jac. ** c. 1.

5. Have you any Assemblies for religious Worship in your Parish besides your Church or Chapel? Have they certified the Place of their Meeting to the Bishop, Archdeacon, or such other Person as the Statute directs? Do they meet with their Doors locked, barred, or bolted, during the Time of their divine Service? Have their Preachers subscribed *the* xxxix *Articles of Religion* (except those who are excepted by the said Act) and have such taken the Oaths, and subscribed the Declaration therein required?

[Stat.] 1. W. and M. c. **

Rubr. to Baptism.

6. Is there any who refuse to send their Infant Children to be baptized in the Church, unless in Case of Danger? Do they send them to be baptized in other Parishes? Are they baptized after any other Form than what is appointed by Rubrick? Are they kept longer unbaptized than is proper and allowed? Are there any Persons of riper Years as yet unbaptized? And who are they?

65.

7. Are there any who are denounced and declared Excommunicated for any Crime? How long have they been so Excommunicated? Are they suffered to come to Church?

85.

Or do any keep Society with them before they are reconciled to the Church and absolved?

99.

Table. An. 1563. 107.

8. Are there any who have been unlawfully married contrary to the Laws of God? Any who being lawfully divorced have married again? Or any who being lawfully married, and not separated or divorced by Course of Law, do not co-habit together?

Rubr.

Rubr.

9. Are there any married Women, who after Delivery from the Peril of Child-birth, refuse to make their publick Thanksgiving to God in Church? When they come so to do, are they decent? And do they make their Offering according to Custom?

Rubr.

10. Are there any who refuse to pay their Easter Offerings, or to contribute to the Rates made for the Repair of your Church or Chappel, or any thing belonging thereunto?

11. Is there any Dispute or Contention among your Parishioners about Pews or Seats in the Church? Have any Pews, Galleries, or Monuments been erected in your Chancel, Church, or Chapel? Or have any Vaults been made in any of them without License or Faculty from the Ordinary? Or has any buried Corps been removed without?

12. Are there any Wills of Persons dead in your Parish not yet proved, or any Goods administred without Authority from the Ordinary? Are there any Gifts or Legacies, made or left to the Church, Poor, or to other pious Uses? What are they? How have they been bestowed. Have they been misemployed or embezzled?

Tit. V.—*Concerning Parish Clerks and Sextons.*

Can. 94.

1. Have you belonging to your Church or Chapel a Clerk, aged twenty Years at least? Is he of honest Life and Conversation. And sufficiently able to perform his Duty in Reading, Writing, and Singing? Is he chosen by your Minister? And does he duly attend him in all Divine Services at the Church? Are his Wages duly paid him? Or who withholds the same from him?

2. Does he, or your Sexton, (if you have any such appointed) take Care of your Church or Chapel? Does he see that the Doors be locked and opened in due Time? Does he Ring and Toll the Bell or Bells, at the usual Hour before Divine Service, that the People may be warned to come to Church? And when any Person is dying, does he upon Notice given him thereof, toll a Bell that the Neighbours may be warned thereby to meditate on their own Deaths, and commend the Soul of the dying Person to the Grace and Mercy of God?

Tit. VI.—*Concerning Shoolmasters (sic), Schools, Physicians, Surgeons, and Midwives.*

Can. 77, 78, 79.

1. Does any Man keep a publick School in your Parish? Is he licensed by the Ordinary? Does he teach the Youth the Church-Catechism, and bring them to Church at all proper Times?

Stat. 1. Jac. 1. c. **

2. Does any one in your Parish practise Physick, or Surgery? Does any Woman take upon her to exercise the office of a Midwife? Are they all licensed? Who is not?

Tit. VII.—*Concerning Church-Wardens and Side-men.*

Can. 89, 90.

1. Are the Church-Wardens of your Parish, yearly and duly chosen by the joint Consent of your Minister and Parishioners? Or one by your Minister, and the other by your Parishioners?

18, 19.

2. Do your Church-Wardens and Side-men note them who come too late to Church, after Service is partly over? Or depart before the whole is ended? Do they suffer none to stand idle, or talk in the Church-yard or Porch during the Service?

20.

Rubr. to Communion.

3. Do they suffer no Misbehaviour or Indecency to be committed in the Church? Do they take care against every Communion-Day to provide a sufficient Quantity of fine white Bread, and wholsome Wine for the Communicants, as in the Rubrick to that Service is directed and required? Do they at any Time dispose of the Money given at the Offertory, without the Concurrence of your Minister?

Tit. VIII.—*Of Apparitors and other Ecclesiastical Officers.*

Can. 134, 135, 135.

Is the Number of your Apparitors too great? Have any of them, or any other Ecclesiastical Officer in this Archdeaconry exacted excessive Fees? Or taken any Bribe for Concealment, or Impunity of Delinquents? Or have they threatned Prosecutions where they have had no Reward? Or any otherwise misbehaved themselves in their Offices?

Can. 119, 118.

N.B.—You are to exhibit a Bill of Presentment to this Court, of all and every the Offenders in any of the Matters mentioned in these precedent Articles, and therein to take the Advice and Assistance of your Minister; and the Minister, or Curate in his Absence, may join with the Church-Wardens in their Presentments; and upon neglect of the Church-Wardens, he is bound under the greatest Obligations

Can. 113, 114.

(for the more effectual Suppression of Wickedness and Vice) to present himself, all such Things as he knows amiss and presentable in his Parish.

Can. 119.

It is expected that every Church-Warden and Side-man do attend the prayers and Sermon at the Visitation; and that they come with their Presentments ready framed and drawn; otherwise they shall be rejected and prosecuted for Neglect.

Finis.

" Articles of Enquiry: according to the Rubricks of the Book of *Common Prayer* and other Ecclesiastical Laws now in force, for the help of the Church-wardens of every Parish, within the Arch-Deaconry of *Durham*, in the Visitation of the Honourable and Reverend Robert Booth, Doctor of Divinity, Archdeacon of *Durham*. *Anno. Dom.* 171.*

" *Newcastle* upon *Tine:* Printed by John White, at his house on the *Side*."

[British Museum, " Theology, 1566. 1636 — 1829 "— Catalogue, " 13 LLK. 1566."]

" Tit. I.

Concerning Ministers, their Duty and Office.

" *Section* 1.

" IS your Minister conformable in his Life and Doctrine to the holy Rule and great Example of our Lord Jesus

* " In a MS. Note on the Title-page they are called 'Articles of Inquiry in the Archdeaconry of Durham, A.D., 1663. vid. Pam. 42, p. 2.' The reference seems to be to some Collection of Pamphlets with which these Articles had been bound up by their possessor. There appears, however, to be some error in this date, for no record occurs of any Archdeacon of Durham of that name before 1691: Le Neve, in his List, mentions 'Robert Boothe, S. T. B., succeeded 15th May, 1691: void by the deprivation of Grenvile (Reg. Dunelm). Died 7th Aug. 1730, and buried at Bristol, of which Cathedral he was dean.'—*Fasti. Eccl. Ang.* vol. III. p. 305. Oxford, 1854. So too among the 'Archdeacons of Northumberland,' he names 'Robert Booth, 15 May, 1691.'—*Ibid.* p. 308. The coincidence of Dates seems to prove that it was the same person who held both offices, and the different spelling of the name, without an *e* in this latter case, suggests him to have been the Archdeacon of Durham to whom the Articles are attributed. In any case, however, the Articles are *subsequent* to the last Revision of the Book of Common Prayer, which is the reason for here quoting them: and as one of them (not here† given) refers to 'Stat. *Will.* III. chap 4,' and to '*An Act* Anno. 6 and 7 Guil. 3.,' both of which were made in 1695, it seems most probable that the date of these Articles is between 1710 and 1720, the last figure after '171' having apparently dropped out."‡—*Perry's Lawful Church Ornaments, Lond.* 1857. *p.* 459.

† *i.e.* in the Volume from which this Note is taken.

‡ It may be that the blank was left in order to be filled in with the date of future Visitations. T.W.P.

CHRIST? Or doth he give any just Scandal or Offence, by haunting Taverns, Inns, or Alehouses, or other suspected Places? Or doth he in any other respect walk unworthy of his holy Vocation and Ministry?

"1. *Sober Conversation required in Ministers*, Can. 75.

"2. *Constit.* Rich. Wethersed *Archiepi. Cant. Lynd.* K. Edward VI. *his Injunct.* Sparrow p. 4. 2. *Eliz. Injunct.* Sparrow 69," *Can. Apost.* 54. *Concil Carthay.* 3 *um. Can.* 27. *Concil Rhemense* 2 *um.* 813. *Can.* 26. *De vita & honestate Clericorum, Lyndwood Lib.* 3. *Tit.* 1.

"*Section* 2.

"DOTH your Minister every Lord's Day, instruct the Children and Youth of his Parish, in the Church Catechism? And doth he prepare and present them being so instructed to be Confirmed by the Bishop? And doth he endeavour every Year carefully to inform himself of how many Popish Recusants, Men, Women, and Children, above the age of Thirteen Years, are Inhabitants within your Parish, or make their abode there, either as Sojourners or Common Guests? And doth he endeavour to reclaim all Popish Recusants, and other Sectaries (if any such be inhabiting in your Parish) to the true Religion Established in the Church of *England*, and to their bounden Duty in obeying the Laws, and submitting to the Government thereof.

"1. *Rubrick at the End of the Church Catechism*, Can. 59.

"2. *Rubrick at the End of the Church Catechism*, Can. 60.

"3. Can. 66. Can. 114.

"*Section* 3.

"WHETHER doth he every *Sunday* and *Holy-day* thro' the Year read so much of the *Communion-Service*, as is appointed to be read by the Book of *Common-Prayer*, and at the *place* appointed, thereby professing his and the Churches readiness, to the more frequent Celebration of the Holy Eucharist, if Communicants were not wanting.

"1. *Rubrick after the Communion-Service.*

"2. *Rubrick before the Communion-Service.*

"*Section* 4.

"DOTH he give notice of *Holy-Days*, and *Fasting-Days*, of the *Lent-Fast* and of the *Ember-Weeks*, that the people be minded to pray to [? for] such as are to be solemnly called to the Work of the Ministry? Doth he give notice of the Yearly *Perambulation* in *Rogation-Week*, for preserving the Bounds of the Parish, and for desiring God's blessing upon the Fruits of the Earth? And doth he at certain convenient places sing or say, the two Psalms, beginning, *Benedect anima mea* (i.e. 103, 104) with the Litany and Suffrages thereunto, with one Homily of Thanksgiving to God, already devised and divided into four Parts.

"1. *Rubrick after the* Nicene Creed, *Can.* 13. *5th and 6th of* Edward *the* 6*th*, chap. 3. *Act of Uniformity*, 1 Eliz. 1. 14. Car. 2. Q. Eliz. *Injunct.* 1559?

"2. *Concerning Days of Fasting or Abstinence, at the beginning of the Common-Prayer-Book*, Can. 31. *Concil Agath.* c. 15, *apud. Gratian. Dist.* 50. *Can.* 64. *in Capite Concil. Meldense Can.* 76. *Anno* 845. *Concil. Moguntium, Anno* 813: *Can.* 34. *Canones Regis Edgari Anno* 967. *Spelm.* T. 1. *p.* 460. *Leges Canuti C.* 16.

"3. *Q. Eliz.* Injunct. 1559, 1564. Concil Aurelianense 1, *mum. Anno* 511, Can. 24.

"*Section* 5.

"IS the 30th of *January*, 29th of *May*, and 5th of *November*, religiously observed? And does your Minister read the several Acts of Parliament that are enjoyned to be read on those Days? Does he likewise read four times in the Year his Majesty's Proclamation against Immorality and Prophaness, and the Act against Cursing and Swearing? Stat. *Will.* 3. Chap. 4.

"1. *An Act* Anno 12. Car. 2 *for a perpetual Fast on the* 30*th of* January, *c.* 30.

"2. *An Act* Anno 12 Car. 2. *for a perpetual Thanksgiving on the* 29*th of* May, *c.* 14.

"3. *An Act* Anno 3. Jacob. 1. *c.* 1. *for a public Thanksgiving on the* 5*th of November.*

"4. *An Act* Anno 6. *and* 7. Guil. 3.

"*Section* 6.

"WHETHER doth he give *Warning* publickly in the Church at Morning Prayer the *Sunday* before he Administruth the Communion (by reading one of the Exhortations in the Book of Common Prayer) for the better Preparation of the Parishioners? And whether doth he administer the Sacrament so often, that every Parishioner may receive three Times in the Year at least, of which, *Easter* is to be One?

"1. *Rubrick in the Communion Service*, Can. 22.

"2. *Rubrick after the Communion Service*, Can. 21 *Constit.* Simonis Sudbur. *Archiep. Cant. Lynd. Concil Agath Can.* 18. *Anno.* 506.

"3. *Can.* 112. *Rubrick after the Communion.*

"*Section* 7.

"DOTH he use any other Prayer before Sermon in the Pulpit, than what is enjoin'd by the Canon? Does he also after his Sermon wholly forbear to use any Kind or Form of Prayer of his own Invention or Composure? And does he pronounce the *Blessing* wherewith the Church useth to dismiss the People? Doth he in time of Divine Service, use due and lowly Reverence at the mention of the Blessed Name of JESUS, instructing others to do the like, not as an Adoration of the bare Sound of the Word but as an Acknowledgment that there is not in Heaven or Earth, any Name, by which we shall be saved, but that alone.

"1. *Can.* 55. *K.* Edward's *Injunctions.* Q. Eliz. *Injunctions*, 1559.

"2. *Rubrick at the end of the Communion Service.*

"3. Philip. 3. 10. *Can.* 18. Q. Eliz. *Injunction* 1559. *Concil. Bitterense. Anno* 1351. Can. 1. *Concil. Avenionense, Anno* 1326. Can. 4.

"*Section* 8.

"WHETHER doth he in his Parish Church or Chapel, read the Book of Canons, and Constitutions agreed on at the Synod holden at *London*, Anno 1603. upon some Sundays or Holy-days in the Afternoon, before Divine Service, dividing the same in such Sort, as that the one half may be read on one day, and the other on another Day? Doth he read the whole 39 Articles unto the People twice every Year, so that they may the better understand the same, and be made more thoroughly acquainted with the Doctrine of the Church of *England*, and not to be so easily drawn away from the same, before they know what it is?

"1. *Ratification of the Canons at the End of them.*

"2. *K.* Charles II. *his Direction to Preachers*, 1662.

"*Section* 9.

"WHETHER doth your Minister keep a Book, wherein he noteth and writeth down, the Names of all Persons excommunicated and suspended in your Church? And whether doth he every six Months, openly denounce in his Parish Church, every such Person of his Parish as doth persevere in that Censure of Excommunication, not seeking to be absolved, Can. 65.

"*Section* 10.

"WHETHER hath your Minister admitted any notorious Offenders, or Schismaticks to the Communion, contrary to the meaning of the 26th and 27th Canon? Or doth he admit any to the Holy Communion that are not *Confirmed*, or that are not ready and willing so to be.

"1. *Rubrick before the Communion Service. K.* Edward's *Injunction.* 1547. Sparrow 10. *Q* Eliz. *Injunction.* 74. *The Canon whereby our Church declareth her Mind particularly in this Matter*, (i.e. *who are meant by* Notorious Offenders) is 109.

"2. *Rubrick after Confirmation. Constit. Johan. Peccham Archi. Epi. Cant. Lynd. Lib.* I. *Tit.* 6.

"*Section* 11.

"WHETHER hath he married any Persons in the Time wherein Marriage is by Law restrained, without a lawful License, *viz.* from the Saturday next before *Advent Sunday* until the 14th of *January*, and from the *Sunday* next before *Septuagesima Sunday*, until the *Monday* next after *Low Sunday*; and from the *Sunday* next before the Rogation Week until Trinity *Sunday*? Whether hath he married any, at any other Times, than between the Hours of *Eight* and *Twelve*, or in any private House, or before their Parents and Governours (the Parties being under the age of 21 years) have testified their Consents.

"1. *Extr. de Feriis Cap. Capellanus Lynd.* L. 3. *Tit.* 16. p. 185. L. 4. *Tit.* 2. p. 274.

"2. *Can.* 62. 3 *Can.* 62. 100.

"*Section* 12.

"DOES he read the *Litany* at his Church or Chapel, on *Wednesdays* and *Fridays* throughout the whole Year? Is he diligent in visiting of the Sick, and does he exhort them to be Charitable to the Poor, according to their Ability? Does he refuse or delay to baptize any *Infant* that is in danger of Death? If the Child be baptized in private, and doth afterwards recover, is it brought into the Church, and the Baptism of it there *Certified* to the Congregation?

Is there any Child past his Infancy, or other Person of more Years, thro' your Minister's Fault, yet remaining unbaptized among you? And doth he in the Administration of that Sacrament, admit any Parents to be Godfather or Godmother to their own Children? Or any Person to be Godfathers or Godmothers that have not received the *Sacrament?*

" 1. *Rubrick before the Litany. Can.* 15.

" 2. *Rubrick before the Visitation of the Sick, Lynd. p.* 63.

" 3. *Rubrick in the Visitation of the Sick.*

" 4. *Ministration of private Baptism,* Can. 69.

" 5. *Rubrick the second in private Baptism.*

" 6. Can. 29. *Concil. Moguntium Anno* 813, *Can.* 55.

" 7. *Articles for Doctrine and Preaching, 7th of Q. Eliz.* 1564. Sparrow. *Liber Quorundam* Canon, *Anno* 1571. Sparrow, *p.* 232. *Can.* 29.

" TIT. I.

" *Concerning Things appertaining to Churches.*

" *Section* 1.

" IS your Church and Chancel decently and comely kept, as well within as without; and are the Seats well maintain'd, the Steeple and Bells preserved; the Windows well glazed; the Floor kept plain and even; and all Things in orderly and decent Sort without Dust or any Thing that may be either noisome or unseemly for the House of God, as is prescribed in a Homily to that Effect, and the 85 Canon?

" *Section* 2.

" WHETHER is your Church-yard well and sufficiently repaired, fenced, and maintained with Walls, Rails or Pales? and if Part be to be maintained by any particular Persons, then you shall present how much, and what Part every such Person hath, or is to maintain or repair.

" 1. *Lynd. Lib. Tit.* 27. Can. 58.

" *Section* 3.

" HAVE you a decent Font set up at the lower Part of your Church for the Administration of the Sacrament of Baptism?

" *Can.* 81. *Lynd.* 3. *Tit.* 24. *Lib.* 3. *Tit.* 27.

" *Section* 4.

" HAVE you a convenient Pew, for your Minister to read Divine Service in? A *Pulpit,* with a decent Cloth and Cushion? A large Bible, and the Book of Common Prayer, both well and substantially bound? Have you likewise the Book of *Homilies?* A Book of Canons and Constitutions Ecclesiastical? A printed Table of *Degrees,* wherein Marriage is forbidden?

" 1. *Rubrick before Morning Prayer,* Can. 82, Can. 83, Can. 80, *Lib. Can. Discipl. Eccles. Angl.* 1571. Spar. 4, Can. 80.

" 5. *Ratifications of Canons at the End of them.* Can. 99.

" *Section* 5.

" HAVE you a decent *Communion Table,* for the Administration of the Sacrament of the Lord's Supper? Are there two fair and large Coverings for it, one of Silk, Stuff, or fine Cloth; another of fine Linen; with a Plate or Paten, and a Cup or Chalice of Silver, and two fair Flagons of Pewter or purer Metal belonging to it?

" 1. *Can.* 82.

" 2. *Can.* 82. *Rubrick before the Communion. Articles for Doctrine and Preaching, 7th* Eliz. *Constit. de Archidiac. Lynd. Constit. Provinc. Concil. Oxon. Steph. Cant. Archiepi. Lynd.*

" 3. *Constit. Provinc. Concil. Oxon. Steph. Cant. Archiepi. Lynd. Constit.* Rich. Wethershed. *Cant. Archiep. Lynd. Concil. Triburiense Anno.* 895. *Canon.* 18.

" *Section* 6.

" HAVE you a large and decent Surplice (one or more) for your Minister to wear at all Times of his public Ministration in the Church, with an Hood or Tippet to wear over it; Have you a *Terrier* of the Glebe-Lands, and other Possessions belonging to your Church? Have you a Book of Parchment, wherein to Register the Christnings, Marriages and Burials of your Parish? Another Book, wherein to Record the Licences of all strange Ministers, that are admitted at any Time to preach in your Church or Chapel? And a third Book, wherein to write down the accounts of the Church-Wardens; and to keep an Inventory of all Things provided and belonging to your Church? Have you a strong *Chest,* with Locks and Keys, wherein to keep all those Books, and other Books, and other Furniture for Divine Services, in safe Custody? And lastly, have you a *Box,* wherein to put and keep Alms for the Poor, and a *Bier,* with a Black Herse-Cloth, for the Burial of the Dead?

" 1. *Can.* 58.

" 2. *Lynd de Officio. Archidiac.*

" 3. *Can.* 58.

" 4. *Can.* 87.

" 5. *Can.* 70. *K.* Edward's *Injunction.*

" 6. *Can.* 52.

" 7. *Can.* 84.

" 8. *K.* Edward's *Injunctions, Q.* Eliz. *Injunctions,* 1559.

" 9. *Lynd. Lib.* 3. *Tit.* 27.

" TIT II.

" *Concerning Parishioners.*

" *Section* 1.

" IS there any Person in your Parish, that lieth under a common Fame or Suspicion of Adultery, Fornication, or Incest? Are there any common Drunkards within your Parish, or common Swearers, or Blasphemers of GOD's Name, or any that are noted to be *Railers,* unclean or filthy Talkers, or Sowers of Sedition, Faction or Discord amongst their Neighbours? You are to present all such; knowing that the Discharge of your Duty herein, is a Means to reform such Disorders in your Parish, and to prevent the Judgment of GOD from falling on the same.

" 1. *Canon* 109.

" 2. *Church-Wardens are obliged to prevent the Offences committed against* 1 *Jac.* 1. 9 *and* 4 *Jac.* 1. 5. *according to the Alterations of this Act.*

" 3. *Stat.* 37. Hen. VIII.

" *Section* 2.

" DO your Parishioners frequent the Church on Sundays and Holy-days? Do they behave themselves reverently in that holy Place? Do they devoutly kneel when the Confession, the Ten Commandments, and all Prayers and Collects are read? Do they stand up at the Creeds? And at the End of every Prayer, do they answer *Amen?* And lastly, do they use due and lowly Reverence, when they hear the Name of the Blessed JESUS.

" 1. *Canon* 13. 90. *Calendar prefixed to the Liturgy. Acts of Uniformity.*

" SUCH as repair not to Church, on Sundays and Holy-days, on the Evidence of one Witness, 1 *Eliz. cap.* 2. are to pay twelve Pence for every Default, absenting for a Month; A twelve Month or more, twenty Pounds per Month, or Forfeiture of two Parts in three of their Estates, 23. *Eliz.* cap. 1. 3., Jac. c. 4., Every Person is obliged to be present as well at Evening Prayers, as at Morning Prayers.

" 2. *Can.* 18. *A Person may be indicted for using indecent and irreverent Behaviour in the Church, during Divine Service.* Pasch. 75. Car. 2. 1. Keble. 49.

" 3. *Can.* 18. *Rubrich before the Confession.*

" 4. *Rubrick before the Commandments, Can.* 18. *Rubrick before the Collects.*

" 5. *Can.* 18. *Rubrick before the Creed.*

" 6. *Rubrick before the Lord's Prayer in Morning Prayer.*

" 7. *Can.* 18. Phil. 2. 10. Injunct. Q. Eliz. 1559. *Concil. Bitterense, Anno* 1351. *Can.* 1. *Concil Avenionense,* 1326. *Can.* 4.

" *Section* 3.

" WHETHER are there any Persons in your Parish, that do publicly sell, dispense or communicate to others any Superstitious, or Popish Books or Writings? Any Schismatical Libels, Treatises or Papers derogating from, or contrary to the Religion, State or Church Government of this Kingdom of *England,* the Laws and Canons of the same, the Ministry and Priesthood therein?

" 3. *Canon* 7. 23. *of Hen.* 8. 15. 14. *of Ch.* 2. 33. 13. of James 1. 5. 2. Elizabeth's *Proclamation.* Spar. 17.

" *Section* 4.

" ARE any Excommunicated Persons permitted to come within your Church, during the Time of Divine Service? Are there any in your Parish who keep familiar Society with them before they are reconciled to the Church, and absolved? Or have any Persons so dying, been buried with *Christian Burial?*

" 1. *Capit sine Constit. Eccles. London* 1597. *Sparrow p.* 252.

"2. *Lib.* 8 *Tit.* 28 *p.* 266. *Lynd.* 33 *Article of Religion. Concil Antioch. An.* 341 *Can.* 2. *Concil. primum Tolet.* Can. 15.

"3. *Clem. L.* 3. *Tit.* 7 *de Sepulturis Clem.* 5. *in Conc. Viennensi.*

"*Section* 5.

"IS there any Person in your Parish of the age of Sixteen Years who does not receive the Sacrament Three Times in the Year, at the least of which *Easter* is always to be one? Do any refuse to receive it meekly *kneeling* upon their knees? Or resort to other Parishes? Or do any strangers come to your Parish Church to receive it?

"1. *Rubrick after the Communion. Constit.* Sim. Sudburys, *Arch. Ep. Cant. Lynd Concil. Turonese Anno.* 813. Can. 50.

"2. Can. 112. *Rubrick after the Communion.*

"3. *Rubrick before the Minister delivers the Bread.* Can 27.

"4. *Concil. Aurelianense primum Anno* 511. Can. 25. Can. 28.

"*Section* 6.

"WHETHER do your Parishioners observe the Lord's Day in all Soberness and Godly conversation? Or are there any that do exercise their ordinary Vocation and Calling upon that day, either by themselves or Servants? Or are there any that have prophaned the same by playing at Cards, Dice, Tables, or any other foolish delight or vain Pleasure?

"Can. 13. *Q.* Eliz. *Injunction,* 1559. Sparrow 73. *Concil. Clovesho.* 747. Can. 14. *Concil.* Aug. Tom. 1. 249. *Saxon Canons* c. 24. *Concil Rhemense secundum* 213. Can. 35 *Concil. Aurelianense tertium* An. 538. Can. 28.

"*Section* 7.

"WHETHER are there any Persons within your Parish that neglect or refuse to send their Children or Servants to be Catechised by your Minister on Sundays and Holydays?

"Can. 59. *Rubrick after the Church Catechism.*

"*Section* 8.

"HAVE you any in your Parish that refuse to contribute to, and pay the Rent assessed upon them for the Repair of the Church or Chapel, or the providing any Books, Utensils, or necessary Ornaments to the same belonging.

"Can. 91. Can. 85.

"TIT. IV.

"*Concerning Church Officers.*

"*Section* 1.

"WHETHER are your Church-Wardens chosen yearly, on some Day in EASTER Week? And whether do the Church-Wardens at the end of the Year, or within one Month after, give a true and just Accompt (before the Minister and Parishioners) of such Money as they have received and disbursed?

"Can. 89.

"*Section* 2.

"WHETHER is the forfeiture of 12*d.* per Sunday duly levied upon such as come not to their Parish Church? And whether do the Church-Wardens employ it to the Use of the poor, as the Statute in that Case directs.

"1 *Eliz.* Cap. 2.

"*Section* 3.

"HAVE you a Parish Clerk aged twenty one years at the least? Is he a person of Sober and Godly Life and Conversation, and sufficient and able to perform his Duty in Reading, Writing, and Singing? Is he chosen by your Minister, and doth he duly attend him in all Divine Services at the Church?

"Can. 91.

"*Section* 4.

"IS your Clerk or Sexton diligent in keeping clean the Church, Ringing the Bells in due Time, and tolling a passing-Bell when any persons are departing, to the Intent that they who are within hearing of it may be moved in their private Devotions to recommend the State of the departing Soul into the Hands of their Redeemer?

"1. Can. 67.

"2. *Articles for Doctrine and Preaching, Anno.* 1564. Sparrow.

"*Section* 5.

"WHETHER hath your Parish-Clerk made Proclamation in your Church, touching any goods strayed away or wanting, or of any Court-Leet, or Court-Baron to be held, or of common Days-Works to be made, or touching any other thing, which is not meetly Ecclesiastical, or a Church Business?

"*Rubrick before the Offertory in the Communion Service.*

"TIT. V.

"*Concerning School-Masters, Midwives, Chirurgeons, Physitians.*

"*Section* 1.

"WHAT School-Masters have you in your Parish? Are they Licensed by the Bishop? What are their Names? Are they Persons of Sober Life and Conversation? Do they teach their Scholars the Church Catechism? And do they duly and regularly bring them to Church on Sundays and Holy-days? Do they examine them after they return what they have learned of the Sermon? Whether do they teach them at other times such sentences of Holy Scripture as may induce them to all Godliness?

"1. *Can.* 77. *By the* 3 Jac. ch. 4. *it is provided, That he that shall keep in his House a School-Master not allowed by the Bishop, forfeits Ten Pounds, and the School-Master is disabled to teach for ever afterwards, and is to be imprisoned a Year without Bail.*

"2. Can. 79. 3. Can. 79. *Q.* Eliz. *Injunctions.*

"*Section* 2.

"DO any in your parish practice Physick without Lawful License of their Ordinary? Are they Persons of sober Life and Conversation? Do they diligently *exhort* their Patients when in danger of Death, to send for the Minister of the Parish, in order to consult him for the Eternal Welfare and Happiness of their Souls?

"1. 3. Henry 8. 11.

"2. *Concil Parisiense. An.* 1429. Can. 29. *Decretal. Gregor.* g. *L.* 5. *de pœnit. & remiss.* Tit. 38. Cap. 13. *cum Infirmitas.*

"*Section* 3.

"ARE there any in your Parish that practise Chirurgery, or any Women the Office of a Midwife, without Approbation and Lawful Licence of the Ordinary?

"3. Henry 8. 11.

"*Section* 4.

"HAVE you any Church Stock? In whose Hands is it? To what Uses was it given? Is it employed to the same Uses? If not, in whom is the Fault?

"If you have anything else of Ecclesiastical Cognizance, and fit to be reformed by Ecclesiastical Censure, tho' it be not particularly expressed in these Articles, yet you shall likewise present the same by Virtue of your Office.

"*Directions to the Clergy.*

"YOU are desired by your Ordinary to read these Articles to your Church-Wardens, and direct them how to discharge a good Conscience, by making a particular, sincere, and sufficient Answer to each Article, and join your selves with them in the Presentments, as by consequence from the Canon you are obliged to do, if need be, (and certainly never was more need) when you cannot otherwise root out Sin and Impiety.

"*Can.* 113.

"*Advertisement to the Church-Wardens.*

"YOU ought seriously to consider, that the faithful discharge of your Offices, according to your Oaths and Duties, is a special Means to repress, punish, and reform Sins, Scandals, and Disorders in your Parish, as also to preserve the Honour of Religion, and the Peace of the Church, to the Glory of our God and Saviour, [which are the great Uses and Ends of all Church Government and Discipline] and on the contrary, if you neglect your Duties herein, you sin against God, your Consciences, and the Churches Prosperity, being liable in the Case of wilful Omission and Perjury to those Punishments which are by Law to be inflicted on you for your Defaults.

"*Can.* 118.

"*The Form of Drawing the Bill of Presentment.*

"The Church-Wardens Presentment is to be made according to this following Form, or as near unto it as conveniently may be, and to be given up in a Sheet of Paper.

"At the Arch-Deacon of *Durham's* Visitation held at the day of *Anno* 171

"We the Church-Wardens of have diligently perused all the Particulars contained in the first Head of our BOOK OF ARTICLES, and we present and otherwise we have nothing to present concerning that Head.

"Also we have perused the second, and so all the rest.

"And under all let every Church-Warden write or subscribe his own Hand or Mark to the Presentment, and so deliver it, for it will be required of them to give an Answer thus particularly unto every Head of these ARTICLES.

"The Church-Wardens must at the end of the said Bill of Presentment set down the number of all Recusants, Non-Communicants, and Communicants as followeth,

"Recusants Men - - - -
"Recusants Women - - - -
"Non-Communicants of both Sexes - -
"Communicants of both Sexes in the whole Parish - - - - -

"*A Branch of the Statute made in the first Year of Queen* Elizabeth *Entituled* An Act for the Uniformity of Common Prayer and Service in the Church.

"ALL His Majesty's Subjects shall diligently and faithfully, having no lawfull or reasonable Excuse to be absent endeavour himself to resort to their Parish-Church or Chapel accustomed, or upon reasonable lett thereof, to some usual Place where Common-Prayer and such Service of God shall be used in such times of lett upon every Sunday and other Days ordained and used to be kept as Holy Days, and then and there to abide orderly and soberly during the time of the Common-Prayer, Preaching, or other Service of God there to be used and ministred, upon pain of Punishment by the Censures of the Church; and also upon pain that every Person so offending shall forfeit for every such Offence 12d. to be levied by the Church-Wardens of the Parish where such Offence shall be done, to the Use of the Poor of the same Parish, of the Goods, Lands, and Tenements of such Offenders, by way of Distress. And for the due Execution thereof; the King's most Excellent Majesty, the Lords Temporal, and all the Commons in this present Parliament assembled, do in God's Name earnestly require and charge all the Arch-Bishops, Bishops, and other Ordinaries, that they shall endeavour themselves, to the uttermost of their Knowledges, that the due and true Execution hereof may be had throughout their Dioceses and Charges, as they will answer before God for such Evils and Plagues, wherewith Almighty God may justly punish his People for neglecting this good and wholesome Law.

"*Church-Wardens Oath.*

"YOU shall swear to enquire with your best diligence, and to make a true Answer unto every ARTICLE in this BOOK, now given you in Charge, and to present every Person, that now is, or of late was, inhabiting within your Parish, that hath done any offence, or omitted any duty therein mentioned; and this you shall do, as in the sight of God, uprightly and truly, without Favour or Malice, hope of Reward, or fear of Displeasure. So help you God, and the holy contents of this BOOK.

"N. Levit. 9. 12. *And ye shall not swear by my name falsly.* Isaiah 65. 16. *He that sweareth upon Earth, sweareth by the God of truth.* Mal. 3. 5. *I will be a swift witness against false Swearers.* Zech. 5. 4. *A curse shall enter into the House of him that sweareth falsely.* 1 Tim. 1. 10. *The Law is for Liars and perjured Persons.*

"Forasmuch as by sad Experience it is found, that the Rights and Revenues of the Clergy, are much lessened and diminished, by the Intervention of many unjust Customs and pretended Compositions that have crept in unawares, by the Negligence, Inadvertency, or Easiness of their Predecessors, and that there are very few Terriers of their Glebe Lands and Tithes exhibited into the Arch-Deacons Registry, as the Law Requires, which may prove a matter of fatal Consequence to the Church, if not timely prevented: I do therefore require and admonish, that the Rectors, Vicars, and Church-Wardens of Each Parish (within my Jurisdiction) do meet to make Terriers, according to the following Directions, and to deliver them so made, at my next Visitation.

"1. YOU are to express what Houses belong to your Minister, how many Bags of Buildings, what Out-houses, Barns, or Stables, what Orchards and Gardens, and the Quantities thereof.

"WHAT Glebe Lands do you know, or have credibly heard to belong to your Rectory or Vicarage? by what Names are they or any of them commonly called and known? And what yearly Rent have you known or heard to have been paid unto the Parson or Vicar, for every or any of the said Parcels? Whether are they Arable, Meadow, or Pasture, whether have any been changed, and for what?

"9. [sic] How much does each Parcel contain by Measure? How is each Parcel bounded on every Part? And who is to repair the Fences on Each side thereof?

"4. WHAT Cartway, Horseway, Footway, Gates, or Styles, do lead from your Parsonage or Vicarage House unto every of the said Parcels of Glebe Lands?

"5. WHAT Lands or Estates are Tythe-free, and upon what account as you have heard? What Prescriptions are there in your Parish? And what is paid thereupon in lieu of Tythes?

"6. WHAT are the Customs of your Parish for Tythes, for Mortuaries, Oblations, Obventions, Herbage, Milk, Calves, Lamb, Wool, and the like? What right of Common is due to your Minister?

"7. WHAT Tythes belong to your Impropriator? What to the Vicar? What Portions of Tythes are due to, or from the Church?

"8. WHAT Augmentations have been added to your Church? How are they continued, and by whom paid, according to the Act of Parliament 29. Car. II. for the Confirming and Perpetuating Augmentations made by Ecclesiastical Persons to small Vicarages and Curacies.

"A Terrier thus made, one Copy is to be laid in the Parish-Church, and the other in the Arch-Deacons Registry, there to remain for perpetual Memory, and the Ministers are required to take care that it be very exact, and delivered in attested by themselves and the Church-Wardens.

"FINIS."

LONDON:
Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.